

HOUSE BILL NO. 6205

June 09, 2022, Introduced by Reps. O'Malley, Steven Johnson, Tisdell, Bollin, Beeler, Calley, Meerman, Rendon, Bellino, Hoitenga, Clements, Lightner, Eisen, Allor, Outman and Alexander and referred to the Committee on Oversight.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80146 (MCL 324.80146), as amended by 2020 PA
70.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80146. (1) The department may promulgate rules to
2 establish maximum vessel speed limits or to allow unlimited vessel
3 speed on the waters of this state.

4 (2) On waters of this state for which a vessel speed limit is
5 not established under subsection (1), for which the department has

1 not established an unlimited vessel speed limit, and for which
2 stricter speed restrictions are not established pursuant to another
3 act, the maximum speed limit is 55 miles per hour, except as
4 follows:

5 (a) In an emergency as determined by local government
6 authority.

7 (b) For conservation officers and other peace officers when
8 engaged in official duties.

9 (c) In the Great Lakes and Lake St. Clair, except for an area
10 within 1 mile of the shoreline measured at a right angle from the
11 shoreline.

12 ~~(3) Upon receipt of a resolution by the governing body of a~~
13 ~~local unit of government having jurisdiction over waters of this~~
14 ~~state requesting a reduction in the maximum speed limit on those~~
15 ~~waters, the department, pursuant~~ **Pursuant** to sections 80108 and
16 80109 to ~~80113, 80112a, may establish~~ a maximum speed limit not to
17 exceed 40 miles per hour **may be established** on ~~those waters of this~~
18 **state within the jurisdiction of a particular local unit of**
19 **government.**

20 (4) Upon receipt of a resolution of the governing body of a
21 county or municipality requesting a reduction in the maximum vessel
22 speed limit to protect life and property during emergency
23 conditions, the department, the county emergency management
24 coordinator, or the county sheriff may establish a temporary
25 reduced maximum vessel speed limit on waters of this state located
26 in the county or municipality. In ~~that case, establishing an~~
27 **emergency temporary reduced maximum vessel speed limit**, the
28 department, emergency management coordinator, or sheriff ~~7~~
29 ~~respectively,~~ shall do all of the following:

1 (a) Specify a maximum fine for violating the temporary speed
2 limit. The maximum fine shall not be greater than \$100.00 for a
3 first violation of a temporary speed limit established by that
4 authority or \$500.00 for a second or subsequent violation.

5 (b) Notify the other authorities authorized to issue temporary
6 speed limits under this subsection of the temporary speed limit. **In**
7 **addition, within 24 hours after the department establishes a**
8 **temporary speed limit under this subsection, the department shall**
9 **notify the senate and house of representatives in writing.**

10 (c) Post the temporary speed limit, the maximum fine, and a
11 description of the affected waters on its website.

12 (d) Subject to section 80159, place buoys sufficient to advise
13 vessel operators of the temporary speed limit.

14 (5) A person who violates a temporary speed limit established
15 by the department under subsection (4) is responsible for a state
16 civil infraction and subject to a civil fine as specified pursuant
17 to subsection (4). A person who violates a temporary speed limit
18 established by an emergency management coordinator or sheriff is
19 responsible for a municipal civil infraction and subject to a civil
20 fine as specified pursuant to subsection (4).

21 (6) A temporary speed limit under subsection (4) shall remain
22 in effect for not more than 14 days. A temporary speed limit may be
23 reissued once per calendar year **pursuant to subsection (4).**

24 However, a temporary speed limit may be reissued twice per calendar
25 year **pursuant to subsection (4)** if, before adopting the resolution
26 requesting the second reissuance, the county or municipality
27 submitted to the department an application and resolution for a
28 temporary ordinance under section 80112a in lieu of the temporary
29 speed limit under subsection (4). Temporary speed limits under

1 subsection (4) shall only be in effect during the period from
2 September 1 to June 20. However, a temporary speed limit may be in
3 effect during the period from June 21 to June 30 if it is the first
4 or second reissuance of a temporary speed limit and if, before
5 adopting the resolution requesting that reissuance, the county or
6 municipality submitted to the department an application and
7 resolution for a temporary ordinance under section 80112a in lieu
8 of the temporary speed limit under subsection (4).

9 (7) A temporary speed limit under subsection (4) shall not
10 prohibit the use of any type of vessel.

11 (8) During a state of emergency or disaster declared by the
12 governor pursuant to law, the governor may establish restricted
13 wake zones if necessary and appropriate to address emergency or
14 disaster conditions.

15 (9) A person shall not operate a vessel on the waters of this
16 state at a speed greater than slow-no wake speed or the minimum
17 speed necessary for the vessel to maintain forward movement when
18 within 100 feet of the shoreline where the water depth is less than
19 3 feet, as determined by vertical measurement, except in navigable
20 channels not otherwise posted.

21 (10) A person who violates subsection (2) or (3) is
22 responsible for a state civil infraction and may be ordered to pay
23 a civil fine of not more than \$500.00, unless 1 of the following
24 conditions exists:

25 (a) The requirements of this section have been waived as
26 described under subsection (11).

27 (b) The person violates this section in a manner that
28 constitutes reckless operation of a vessel as described in section
29 80147.

1 (11) The department may waive the requirements of this section
2 and section 80156 for marine events authorized by the department
3 under section 80164.