

# HOUSE BILL No. 6316

July 1, 2010, Introduced by Rep. Slavens and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 80104 (MCL 324.80104), as amended by 2004 PA  
587.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 80104. As used in this part:

2       (a) "Highly restricted personal information" means an  
3 individual's photograph or image, social security number, digitized  
4 signature, and medical and disability information.

5       (b) "Passenger" means a person carried on board, **ATTACHED TO,**  
6 **OR TOWED BY** a vessel, other than ~~any of the following:~~

7       ~~—— (i) The owner or his or her representative.~~

8       ~~—— (ii) The **THE** operator.~~

9       (c) "Peace officer" means any of the following:

1 (i) A sheriff.

2 (ii) A sheriff's deputy.

3 (iii) A deputy who is authorized by a sheriff to enforce this  
4 part and who has satisfactorily completed at least 40 hours of law  
5 enforcement training, including training specific to this part.

6 (iv) A village or township marshal.

7 (v) An officer of the police department of any municipality.

8 (vi) An officer of the Michigan state police.

9 (vii) The director and conservation officers employed by the  
10 department.

11 (d) "Personal information" means information that identifies  
12 an individual, including an individual's driver identification  
13 number, name, address not including zip code, and telephone number,  
14 but does not include information on watercraft operation and  
15 equipment-related violations or civil infractions, operator or  
16 vehicle registration status, accidents, or other behaviorally-  
17 related information.

18 (e) "Personal watercraft" means a vessel that meets all of the  
19 following requirements:

20 (i) Uses a motor-driven propeller or an internal combustion  
21 engine powering a water jet pump as its primary source of  
22 propulsion.

23 (ii) Is designed without an open load carrying area that would  
24 retain water.

25 (iii) Is designed to be operated by 1 or more persons positioned  
26 on, rather than within, the confines of the hull.

27 (f) "Political subdivision" means any county, metropolitan

1 authority, municipality, or combination of those entities in this  
2 state. ~~Whenever~~ **IF** a body of water is located in more than 1  
3 political subdivision, all of the subdivisions shall act  
4 individually in order to comply with this part, except that if the  
5 problem is confined to a specific area of the body of water, only  
6 the political subdivision in which the problem waters lie shall  
7 act.

8 (g) "Port" means left, and reference is to the port side of a  
9 vessel or to the left side of the vessel.

10 (h) "Probate court or family division disposition" means the  
11 entry of a probate court order of disposition or family division  
12 order of disposition for a child found to be within the provisions  
13 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
14 712A.1 to 712A.32.

15 (i) "Prosecuting attorney", except as the context requires  
16 otherwise, means the attorney general, the prosecuting attorney of  
17 a county, or the attorney representing a political subdivision of  
18 government.

19 (j) "Regatta", "boat race", "marine parade", "tournament", or  
20 "exhibition" means an organized water event of limited duration  
21 that is conducted according to a prearranged schedule.

22 (k) "Slow-no wake speed" means a very slow speed whereby the  
23 wake or wash created by the vessel would be minimal.

24 (l) "Starboard" means right, and reference is to the starboard  
25 side of a vessel or to the right side of the vessel.

26 (m) "State aid" means payment made by the state to a county  
27 for the conduct of a marine safety program.

1           (n) "Undocumented vessel" means a vessel that does not have,  
2 and is not required to have, a valid marine document issued by the  
3 United States coast guard or federal agency successor to the United  
4 States coast guard.

5           (o) "Uniform inspection decal" means an adhesive-backed  
6 sticker created by the department that is color-coded to indicate  
7 the year that it expires and is attached to a vessel in the manner  
8 prescribed for decals in section 80122 when a peace officer  
9 inspects and determines that the vessel complies with this part.

10          (p) "Use" means operate, navigate, or employ.

11          (q) "Vessel" means every description of watercraft used or  
12 capable of being used as a means of transportation on water.

13          (r) "Waters of this state" means any waters within the  
14 territorial limits of this state, and includes those waters of the  
15 Great Lakes that are under the jurisdiction of this state.

16          (s) "Waterways account" means the waterways account of the  
17 Michigan conservation and recreation legacy fund provided for in  
18 section 2035.