

Act No. 133
Public Act of 1989
July 11, 1989
Filed by the Secretary of State
July 11, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. DeBeaussaert, DeMars, Hickner and Dolan

ENROLLED HOUSE BILL No. 4782

AN ACT to amend sections 31, 32, and 33 of Act No. 303 of the Public Acts of 1967, entitled as amended "An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; and to provide for penalties," as amended by Act No. 56 of the Public Acts of 1988, being sections 281.1031, 281.1032, and 281.1033 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 31, 32, and 33 of Act No. 303 of the Public Acts of 1967, as amended by Act No. 56 of the Public Acts of 1988, being sections 281.1031, 281.1032, and 281.1033 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 31. (1) Except as otherwise provided in this act, a person shall not operate or give permission for the operation of a vessel of any length on the waters of this state unless the fees prescribed in section 33 for the vessel are paid, the certificate of number assigned to the vessel is on board and is in full force and effect, and the identifying number and decal are displayed on each side of the forward half of the vessel in accordance with this act and the rules promulgated by the commission. However, for an inflatable boat the decal may be displayed on the transom of the boat.

(2) When a vessel is actually numbered in another state of principal use in accordance with a federally approved numbering system, it shall be considered to be in compliance with the numbering requirements of this state while it is temporarily being used in this state. This subsection applies to a vessel for which a valid temporary certificate is issued to its owner by the issuing authority of the state in which the vessel is principally used.

(3) When a vessel is removed to this state as the new state of principal use, a number awarded by any other issuing authority shall be recognized as valid for not more than 60 days before numbering is required by this state.

Sec. 32. (1) The owner of a vessel is not required to pay a fee and a vessel is not required to be numbered and to display a decal under this act if the vessel is 1 or more of the following:

(a) Used temporarily on the waters of this state and the owner and the vessel are from a country other than the United States.

(b) A vessel that is owned by the United States, used in the public service for purposes other than recreation, and clearly identifiable as such a vessel.

(c) A vessel's lifeboat.

- (d) An all terrain vehicle not used as a vessel.
- (e) A raft, sailboard, surfboard, or swim float.
- (f) A vessel 16 feet or less, propelled by hand either with oars or paddles and not used for rental or other commercial purposes.
- (g) A nonmotorized canoe or kayak not used for rental or other commercial purposes.

(2) The owner of a vessel documented by the United States coast guard or a federal agency that is the successor to the United States coast guard shall comply with this act, including the payment of fees as provided in this act; however, the vessel shall not be required to display numbers under this act.

(3) This act does not prohibit the numbering of an undocumented vessel pursuant to this act upon request by the owner, even though the vessel is exempt from the numbering requirements of this act.

Sec. 33. (1) Except as otherwise provided in this section, the owner of a vessel required to be numbered and to display a decal shall file an application for a certificate of number with the secretary of state. Application forms shall be prescribed and furnished by the secretary of state. If a vessel is sold by a dealer, the application for a certificate of number shall be combined with the application for a certificate of title if a certificate of title is required by Act No. 160 of the Public Acts of 1976, being sections 281.1201 to 281.1223 of the Michigan Compiled Laws. The certificate of number shall be obtained by the dealer in the name of the owner. The application shall be signed by the owner of the vessel. A person shall not file an application for a certificate of number which contains false information. A dealer who fails to submit an application as required by this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$100.00, or imprisoned for not more than 90 days, or both.

(2) A dealer who submits an application for a certificate of number as provided in subsection (1) may issue to the owner of the vessel a 15-day temporary permit, on forms prescribed by the secretary of state, for the use of the vessel while the certificate of number is being issued.

(3) A dealer may issue a 15-day permit, on a form prescribed by the secretary of state, for the use of a vessel purchased in this state and delivered to the purchaser for removal to a place outside of this state, if the purchaser certifies by his or her signature that the vessel will be registered and primarily used and stored outside of this state and will not be returned to this state by the purchaser for use or storage. A certificate of number shall not be issued for a vessel holding a permit under this subsection.

(4) A 15-day temporary permit issued under subsection (2) or (3) shall not be renewed or extended.

(5) A person shall not use or permit the use of a vessel for which a 15-day temporary permit has been issued under this section unless the temporary permit is valid and carried on board while the vessel is being used and displayed on the vessel as prescribed by rule promulgated by the department.

(6) Except as otherwise provided in subsections (7), (20), and (21) and section 36, beginning January 1, 1989, and until January 1, 1990, an application shall be accompanied by a fee as follows:

(a) A 15-day temporary permit issued under subsection (3).....	\$ 10.00
(b) Nonpowered vessels except as provided in section 32.....	6.75
(c) Motorboats less than 12 feet in length	11.25
(d) Motorboats 12 feet or over but less than 16 feet in length.....	13.50
(e) Motorboats 16 feet or over but less than 20 feet in length	33.75
(f) Motorboats 20 feet or over but less than 28 feet in length.....	75.00
(g) Motorboats 28 feet or over but less than 35 feet in length.....	135.00
(h) Motorboats 35 feet or over but less than 42 feet in length.....	180.00
(i) Motorboats 42 feet or over but less than 50 feet in length.....	225.00
(j) Motorboats 50 feet in length and over	360.00
(k) Pontoon vessels regardless of size	22.50
(l) Motorized canoes regardless of size	11.00
(m) Vessels licensed under the commercial fishing law of 1929, Act No. 84 of the Public Acts of 1929, as amended, being sections 308.1 to 308.51 of the Michigan Compiled Laws	15.00
(n) Vessels carrying passengers for hire that are in compliance with the charter and livery boat safety act, Act No. 244 of the Public Acts of 1986, being sections 281.571 to 281.595 of the Michigan Compiled Laws, or under federal law; and vessels carrying passengers and freight or freight only and owned within this state or hailing from a port within this state	45.00

(7) Except as otherwise provided in this subsection, beginning January 1, 1990, an application shall be accompanied by a fee as follows:

(a) A 15-day temporary permit issued under subsection (3).....	\$ 10.00
(b) Nonpowered vessels except as provided in section 32.....	8.25
(c) Motorboats less than 12 feet in length	14.00
(d) Motorboats 12 feet or over but less than 16 feet in length.....	16.75
(e) Motorboats 16 feet or over but less than 20 feet in length	41.75
(f) Motorboats 20 feet or over but less than 28 feet in length.....	90.00
(g) Motorboats 28 feet or over but less than 35 feet in length.....	168.00
(h) Motorboats 35 feet or over but less than 42 feet in length.....	244.00
(i) Motorboats 42 feet or over but less than 50 feet in length.....	280.00
(j) Motorboats 50 feet in length or over	448.00
(k) Pontoon vessels regardless of size	22.50
(l) Motorized canoes regardless of size	14.00
(m) Vessels licensed under the commercial fishing law, Act No. 84 of the Public Acts of 1929, being sections 308.1 to 308.51 of the Michigan Compiled Laws	15.00
(n) Vessels carrying passengers for hire that are in compliance with the charter and livery boat safety act, Act No. 244 of the Public Acts of 1986, being sections 281.571 to 281.595 of the Michigan Compiled Laws, or under federal law; and vessels carrying passengers and freight or freight only and owned within this state or hailing from a port within this state	45.00
(o) Beginning January 1, 1991, motorboats 20 feet or over but less than 28 feet in length	115.00

(8) The length of a vessel is the distance from end to end over the deck, excluding the longitudinal upward or downward curve of the deck, fore and aft. A pontoon boat shall be measured by the length of its deck, fore and aft.

(9) Payment of the fee specified by this section exempts the vessel from the tax imposed by the general property tax act, Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

(10) Upon receipt of an initial application for a certificate of number in approved form and payment of the required fee, the secretary of state shall enter the information upon the official records and issue to the applicant a certificate of number containing the number awarded to the vessel, the name and address of the owner, and other information the secretary of state considers necessary. The certificate of number shall be pocket size and legible. When the vessel is in use, the operator shall present the certificate of number for inspection upon demand of a law enforcement or conservation officer.

(11) If a check or draft in payment of a fee or tax payable to the secretary of state under this act is not paid on its first presentation, the fee or tax is delinquent as of the date the draft or check was tendered. The person tendering the check or draft remains liable for the payment of each fee or tax and a penalty.

