

HOUSE BILL NO. 5576

November 30, 2021, Introduced by Reps. Hood, LaGrand, Koleszar, Pohutsky, Hope, Sowerby, Brixie, Stone, Rogers, Camilleri, Kuppa, Allor, Weiss, Cavanagh, Cynthia Johnson, Neeley, Morse, Lasinski, Brabec, Scott, Thanedar, Young, Tyrone Carter, Yancey, Rabhi and Aiyash and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80103 and 80104 (MCL 324.80103 and 324.80104),
section 80103 as added by 1995 PA 58 and section 80104 as amended
by 2020 PA 385, and by adding sections 80150b, 80150c, and 80150d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 80103. As used in this part:
- 2 (a) "Manufacturer" means a person engaged in any of the

1 following:

2 (i) The manufacture, construction, or assembly of boats or
3 associated equipment.

4 (ii) The manufacture or construction of components for boats
5 and associated equipment to be sold for subsequent assembly.

6 (iii) The importation of a boat or associated equipment into ~~the~~
7 **this** state for sale.

8 (b) "Marine law" means this part, a local ordinance adopted in
9 conformity with this part, or a rule promulgated under this part.

10 (c) "Marine safety act" means former ~~Act No. 303 of the Public~~
11 ~~Acts of 1967~~ **PA 303**.

12 (d) "Marine safety program" means marine law enforcement,
13 search and rescue operations, water safety education, recovery of
14 drowned bodies, and boat livery inspections.

15 (e) **"Maritime pilot" means an individual licensed by the**
16 **United States Coast Guard or other federal agency to assist in**
17 **navigating a large watercraft through the Straits of Mackinac.**

18 (f) ~~(e)~~ "Michigan vehicle code" means ~~Act No. 300 of the~~
19 ~~Public Acts of 1949, being sections 257.1 to 257.923 of the~~
20 ~~Michigan Compiled Laws.~~ **the Michigan vehicle code, 1949 PA 300, MCL**
21 **257.1 to 257.923.**

22 (g) ~~(f)~~ "Motorboat" means a vessel propelled wholly or in part
23 by machinery.

24 (h) ~~(g)~~ "Operate" means to be in control of a vessel while the
25 vessel is ~~under way~~ **underway** and is not secured in some manner such
26 as being docked or at anchor.

27 (i) ~~(h)~~ "Operator" means the person who is in control or in
28 charge of a vessel while that vessel is underway.

29 (j) ~~(i)~~ "Owner" means a person who claims or is entitled to

1 lawful possession of a vessel by virtue of that person's legal
2 title or equitable interest in a vessel.

3 Sec. 80104. As used in this part:

4 (a) "Highly restricted personal information" means an
5 individual's photograph or image, Social Security number, digitized
6 signature, and medical and disability information.

7 (b) "Passenger" means an individual carried on board, attached
8 to, or towed by a vessel, other than the operator.

9 (c) "Peace officer" means any of the following:

10 (i) A sheriff.

11 (ii) A sheriff's deputy.

12 (iii) A deputy who is authorized by a sheriff to enforce this
13 part and who has satisfactorily completed at least 40 hours of law
14 enforcement training, including training specific to this part.

15 (iv) A village or township marshal.

16 (v) An officer of the police department of a municipality.

17 (vi) An officer of the department of state police.

18 (vii) The director and conservation officers employed by the
19 department.

20 (d) "Personal information" means information that identifies
21 an individual, including an individual's driver license number,
22 name, address not including zip code, and telephone number, but
23 does not include information on watercraft operation and equipment-
24 related violations or civil infractions, operator or vehicle
25 registration status, accidents, or other behaviorally related
26 information.

27 (e) "Personal watercraft" means that term as defined in 40 CFR
28 1045.801.

29 (f) "Political subdivision" means a county, metropolitan

1 authority, municipality, or combination of those entities in this
2 state. If a body of water is located in more than 1 political
3 subdivision, all of the subdivisions shall act individually ~~in~~
4 ~~order~~ to comply with this part, except that if the problem is
5 confined to a specific area of the body of water, only the
6 political subdivision in which ~~the problem waters lie~~ **that area**
7 **lies** shall act.

8 (g) "Port" means left, and ~~reference is~~ **refers** to the port
9 side of a vessel or to the left side of the vessel.

10 (h) "Prior conviction" means a conviction for any of the
11 following, whether under a law of this state, a local ordinance
12 substantially corresponding to a law of this state, a law of the
13 United States substantially corresponding to a law of this state,
14 or a law of another state substantially corresponding to a law of
15 this state:

16 (i) A violation or an attempted violation of section 80176(1),
17 (3), (4), (5), (6), or (7), except that only 1 violation or
18 attempted violation of section 80176(6), a local ordinance
19 substantially corresponding to section 80176(6), a law of another
20 state substantially corresponding to section 80176(6), or a law of
21 the United States substantially corresponding to section 80176(6)
22 may be used as a prior conviction other than for enhancement
23 purposes as provided in section 80178a(1)(b).

24 (ii) Negligent homicide, manslaughter, or murder resulting from
25 the operation of a vessel or an attempt to commit any of those
26 crimes.

27 (iii) Former section 73, 73b, or 171(1) of the marine safety
28 act.

