

# HOUSE BILL No. 5140

October 5, 1989, Introduced by Reps. Hoekman, Alley, Profit, Stacey, Joe Young, Jr., London, Trim, Bartnik, Gnodtke, Weeks, Spaniola, Leland, Rocca, Porreca, Muxlow, Giese, Bankes, Krause and DeLange and referred to the Committee on Marine Affairs and Port Development.

A bill to amend section 2 of Act No. 244 of the Public Acts of 1986, entitled as amended

"Charter and livery boat safety act,"

being section 281.572 of the Michigan Compiled Laws; and to add sections 21a and 22a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2 of Act No. 244 of the Public Acts of  
2 1986, being section 281.572 of the Michigan Compiled Laws, is  
3 amended and sections 21a and 22a are added to read as follows:

4       Sec. 2. As used in this act:

5       (a) "Boat livery" means either OF THE FOLLOWING:

6       (i) A place of business or any location where a person rents  
7 or leases any vessel to the general public for noncommercial use  
8 on the waters of this state.

1       (ii) A place where a person offers cabins, cottages, motel  
2 rooms, hotel rooms, or other similar rental or leased units where  
3 a vessel is furnished for the use of the person renting or leas-  
4 ing the unit, but does not include a single privately owned cabin  
5 or cottage leased or rented to another where a vessel is fur-  
6 nished for the use of the person renting or leasing the unit.

7       (b) "Carrying passengers for hire" or "carry passengers for  
8 hire" means the transporting of any person on a vessel for con-  
9 sideration regardless of whether the consideration is directly or  
10 indirectly paid to the owner of the vessel, the owner's agent,  
11 the operator of the vessel, or any other person who holds any  
12 interest in the vessel.

13       (c) "Charter boat" means a vessel which is rented or leased  
14 or offered for rent or lease to carry passengers for hire if the  
15 owner or the owner's agent retains possession, command, and con-  
16 trol of the vessel.

17       (d) "Class A vessel" means a vessel, except a sailboat, that  
18 carries for hire on navigable waters not more than 6 passengers.

19       (e) "Class B vessel" means a vessel, except a sailboat, that  
20 carries for hire on inland waters not more than 6 passengers.

21       (f) "Class C vessel" means a vessel, except a sailboat, that  
22 carries for hire on inland waters more than 6 passengers.

23       (g) "Class D vessel" means a vessel which is propelled pri-  
24 marily by a sail or sails and which carries for hire on navigable  
25 waters not more than 6 passengers or carries passengers for hire  
26 on inland waters.

1 (h) "Class E vessel" means a vessel that carries not more  
2 than 6 passengers for hire and meets either of the following  
3 requirements:

4 (i) Is utilized primarily as a river-drift boat that is pro-  
5 pelled primarily by hand.

6 (ii) Is a vessel that is 18 feet or less in length operated  
7 primarily on a river or tributary to the Great Lakes, Lake  
8 St. Clair or their connecting waterways.

9 (i) "Department" means the department of natural resources.

10 (j) "Equipment" means a system, part, or component of a  
11 vessel as originally manufactured, or a system, part, or compo-  
12 nent manufactured or sold for replacement, repair, or improvement  
13 of a system, part, or component of a vessel; an accessory or  
14 equipment for, or appurtenance to, a vessel; or a marine safety  
15 article, accessory, or equipment intended for use by a person on  
16 board a vessel; but does not include radio equipment.

17 (k) "Inland waters" means all waters of this state, except  
18 navigable waters.

19 (l) "Livery boat" means a vessel which is offered for rent  
20 or lease by the boat livery or boat owner or his or her agent or  
21 is rented or leased from a boat livery or a boat owner or his or  
22 her agent and the boat livery or boat owner or his or her agent  
23 relinquishes complete physical control of the vessel to the  
24 renter or lessee, except the boat livery or owner retains legal  
25 title to the vessel.