(12) The secretary of state may suspend a certificate of number when the secretary of state determines that a fee or tax required by this act has not been paid and remains unpaid after reasonable notice and demand.

(13) If a fee or tax is still delinquent 15 days after the secretary of state gives notice to the person tendering the check or draft, a penalty shall be assessed and collected in addition to the fee or tax. The penalty shall be \$5.00 or 20% of the check or draft, whichever is larger.

(14) The certificate of number for vessels less than 26 feet in length and leased or rented to another for the noncommercial use of that person for not more than 24 hours may be retained on shore by the vessel's owner or the owner's authorized representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative, if a copy of the lease or rental agreement, signed by the owner or the owner's authorized representative and by the person leasing or renting the vessel, is on board. The lease or rental agreement shall contain:

(a) The vessel number that appears on the certificate of number.

(b) The period of time for which the vessel is leased or rented. When the vessel is in use, the operator shall present the certificate of number or the lease or rental agreement for inspection upon demand of a law enforcement or conservation officer.

(15) The owner of a vessel, other than a nonpowered vessel 12 feet or under in length, having been issued a certificate of number for the vessel shall paint on or attach in a permanent manner to each side of the forward

half of the vessel the identifying number in the manner prescribed by rules promulgated by the commission. A person, partnership, corporation, or other entity which rents or leases vessels shall be assigned a block of numbers sufficient to number consecutively all the vessels which the person, partnership, corporation, or other entity rents or leases. The number shall be maintained in a legible condition. A vessel documented by the United States coast guard or a federal agency that is the successor to the United States coast guard shall not be required to display numbers under this act but shall be required to display a decal indicating payment of the fee prescribed in subsection (6) or (7), and shall otherwise be in compliance with this act.

(16) Upon receipt of an application for a certificate of number in an approved form, and payment of the fee required by this act, the secretary of state shall issue a decal indicating that the vessel is numbered in compliance with this act. The decal shall be color coded and dated to indicate the year the decal expires. The manner in which the decal is displayed shall be as prescribed by rule promulgated by the commission.

(17) A decal shall be valid for a 3-year period which begins on April 1 and expires on March 31 of the third year. An original certificate of number may be issued up to 90 days prior to April 1. A numbering renewal decal or other renewal device may be issued up to 90 days prior to the expiration of a certificate. Each currently issued certificate which expires on December 31, 1989, 1990, or 1991 shall remain effective until March 31, 1990, 1991, or 1992 as provided in this section.

(18) Upon receipt of a request for renewal of a decal and payment of the fee prescribed in subsection (6) or (7), the secretary of state shall issue to the applicant a decal as provided in subsection (16).

(19) The numbering system adopted pursuant to this act shall be in accordance with the standard system of numbering established by the secretary of the department in which the United States coast guard operates.

(20) An agency of this state, a political subdivision of this state, or a state supported college or university of this state shall register vessels owned by it and required to be numbered under this act and pay a fee of \$3.00 for each vessel. However, if the vessel is used for recreational, commercial, or rental purposes, the fees provided in subsections (6) and (7) shall apply. Upon payment of the fee a certificate of number shall be issued for the vessel.

(21) A vessel manufactured before 1940 and owned solely as a collector's item and not used other than in club activities, exhibitions, tours, parades, and other similar activities is an historic vessel. An historic vessel shall, upon proper application, be numbered as an historic vessel. Application forms for certificates of number for historic vessels shall be available from the secretary of state. The fee for the numbering of an historic vessel shall be 1/3 of the otherwise applicable fee specified in subsection (6) or (7).

(22) The provisions of subsections (1) to (5) shall take effect January 1, 1989.

(23) If a vessel is exempt from registration under section 32 as amended by the amendatory act that added this subsection, and if the owner of the vessel registered the vessel under this section between March 14, 1988 and the effective date of this subsection, then that owner shall receive a refund of the registration fee from the secretary of state. Within 90 days after the refund of the registration fee is made that owner may request a refund of any tax paid on that vessel under this act between March 14, 1988 and the effective date of this subsection.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

