

Act No. 59
Public Acts of 2012
Approved by the Governor
March 22, 2012
Filed with the Secretary of State
March 22, 2012
EFFECTIVE DATE: November 1, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Haugh and LaFontaine

ENROLLED HOUSE BILL No. 4847

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 80143.

The People of the State of Michigan enact:

Sec. 80143. (1) The owner of a barge shall place his or her name, address, and telephone number on a prominent place on the hull of the barge in letters that are light-reflective, in a contrasting color to the hull, and not less than 6 inches in height.

(2) In addition to the other lighting requirements of this chapter and subject to subsection (3), the operator of a barge shall ensure that the barge is properly lit with 4 or more white lights during the period from sunset to sunrise and as practicable during all periods of limited visibility if any of the following apply:

- (a) The barge projects into a restricted channel or into a channel established by buoys.
- (b) The barge is moored so that it reduces the available navigable width of a channel.
- (c) The barge is not parallel to the bank or dock to which it is moored.
- (d) The barge is moored as part of a group of 2 or more barges.

(3) The lights on a barge described in subsection (1) shall be placed as follows if either of the following applies:

(a) If the barge or group formation of barges is positioned so that vessels may navigate on 1 or more sides of the barge or group formation of barges, the lights shall be displayed on each outside corner of the barge or group formation of barges.

(b) If the barge projects from a group formation of barges, the lights shall be displayed on the corners of the projecting barge that are outboard of the group.

(4) Lights used under this section shall meet the requirements of R 281.1233 of the Michigan administrative code and shall be positioned in such a manner and be of sufficient intensity as to be visible from any direction for at least 1 nautical mile at night under clear conditions.

(5) A group of barges shall not be moored together if the total width of those barges would exceed 82 feet.

(6) The department or a local authority may order a vessel moored in violation of this section that poses a hazard to navigation to be immediately moved and, if the vessel is not moved as ordered, may move or cause the vessel to be moved, with the owner subject to the payment of costs under subsection (8).

(7) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$10,000.00, or both. For purposes of this subsection, each 24-hour period that a violation exists constitutes a separate violation.

(8) The court shall order a person convicted of violating this section to pay the actual and reasonable costs incurred by this state or a local unit of government in moving a vessel under subsection (6).

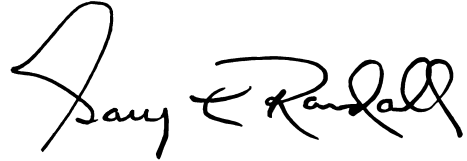
(9) As used in this section:

(a) "Barge" means 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.

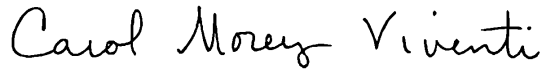
(b) "Operator" includes a person in command of a barge while it is moored.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor