

HOUSE BILL No. 4096

January 24, 2013, Introduced by Reps. MacMaster and Lauwers and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80143 (MCL 324.80143), as added by 2012 PA 59.

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~~**PART** 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

1 apply:

2 (a) The barge projects into a restricted channel or into a
3 channel established by buoys.

4 (b) The barge is moored so that it reduces the available
5 navigable width of a channel.

6 (c) The barge is not parallel to the bank or dock to which it
7 is moored.

8 (d) The barge is moored as part of a group of 2 or more
9 barges.

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

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

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

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

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

26 (6) **SUBSECTIONS (1) THROUGH (5) DO NOT APPLY TO ANY OF THE**
27 **FOLLOWING:**

1 (A) A BARGE OR GROUP OF BARGES MOORED IN A SLIP OR SLOUGH USED
2 PRIMARILY FOR MOORING PURPOSES.

3 (B) A BARGE OR GROUP OF BARGES MOORED BEHIND A PIERHEAD.

4 (C) A BARGE LESS THAN 20 METERS IN LENGTH WHEN MOORED IN A
5 SPECIAL ANCHORAGE AREA DESIGNATED UNDER 33 CFR 109.10.

6 (7) ~~(6)~~—The department or a local authority may order a vessel
7 moored in violation of this section that poses a hazard to
8 navigation to be immediately moved and, if the vessel is not moved
9 as ordered, may move or cause the vessel to be moved, with the
10 owner subject to the payment of costs under subsection ~~(8)~~—(9).

11 (8) ~~(7)~~—A person who violates this section is guilty of a
12 misdemeanor punishable by imprisonment for not more than 90 days or
13 a fine of not more than \$10,000.00, or both. For purposes of this
14 subsection, each 24-hour period that a violation exists constitutes
15 a separate violation.

16 (9) ~~(8)~~—The court shall order a person convicted of violating
17 this section to pay the actual and reasonable costs incurred by
18 this state or a local unit of government in moving a vessel under
19 subsection ~~(6)~~—(7).

20 (10) ~~(9)~~—As used in this section:

21 (a) "Barge" means a flat-bottomed displacement vessel that is
22 used to carry cargo or as a work platform, whether or not it
23 operates under its own power.

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