

HOUSE BILL No. 6319

July 1, 2010, Introduced by Rep. Ball 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 sections 80123 and 80124 (MCL 324.80123 and
324.80124), section 80123 as added by 1995 PA 58 and section
80124 as amended by 2007 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80123. (1) The owner of a vessel is not required to pay
2 a fee and a vessel is not required to be numbered and to display
3 a decal under this part if the vessel is 1 or more of the
4 following:

5 (a) Used temporarily on the waters of this state and the
6 owner and the vessel are from a country other than the United
7 States.

8 (b) A vessel that is owned by the United States, used in the

public service for purposes other than recreation, and clearly identifiable as such a vessel.

(c) A vessel's lifeboat.

(d) An all-terrain vehicle not used as a vessel.

(e) A raft, sailboard, surfboard, or swim float.

~~— (f) A vessel 16 feet or less, propelled by hand either with oars or paddles, and not used for rental or other commercial purposes.~~

~~— (g) A nonmotorized canoe or kayak not used for rental or other commercial purposes.~~

(2) The owner of a vessel documented by the United States coast guard or a federal agency that is the successor to the United States coast guard shall comply with this part, including the payment of fees as provided in this part. However, the vessel shall not be required to display numbers under this part.

(3) This part does not prohibit the numbering of an undocumented vessel ~~pursuant to~~ **UNDER** this part upon request by the owner, even though the vessel is exempt from the numbering requirements of this part.

Sec. 80124. (1) Except as otherwise provided in this section, the owner of a vessel required to be numbered and to display a decal **UNDER THIS PART** shall file an application for a certificate of number with the secretary of state. The secretary of state shall prescribe and furnish certificate of title application forms. If a vessel requiring a certificate of title under part 803 is sold by a dealer, that dealer shall combine the application for a certificate of number that is signed by the

1 vessel owner with the application for a certificate of title. The
2 dealer shall obtain the certificate of number in the name of the
3 owner. The owner of the vessel shall sign the application. A
4 person shall not file an application for a certificate of number
5 that contains false information. A dealer who fails to submit an
6 application as required by this section is guilty of a
7 misdemeanor, punishable by imprisonment for not more than 90
8 days, or a fine of not more than \$100.00, or both.

9 (2) A dealer who submits an application for a certificate of
10 number as provided in subsection (1) may issue to the owner of
11 the vessel a 15-day temporary permit, on forms prescribed by the
12 secretary of state, for the use of the vessel while the
13 certificate of number is being issued.

14 (3) A dealer may issue a 15-day permit, on a form prescribed
15 by the secretary of state, for the use of a vessel purchased in
16 this state and delivered to the purchaser for removal to a place
17 outside of this state, if the purchaser certifies by his or her
18 signature that the vessel will be registered and primarily used
19 and stored outside of this state and will not be returned to this
20 state by the purchaser for use or storage. A certificate of
21 number shall not be issued for a vessel holding a permit under
22 this subsection.

23 (4) A 15-day temporary permit issued under subsection (2) or
24 (3) shall not be renewed or extended.

25 (5) A person shall operate or permit the operation of a
26 vessel for which a 15-day temporary permit has been issued under
27 this section only if the temporary permit is valid and displayed

1 on the vessel as prescribed by rule promulgated by the department
2 under this part.

3 (6) Except as otherwise provided in this section, an
4 applicant shall pay the following fee at the time of application:

5	(a) A 15-day temporary permit issued under	
6	subsection (3).....	\$ 10.00
7	(b) Nonpowered vessels, other than nonmotorized	
8	canoes or kayaks , except as provided in section 80123..	9.00 5.00
9	—— (c) Nonmotorized canoes or kayaks except as	
10	provided in section 80123.....	5.00
11	(C) (d) Motorboats less than 12 feet in length....	14.00
12	(D) (e) Motorboats 12 feet or over but less than	
13	16 feet in length.....	17.00
14	(E) (f) Motorboats 16 feet or over but less than	
15	21 feet in length.....	42.00
16	(F) (g) Motorboats 21 feet or over but less than	
17	28 feet in length.....	115.00
18	(G) (h) Motorboats 28 feet or over but less than	
19	35 feet in length.....	168.00
20	(H) (i) Motorboats 35 feet or over but less than	
21	42 feet in length.....	244.00
22	(I) (j) Motorboats 42 feet or over but less than	
23	50 feet in length.....	280.00
24	(J) (k) Motorboats 50 feet in length or over.....	448.00
25	(K) (l) Pontoon vessels regardless of size.....	23.00
26	(L) (m) Motorized canoes regardless of size.....	14.00
27	(M) (n) Vessels licensed under part 473.....	15.00
28	(N) (o) Vessels carrying passengers for hire that	
29	are in compliance with part 445, or under federal law;	
30	and vessels carrying passengers and freight or freight	

