

HOUSE BILL NO. 5532

February 29, 2024, Introduced by Reps. Rogers, Bezotte, Paiz, Price, McFall, Tsernoglou, Mentzer and Roth and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104 and 80146 (MCL 324.80104 and 324.80146), section 80104 as amended by 2020 PA 385 and section 80146 as amended by 2020 PA 70.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 80104. As used in this part:
- 2 (a) "Highly restricted personal information" means an
- 3 individual's photograph or image, Social Security number, digitized
- 4 signature, and medical and disability information.
- 5 (b) "Passenger" means an individual carried on board, attached

1 to, or towed by a vessel, other than the operator.

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

3 (i) A sheriff.

4 (ii) A sheriff's deputy.

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

8 (iv) A village or township marshal.

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

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

11 (vii) The director and conservation officers employed by the
12 department.

13 (d) "Personal information" means information that identifies
14 an individual, including an individual's driver license number,
15 name, address not including zip code, and telephone number, but
16 does not include information on watercraft operation and equipment-
17 related violations or civil infractions, operator or vehicle
18 registration status, accidents, or other behaviorally related
19 information.

20 (e) "Personal watercraft" means that term as defined in 40 CFR
21 1045.801.

22 (f) "Political subdivision" means a county, metropolitan
23 authority, municipality, or combination of those entities in this
24 state. If a body of water is located in more than 1 political
25 subdivision, all of the subdivisions shall act individually in
26 order to comply with this part, except that if the problem is
27 confined to a specific area of the body of water, only the
28 political subdivision in which ~~the problem waters lie~~ **that area is**
29 **located** shall act.

1 (g) "Port" means left, and reference is to the port side of a
2 vessel or to the left side of the vessel.

3 (h) "Prior conviction" means a conviction for any of the
4 following, whether under a law of this state, a local ordinance
5 substantially corresponding to a law of this state, a law of the
6 United States substantially corresponding to a law of this state,
7 or a law of another state substantially corresponding to a law of
8 this state:

9 (i) A violation or an attempted violation of section 80176(1),
10 (3), (4), (5), (6), or (7), except that only 1 violation or
11 attempted violation of section 80176(6), a local ordinance
12 substantially corresponding to section 80176(6), a law of another
13 state substantially corresponding to section 80176(6), or a law of
14 the United States substantially corresponding to section 80176(6)
15 may be used as a prior conviction other than for enhancement
16 purposes as provided in section 80178a(1)(b).

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

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

22 (i) "Probate court or family division disposition" means the
23 entry of a probate court order of disposition or family division
24 order of disposition for a child found to be within the provisions
25 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
26 712A.1 to 712A.32.

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

1 government.

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

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

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

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

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

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

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

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

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

21 (o) "State aid" means payment made by this state to a county
22 for the conduct of a marine safety program.

23 (p) "Temporary ordinance" means a type of local ordinance
24 adopted by a political subdivision of this state under section
25 80112a that includes, but is not limited to, a local watercraft
26 control or administrative rule.

27 (q) "Undocumented vessel" means a vessel that does not have,
28 and is not required to have, a valid marine document issued by the
29 United States Coast Guard or federal agency successor to the United

1 States Coast Guard.

2 (r) "Uniform inspection decal" means an adhesive-backed
3 sticker created by the department that is color-coded to indicate
4 the year that it expires and is attached to a vessel in the manner
5 prescribed for decals in section 80122 when a peace officer
6 inspects and determines that the vessel complies with this part.

7 (s) "Use" means operate, navigate, or employ.

8 (t) "Vessel" means every description of watercraft used or
9 capable of being used as a means of transportation on water.

10 (u) **"Wake boat" means a vessel that is equipped with wake-**
11 **enhancing equipment. Wake boat includes, but is not limited to, a**
12 **wake surf boat and a ballasted boat.**

13 (v) **"Wake-enhancing equipment" means ballast tanks, ballast**
14 **bags, compartments, containers, or similar devices or mechanical**
15 **systems designed to enhance the characteristics of a boat's wake.**

16 (w) **"Wake sport mode" refers to operation of a wake boat with**
17 **wake-enhancing equipment engaged.**

18 (x) ~~(u)~~ "Waters of this state" means any waters within the
19 territorial limits of this state, and includes those waters of the
20 Great Lakes that are under the jurisdiction of this state.

