

HOUSE BILL NO. 4137

February 04, 2021, Introduced by Reps. LaFave and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80141 (MCL 324.80141), as amended by 2018 PA
400.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80141. (1) In addition to the requirements of subsection
2 (2), a person less than 12 years of age shall not operate a
3 motorboat that is powered by a motor or motors totaling more than 6
4 horsepower on the waters of this state unless both of the following

1 requirements are met:

2 (a) He or she is under the direct supervision of a person on
3 board the motorboat who is 16 years of age or older and who, if
4 born on or after July 1, 1996, has been issued a boating safety
5 certificate.

6 (b) The motorboat is powered by a motor or motors totaling ~~no~~
7 **not** more than 35 horsepower.

8 (2) ~~Subject to subsection (4), a~~ **A** person born on or after
9 July 1, 1996 shall not operate a motorboat that is powered by a
10 motor or motors totaling more than 6 horsepower on the waters of
11 this state unless the person has been issued a boating safety
12 certificate.

13 (3) A person operating or supervising the operation of a
14 motorboat as described in this section shall present the boating
15 safety certificate issued to him or her or, at the person's option,
16 an electronic copy, in a format approved by the department, of a
17 boating safety certificate issued to him or her, upon the demand of
18 a peace officer who identifies himself or herself as a peace
19 officer. **A person who violates this subsection is responsible for a**
20 **state civil infraction and may be ordered to pay a civil fine of**
21 **not more than \$150.00.**

22 (4) An individual who, under subsection (3), displays an
23 electronic copy of his or her boating safety certificate using an
24 electronic device is not presumed to have consented to a search of
25 the electronic device. This state, an employee of this state, a
26 peace officer, or an entity employing the peace officer is not
27 liable for damage to or loss of an electronic device that occurs as
28 a result of the peace officer's viewing an electronic copy of a
29 boating safety certificate as provided in this section, regardless

1 of whether the peace officer was in possession of the electronic
2 device at the time the damage or loss occurred.