1 only and owned within this state or hailing from a
2 port within this state..... 45.00

3 (7) As used in this section, "the length of a vessel" means
4 the distance from end to end over the deck, excluding the
5 longitudinal upward or downward curve of the deck, fore and aft.
6 A pontoon boat shall be measured by the length of its deck, fore
7 and aft.

8 (8) Payment of the fee specified in this section exempts the
9 vessel from the tax imposed under the general property tax act,
10 1893 PA 206, MCL 211.1 to 211.155.

11 (9) Upon receipt of an initial application for a certificate
12 of number in approved form and payment of the required fee, the
13 secretary of state shall enter the information upon the official
14 records and issue to the applicant a certificate of number
15 containing the number awarded to the vessel, the name and address
16 of the owner, and other information that the secretary of state
17 determines necessary. The secretary of state shall issue a
18 certificate of number that is pocket size and legible. Except as
19 provided in subsection (13), a person operating a vessel shall
20 present that vessel's certificate of number to a peace officer
21 upon the peace officer's request.

22 (10) If a check or draft payable to the secretary of state
23 under this part is not paid on its first presentation, the fee or
24 tax is delinquent as of the date the draft or check was tendered.
25 The person tendering the check or draft remains liable for the
26 payment of each fee or tax and a penalty.

1 (11) Upon determining that a fee or tax required by this
2 part has not been paid and remains unpaid after reasonable notice
3 and demand, the secretary of state may suspend a certificate of
4 number.

5 (12) If a person who tenders a check or draft described in
6 subsection (10) fails to pay a fee or tax within 15 days after
7 the secretary of state gives him or her notice that the check or
8 draft described in subsection (10) was not paid on its first
9 presentation, the secretary of state shall assess and collect a
10 penalty of \$5.00 or 20% of the check or draft, whichever is
11 larger, in addition to the fee or tax.

12 (13) The owner or authorized agent of the owner of a vessel
13 less than 26 feet in length that is leased or rented to a person
14 for noncommercial use for not more than 24 hours may retain, at
15 the place from which the vessel departs or returns to the
16 possession of the owner or the owner's representative, the
17 certificate of number for that vessel if a copy of the lease or
18 rental agreement is on the vessel. Upon the demand of a peace
19 officer, the operator shall produce for inspection either the
20 certificate of number or a copy of the lease or rental agreement
21 for that vessel. The lease or rental agreement shall contain each
22 of the following:

23 (a) The vessel number that appears on the certificate of
24 number.

25 (b) The period of time for which the vessel is leased or
26 rented.

27 (c) The signature of the vessel's owner or that person's

1 authorized agent.

2 (d) The signature of the person leasing or renting the
3 vessel.

4 (14) Upon receipt of a certificate of number for a vessel,
5 the owner of that vessel shall paint on or attach in a permanent
6 manner to each side of the forward half of the vessel the number
7 identified in the certificate of number, in the manner prescribed
8 by rules promulgated by the department. The secretary of state
9 shall assign to the owner of vessels for rent or lease a block of
10 numbers sufficient to number consecutively all of that owner's
11 rental or lease vessels. The owner shall maintain the numbers in
12 a legible condition. A vessel documented by the United States
13 coast guard or a federal agency that is the successor to the
14 United States coast guard is not required to display numbers
15 under this part but shall display a decal indicating payment of
16 the fee prescribed in subsection (6), and shall otherwise be in
17 compliance with this part. This subsection does not apply to a
18 nonpowered vessel 12 feet or less in length.

19 (15) Upon receipt of an application for a certificate of
20 number in an approved form and payment of the fee required by
21 this part, the secretary of state shall issue a decal that is
22 color-coded and dated to identify the year of its expiration, and
23 that indicates that the vessel is numbered in compliance with
24 this part. The department shall promulgate a rule or rules to
25 establish the manner in which the decal is to be displayed. A
26 person who operates a vessel in violation of a rule promulgated
27 to implement this subsection is responsible for a state civil

1 infraction and may be ordered to pay a civil fine of not more
2 than \$500.00.

