

SUBSTITUTE FOR
HOUSE BILL NO. 4847

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 80143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 80143. (1) THE OWNER OF A BARGE SHALL PLACE HIS OR HER
2 NAME, ADDRESS, AND TELEPHONE NUMBER ON A PROMINENT PLACE ON THE
3 HULL OF THE BARGE IN LETTERS THAT ARE LIGHT-REFLECTIVE, IN A
4 CONTRASTING COLOR TO THE HULL, AND NOT LESS THAN 6 INCHES IN
5 HEIGHT.

6 (2) IN ADDITION TO THE OTHER LIGHTING REQUIREMENTS OF THIS
7 CHAPTER AND SUBJECT TO SUBSECTION (3), THE OPERATOR OF A BARGE
8 SHALL ENSURE THAT THE BARGE IS PROPERLY LIT WITH 4 OR MORE WHITE
9 LIGHTS DURING THE PERIOD FROM SUNSET TO SUNRISE AND AS PRACTICABLE
10 DURING ALL PERIODS OF LIMITED VISIBILITY IF ANY OF THE FOLLOWING
11 APPLY:

1 (A) THE BARGE PROJECTS INTO A RESTRICTED CHANNEL OR INTO A
2 CHANNEL ESTABLISHED BY BUOYS.

3 (B) THE BARGE IS MOORED SO THAT IT REDUCES THE AVAILABLE
4 NAVIGABLE WIDTH OF A CHANNEL.

5 (C) THE BARGE IS NOT PARALLEL TO THE BANK OR DOCK TO WHICH IT
6 IS MOORED.

7 (D) THE BARGE IS MOORED AS PART OF A GROUP OF 2 OR MORE
8 BARGES.

9 (3) THE LIGHTS ON A BARGE DESCRIBED IN SUBSECTION (1) SHALL BE
10 PLACED AS FOLLOWS IF EITHER OF THE FOLLOWING APPLIES:

11 (A) IF THE BARGE OR GROUP FORMATION OF BARGES IS POSITIONED SO
12 THAT VESSELS MAY NAVIGATE ON 1 OR MORE SIDES OF THE BARGE OR GROUP
13 FORMATION OF BARGES, THE LIGHTS SHALL BE DISPLAYED ON EACH OUTSIDE
14 CORNER OF THE BARGE OR GROUP FORMATION OF BARGES.

15 (B) IF THE BARGE PROJECTS FROM A GROUP FORMATION OF BARGES,
16 THE LIGHTS SHALL BE DISPLAYED ON THE CORNERS OF THE PROJECTING
17 BARGE THAT ARE OUTBOARD OF THE GROUP.

18 (4) LIGHTS USED UNDER THIS SECTION SHALL MEET THE REQUIREMENTS
19 OF R 281.1233 OF THE MICHIGAN ADMINISTRATIVE CODE AND SHALL BE
20 POSITIONED IN SUCH A MANNER AND BE OF SUFFICIENT INTENSITY AS TO BE
21 VISIBLE FROM ANY DIRECTION FOR AT LEAST 1 NAUTICAL MILE AT NIGHT
22 UNDER CLEAR CONDITIONS.

23 (5) A GROUP OF BARGES SHALL NOT BE MOORED TOGETHER IF THE
24 TOTAL WIDTH OF THOSE BARGES WOULD EXCEED 82 FEET.

25 (6) THE DEPARTMENT OR A LOCAL AUTHORITY MAY ORDER A VESSEL
26 MOORED IN VIOLATION OF THIS SECTION THAT POSES A HAZARD TO
27 NAVIGATION TO BE IMMEDIATELY MOVED AND, IF THE VESSEL IS NOT MOVED

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1 AS ORDERED, MAY MOVE OR CAUSE THE VESSEL TO BE MOVED, WITH THE
2 OWNER SUBJECT TO THE PAYMENT OF COSTS UNDER SUBSECTION (8).

3 (7) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
5 A FINE OF NOT MORE THAN \$10,000.00, OR BOTH. FOR PURPOSES OF THIS
6 SUBSECTION, EACH 24-HOUR PERIOD THAT A VIOLATION EXISTS CONSTITUTES
7 A SEPARATE VIOLATION.

8 (8) THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING THIS
9 SECTION TO PAY THE ACTUAL AND REASONABLE COSTS INCURRED BY THIS
10 STATE OR A LOCAL UNIT OF GOVERNMENT IN MOVING A VESSEL UNDER
11 SUBSECTION (6).

12 (9) AS USED IN THIS SECTION:

13 (A) "BARGE" MEANS A FLAT-BOTTOMED DISPLACEMENT VESSEL THAT IS
14 USED TO CARRY CARGO OR AS A WORK PLATFORM, WHETHER OR NOT IT
15 OPERATES UNDER ITS OWN POWER.

16 (B) "OPERATOR" INCLUDES A PERSON IN COMMAND OF A BARGE WHILE
17 IT IS MOORED.

<<Enacting section 1. This amendatory act takes effect November 1,
2012.>>