26 (m) "Navigable waters" means those waters of the state over  
27 which the state of Michigan and the United States coast guard

1 exercise concurrent jurisdiction, including the Great Lakes and  
2 waters connected ~~thereto~~ TO THE GREAT LAKES, to the upstream  
3 limit of navigation as determined by the United States department  
4 of the army corps of engineers.

5 (n) "Operate" means to start any propulsion engine or to  
6 physically control the motion, direction, or speed of a vessel.

7 (o) "Owner" means a person who claims lawful possession of a  
8 vessel by virtue of legal title or an equitable interest in a  
9 vessel which entitles that person to possession of the vessel.

10 (p) "Passenger" means a person carried on board a charter  
11 boat except EITHER OF THE FOLLOWING:

12 (i) The owner of the vessel or the owner's agent.

13 (ii) The pilot and members of the crew of the vessel who  
14 have not contributed consideration for their transportation  
15 either before, during, or after the voyage.

16 (q) "Peace officer" means every sheriff or sheriff's deputy;  
17 village or township marshal; officer of the police department of  
18 any city, village, or township; any officer of the Michigan state  
19 police; or any other police officer or law enforcement officer  
20 who is trained and certified pursuant to the Michigan law  
21 enforcement officers training council act of 1965, Act No. 203 of  
22 the Public Acts of 1965, being sections 28.601 to 28.616 of the  
23 Michigan Compiled Laws, and includes the director of the depart-  
24 ment and conservation officers employed by the department.

25 (r) "Person" means an individual, sole proprietorship, part-  
26 nership, corporation, association, or governmental entity, and

1 includes any trustee, receiver, assignee, or other legal  
2 representative or agent.

3 (S) "PERSONAL WATERCRAFT" MEANS A MOTORIZED VESSEL THAT HAS  
4 THE CAPACITY TO CARRY NOT MORE THAN THE OPERATOR AND 1 OTHER  
5 PERSON AND THAT IS DESIGNED TO BE OPERATED BY A PERSON SITTING,  
6 STANDING, OR KNEELING ON, OR BEING TOWED BEHIND THE VESSEL,  
7 RATHER THAN IN THE CONVENTIONAL MANNER OF SITTING OR STANDING  
8 INSIDE THE VESSEL.

9 (T) ~~(s)~~ "Pilot's license" means a vessel operator's  
10 license issued by the United States coast guard or other federal  
11 agency, or a license issued by the department to an operator of a  
12 charter boat that is operated on inland waters.

13 (U) ~~(t)~~ "Rule" means a rule promulgated pursuant to the  
14 administrative procedures act of 1969, Act No. 306 of the Public  
15 Acts of 1969, being sections 24.201 to 24.328 of the Michigan  
16 Compiled Laws.

17 (V) ~~(u)~~ "Training or instructional purposes" means the  
18 teaching of any person in the handling and navigation of a vessel  
19 or the techniques of waterskiing.

20 (W) ~~(v)~~ "Vessel" means every description of watercraft,  
21 other than a seaplane, used or capable of being used as a means  
22 of transportation on water irrespective of the method of opera-  
23 tion or propulsion.

24 (X) ~~(w)~~ "Waters of the state" means any waters within the  
25 territorial limits of this state and includes those waters of the  
26 Great Lakes which are under the jurisdiction of this state.

1        SEC. 21A.    A BOAT LIVERY SHALL NOT LEASE, HIRE, OR RENT A  
2 PERSONAL WATERCRAFT TO A PERSON WHO IS UNDER 16 YEARS OF AGE.

3        SEC. 22A.    A BOAT LIVERY THAT COMPLIES WITH THIS ACT AND THE  
4 RULES PROMULGATED UNDER THIS ACT SHALL NOT BE CIVILLY OR CRIMI-  
5 NALLY LIABLE FOR A VIOLATION OF LAW OR AN ACCIDENT OR INJURY  
6 CAUSED BY A PERSON LEASING A VESSEL FROM THE BOAT LIVERY WHILE  
7 THAT PERSON IS IN CHARGE OF THE VESSEL.