21 (y) ~~(v)~~ "Waterways account" means the waterways account
22 established in section 2035.

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

26 (2) On waters of this state for which a vessel speed limit is
27 not established under subsection (1), for which the department has
28 not established an unlimited vessel speed limit, and for which
29 stricter speed restrictions are not established pursuant to another

1 act, the maximum speed limit is 55 miles per hour, except as
2 follows:

3 (a) In an emergency as determined by local government
4 authority.

5 (b) For conservation officers and other peace officers when
6 engaged in official duties.

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

10 (3) Upon receipt of a resolution by the governing body of a
11 local unit of government having jurisdiction over waters of this
12 state requesting a reduction in the maximum speed limit on those
13 waters, the department, pursuant to sections 80108 and 80109 to
14 80113, may establish a maximum speed limit not to exceed 40 miles
15 per hour on those waters.

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

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

29 (b) Notify the other authorities authorized to issue temporary

1 speed limits under this subsection of the temporary speed limit.

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

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

6 (5) A person who violates a temporary speed limit established
7 by the department under subsection (4) is responsible for a state
8 civil infraction and subject to a civil fine as specified pursuant
9 to subsection (4). A person who violates a temporary speed limit
10 established by an emergency management coordinator or sheriff is
11 responsible for a municipal civil infraction and subject to a civil
12 fine as specified pursuant to subsection (4).

13 (6) A temporary speed limit under subsection (4) shall remain
14 in effect for not more than 14 days. A temporary speed limit may be
15 reissued once per calendar year. However, a temporary speed limit
16 may be reissued twice per calendar year if, before adopting the
17 resolution requesting the second reissuance, the county or
18 municipality submitted to the department an application and
19 resolution for a temporary ordinance under section 80112a in lieu
20 of the temporary speed limit under subsection (4). Temporary speed
21 limits under subsection (4) shall only be in effect during the
22 period from September 1 to June 20. However, a temporary speed
23 limit may be in effect during the period from June 21 to June 30 if
24 it is the first or second reissuance of a temporary speed limit and
25 if, before adopting the resolution requesting that reissuance, the
26 county or municipality submitted to the department an application
27 and resolution for a temporary ordinance under section 80112a in
28 lieu of the temporary speed limit under subsection (4).

29 (7) A temporary speed limit under subsection (4) shall not

1 prohibit the use of any type of vessel.

2 (8) During a state of emergency or disaster declared by the
3 governor pursuant to law, the governor may establish restricted
4 wake zones if necessary and appropriate to address emergency or
5 disaster conditions.

6 (9) A person shall not operate a vessel on the waters of this
7 state at a speed greater than slow-no wake speed or the minimum
8 speed necessary for the vessel to maintain forward movement when
9 within 100 feet of the shoreline where the water depth is less than
10 3 feet, as determined by vertical measurement, except in navigable
11 channels not otherwise posted.

12 **(10) A person shall not operate a vessel in wake sport mode on**
13 **waters of this state where the water depth is less than 20 feet. A**
14 **person operating a vessel in wake sport mode shall maintain a**
15 **distance of not less than 500 feet from the shoreline or a dock, a**
16 **raft, a buoyed or occupied bathing area, or a vessel moored or at**
17 **anchor.**

18 **(11)** ~~(10)~~ A person who violates subsection (2) or (3) is
19 responsible for a state civil infraction and may be ordered to pay
20 a civil fine of not more than \$500.00, unless 1 of the following
21 conditions exists:

22 (a) The requirements of this section have been waived as
23 described under subsection ~~(11)~~ **(12)**.

24 (b) The person violates this section in a manner that
25 constitutes reckless operation of a vessel as described in section
26 80147.

27 **(12)** ~~(11)~~ The department may waive the requirements of this
28 section and section 80156 for marine events authorized by the
29 department under section 80164.