29 (i) "Probate court or family division disposition" means the

entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(j) "Prosecuting attorney", unless the context requires otherwise, means the attorney general, prosecuting attorney of a county, or attorney representing a political subdivision of government.

(k) "Regatta", "boat race", "marine parade", "tournament", or "exhibition" means an organized water event of limited duration that is conducted according to a prearranged schedule.

(l) "Slow-no wake speed" means a very slow speed whereby the wake or wash created by the vessel ~~would be~~ **is** minimal.

(m) "Specialty court program" means a program under any of the following:

(i) A drug treatment court, as defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult.

(ii) A DWI/sobriety court, as defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

(iii) A hybrid of the programs under subparagraphs (i) and (ii).

(iv) A mental health court as defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

(v) A veterans treatment court, as defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

(n) "Starboard" means right, and ~~reference is~~ **refers** to the starboard side of a vessel or to the right side of the vessel.

(o) **"Straits of Mackinac" means the waters and lake bottomlands in the area bounded on the west by a line beginning at**

1 latitude N 45° 46' 48.883" longitude W 84° 47' 34.705" and
 2 extending north to point latitude N 45° 50' 23.169" longitude W 84°
 3 46' 8.476" and bounded on the east by a line beginning at latitude
 4 N 45° 47' 18.4812" longitude W 84° 43' 55.2396" and extending north
 5 to point latitude N 45° 50' 46.086" longitude W 84° 43' 24.1392".

6 (p) ~~(e)~~—"State aid" means payment made by this state to a
 7 county for the conduct of a marine safety program.

8 (q) ~~(p)~~—"Temporary ordinance" means a type of local ordinance
 9 adopted by a political subdivision of this state under section
 10 80112a that includes, but is not limited to, a local watercraft
 11 control or administrative rule.

12 (r) ~~(q)~~—"Undocumented vessel" means a vessel that does not
 13 have, and is not required to have, a valid marine document issued
 14 by the United States Coast Guard or federal agency successor to the
 15 United States Coast Guard.

16 (s) ~~(r)~~—"Uniform inspection decal" means an adhesive-backed
 17 sticker created by the department that is color-coded to indicate
 18 the year that it expires and is attached to a vessel in the manner
 19 prescribed for decals in section 80122 when a peace officer
 20 inspects and determines that the vessel complies with this part.

21 (t) ~~(s)~~—"Use" means operate, navigate, or employ.

22 (u) ~~(t)~~—"Vessel" means every description of watercraft used or
 23 capable of being used as a means of transportation on water.

24 (v) ~~(u)~~—"Waters of this state" means any waters within the
 25 territorial limits of this state, and includes those waters of the
 26 Great Lakes that are under the jurisdiction of this state.

27 (w) ~~(v)~~—"Waterways account" means the waterways account
 28 established in section 2035.

29 **Sec. 80150b. (1) In the Straits of Mackinac, the operator of a**

1 vessel over 700 feet in length shall not knowingly deploy, drag,
2 set, or use equipment, including, but not limited to, an anchor,
3 chain, or cable, that may come into contact with the lake
4 bottomlands.

5 (2) Subsection (1) does not apply to a large vessel exercising
6 tribal usufructuary rights reserved in the March 28, 1836 Treaty of
7 Washington (7 Stat 491) and as stated in the November 2, 2007
8 Consent Decree (Dkt. 1799 in W.D. Mich. Case No. 2:73-cv-000026).

9 (3) The operator of a vessel who violates subsection (1) is
10 guilty of a misdemeanor punishable by imprisonment for not more
11 than 1 year or a fine of not more than \$10,000.00, or both. In
12 addition, the court shall order the owner to reimburse this state
13 for any environmental cleanup costs or damages to natural resources
14 incurred as a result of the violation.

15 Sec. 80150c. (1) Subject to subsection (2), the department
16 shall place and maintain buoys or beacons in the Straits of
17 Mackinac to mark obstructions to navigation, to designate emergency
18 anchorage areas, and for any other purpose that promotes safety or
19 efficient navigation.

20 (2) If an obstruction to navigation in the Straits of Mackinac
21 is owned by a person other than this state, the owner shall, in a
22 manner required by the department, do both of the following:

23 (a) Within 90 days after the effective date of this section,
24 place buoys or beacons to mark the obstruction.

25 (b) Maintain the buoys or beacons.

26 (3) An owner who violates subsection (2) may be ordered to pay
27 a civil fine of not more than \$5,000.00. A violation of subsection
28 (2) may be prosecuted by the prosecutor for Chippewa County or the
29 attorney general.

1 Sec. 80150d. (1) The operator of a vessel over 700 feet in
2 length shall not navigate the vessel in the Straits of Mackinac
3 unless the vessel is guided by a maritime pilot approved under
4 subsection (2). The department shall post and maintain on its
5 website a list of approved maritime pilots.

6 (2) To receive approval to guide a vessel over 700 feet in
7 length in the Straits of Mackinac, a maritime pilot must consult
8 with the department on the design of safe routes of passage
9 tailored to the size and maneuverability of a variety of vessels
10 over 700 feet in length and to weather and wind conditions
11 throughout the year.

12 (3) If the operator of a vessel knowingly violates subsection
13 (1), the owner of the vessel is guilty of a misdemeanor punishable
14 by imprisonment for not more than 1 year or a fine of not more than
15 \$5,000.00, or both.