3 (16) A decal is valid for a 3-year period that begins on
4 April 1 and expires on March 31 of the third year. An original
5 certificate of number may be issued up to 90 days before April 1.
6 A numbering renewal decal or other renewal device may be issued
7 up to 90 days before the expiration of a certificate.

8 (17) Upon receipt of a request for renewal of a decal and
9 payment of the fee prescribed in subsection (6), the secretary of
10 state shall issue to the applicant a decal as provided in
11 subsection (15). A person who operates a vessel for which no
12 decal was issued as required under this section or for which a
13 decal has expired is responsible for a state civil infraction and
14 may be ordered to pay a civil fine of not more than \$500.00.

15 **(18) A PERSON WHO FAILS TO REGISTER OR RENEW HIS OR HER**
16 **REGISTRATION BEFORE ITS EXPIRATION SHALL PAY A LATE FEE OF \$10.00**
17 **IN ADDITION TO THE RENEWAL REGISTRATION FEE UNDER SUBSECTION (6).**
18 **A LATE FEE COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO**
19 **THE MARINE SAFETY FUND SEPARATELY FROM, AND IN ADDITION TO, ANY**
20 **OTHER REVENUE COLLECTED UNDER SECTION 80115(1)(C). AS USED IN**
21 **THIS SUBSECTION, "MARINE SAFETY FUND" MEANS THAT TERM AS**
22 **DESCRIBED IN SECTION 2035.**

23 (19) ~~(18)~~—The numbering system adopted under this part shall
24 be in accordance with the standard system of numbering
25 established by the secretary of the department in which the
26 United States coast guard operates.

27 (20) ~~(19)~~—An agency of this state, a political subdivision

1 of this state, or a state supported college or university of this
2 state that owns a vessel that is required to be numbered under
3 this part shall register that vessel and upon payment of either
4 of the following shall receive from the secretary of state a
5 certificate of number for that vessel:

6 (a) A fee of \$3.00 for a vessel that is not used for
7 recreational, commercial, or rental purposes.

8 (b) The fee required under subsection (6) for a vessel that
9 is used for recreational, commercial, or rental purposes.

10 (21) ~~(20)~~ The secretary of state shall, upon receipt of
11 payment of the fee required under subsection ~~(19)~~, **(20)**, issue a
12 certificate of number for each vessel subject to subsection ~~(19)~~
13 **(20)**.

14 (22) ~~(21)~~ A vessel that is 30 years of age or older and not
15 used other than in club activities, exhibitions, tours, parades,
16 and other similar activities is a historic vessel. The secretary
17 of state shall make available to the public application forms for
18 certificates of number for historic vessels and, upon receipt of
19 a completed application form and fee, shall number a historic
20 vessel as a historic vessel. The fee for the numbering of a
21 historic vessel is 1/3 of the otherwise applicable fee specified
22 in subsection (6).

23 ~~—— (22) Upon application to the secretary of state, the owner~~
24 ~~of a nonmotorized canoe or kayak who registered that vessel under~~
25 ~~former 1967 PA 303 between January 1, 1989 and April 17, 1990~~
26 ~~shall receive a refund of a portion of the registration fee equal~~
27 ~~to the difference in the amount that owner paid and the fee~~

1 ~~amount provided in subsection (6)(c).~~

2 ~~—— (23) The secretary of state shall refund to the owner of a~~
3 ~~vessel registered under this part or former 1967 PA 303 all of~~
4 ~~the registration fee paid for that vessel under this section or~~
5 ~~section 33 of former 1967 PA 303 if all of the following~~
6 ~~conditions are met during the period for which the registration~~
7 ~~fee was paid.~~

8 ~~—— (a) The owner transfers or assigns title or interest in the~~
9 ~~registered vessel before placing the decal issued under~~
10 ~~subsection (15) on the vessel.~~

11 ~~—— (b) The owner surrenders the unused decal to the secretary~~
12 ~~of state within 30 days after the date of transfer or assignment.~~

13 (23) ~~(24)~~ The secretary of state shall refund to the
14 surviving spouse of a deceased vessel owner the **UNEXPIRED PORTION**
15 **OF THE** registration fee paid under this part, prorated on a
16 monthly basis, upon receipt of the decal issued under subsection
17 (15) or evidence satisfactory to the secretary of state that the
18 decal issued under subsection (15) has been destroyed or voided.

19 (24) ~~(25)~~ If the secretary of state computes a fee under
20 this part that results in a figure other than a whole dollar
21 amount, the secretary of state shall round the figure to the
22 nearest whole dollar.