

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.80180.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 31, 2015 *****

324.80180.amended Peace officer; arrest without warrant; reasonable cause; conditions; returning motorboat and occupants to shore; effect of not charging person receiving citation.

Sec. 80180. (1) A peace officer, without a warrant, may arrest a person if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a vessel involved in the accident in this state while in violation of section 80176(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 80176(1), (3), or (6).

(2) A peace officer who has reasonable cause to believe that a person was operating a motorboat on the waters of this state, and that, by the consumption of alcoholic liquor, the person may have affected his or her ability to operate a motorboat, may require the person to submit to a preliminary chemical breath analysis. The following apply with respect to a preliminary chemical breath analysis:

(a) Only a peace officer who has successfully completed a training course taught by a state-certified instructor in the administration of the preliminary chemical breath analysis may administer that test.

(b) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(c) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime described in section 80187(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(d) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 80187 to 80190 for the purposes of chemical tests described in those sections.

(e) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(3) A peace officer making an arrest under this part shall take measures to assure that the motorboat and its occupants are safely returned to shore.

(4) If, not more than 60 days after the issuance of a citation for a state civil infraction under this section, the person to whom the citation is issued is not charged with a violation of section 80176(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 80176(1), (3), or (6), the citation issued for the state civil infraction is void. Upon application of the person to whom the citation is issued, money paid by the person as a fine, costs, or otherwise shall be immediately returned.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 174, Imd. Eff. Apr. 18, 1996;—Am. 2007, Act 8, Imd. Eff. May 11, 2007;—Am. 2014, Act 402, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: Marine Safety Act

Popular name: NREPA