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House Bill 4847 (Substitute H-2 as passed by the House)
Sponsor: Representative Harold Haugh
House Committee: Natural Resources, Tourism, and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-23-12

CONTENT

The bill would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to do the following:

- **Establish requirements for the identification, lighting, and mooring of a barge.**
- **Authorize the Department of Natural Resources (DNR) or a local authority to order a vessel to be moved, and to move a vessel that was not moved as ordered, if the vessel were moored in violation of the bill and posed a hazard to navigation.**
- **Provide that a barge owner who did not move a vessel as ordered would be responsible for any costs incurred by the State or a local unit of government in moving it.**
- **Establish a misdemeanor penalty for a violation.**

"Barge" would mean a flat-bottomed displacement vessel that is used to carry cargo or as a work platform, whether or not it operates under its own power.

Specifically, the bill would require the owner of a barge to place his or her name, address, and telephone number on a prominent place on the hull of the barge in letters that were light-reflective, in a contrasting color to the hull, and at least six inches in height.

In addition to meeting the other lighting requirements of the Act, a barge operator would have to ensure that the barge was lit properly with at least four white lights between sunset and sunrise and as practicable during all periods of limited visibility if any of the following applied:

- The barge projected into a restricted channel or into a channel established by buoys.
- The barge was moored so that it reduced the available navigable width of a channel.
- The barge was not parallel to the bank or dock to which it was moored.
- The barge was moored as part of a group of at least two barges.

("Operator" would include a person in command of a barge while it was moored.)

If the barge or group formation of barges were positioned so that vessels could navigate on at least one side, the lights would have to be displayed on each outside corner of the barge or group formation. If the barge projected from a group formation, the lights would have to be displayed on the corners of the projecting barge that were outboard of the group.

Lights would have to meet the requirements of R 281.1233 of the Michigan Administrative Code (which governs the intensity of navigation lights), and would have to be positioned in such a manner and be of sufficient intensity to be visible from any direction for at least one nautical mile at night under clear conditions.

A group of barges could not be moored together if their total width would exceed 82 feet.

If a vessel moored in violation of these provisions posed a hazard to navigation, the DNR or a local authority could order the vessel to be moved immediately. If the vessel were not moved as ordered, the DNR or local authority could move the vessel or cause it to be moved, with the owner subject to the payment of costs upon conviction.

A person who violated the bill's provisions would be guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$10,000. Each 24-hour period that a violation existed would constitute a separate violation.

The court would have to order a convicted violator to pay the actual and reasonable costs incurred by the State or a local unit of government in moving a vessel.

Proposed MCL 324.80143

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate, but in all likelihood negligible, fiscal impact on both State and local government. There are no data to indicate how many barge owner/operators could be found in violation of this statute, nor are there data to indicate how many of those found in violation would be penalized via fines or incarceration. Because a violation would be a misdemeanor, any incarceration costs would be incurred at the local unit level, but costs of community supervision would be incurred by the State. Increased penal fine revenue would benefit public libraries.

Fiscal Analyst: Dan O'Connor
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.