

HOUSE BILL No. 6312

July 1, 2010, Introduced by Rep. Wayne Schmidt and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80104 (MCL 324.80104), as amended by 2004 PA
587.

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 a person carried on board a vessel other
6 than any of the following:

7 (i) The owner or his or her representative.

8 (ii) The operator.

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

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part. **IT IS THE INTENT AND RECOMMENDATION OF THE LEGISLATURE THAT A DEPUTY AUTHORIZED UNDER THIS SUBPARAGRAPH SATISFACTORILY COMPLETE AT LEAST 20 HOURS OF ADDITIONAL LAW ENFORCEMENT TRAINING, INCLUDING TRAINING SPECIFIC TO THIS PART, ON AN ANNUAL BASIS.**

(iv) A village or township marshal.

(v) An officer of the police department of any municipality.

(vi) An officer of the Michigan state police.

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

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

(e) "Personal watercraft" means a vessel that meets all of the following requirements:

(i) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion.

1 (ii) Is designed without an open load carrying area that would
2 retain water.

3 (iii) Is designed to be operated by 1 or more persons positioned
4 on, rather than within, the confines of the hull.

5 (f) "Political subdivision" means any county, metropolitan
6 authority, municipality, or combination of those entities in this
7 state. Whenever a body of water is located in more than 1 political
8 subdivision, all of the subdivisions shall act individually in
9 order to comply with this part, except that if the problem is
10 confined to a specific area of the body of water, only the
11 political subdivision in which the problem waters lie shall act.

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

14 (h) "Probate court or family division disposition" means the
15 entry of a probate court order of disposition or family division
16 order of disposition for a child found to be within the provisions
17 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
18 712A.1 to 712A.32.

19 (i) "Prosecuting attorney", except as the context requires
20 otherwise, means the attorney general, the prosecuting attorney of
21 a county, or the attorney representing a political subdivision of
22 government.

23 (j) "Regatta", "boat race", "marine parade", "tournament", or
24 "exhibition" means an organized water event of limited duration
25 that is conducted according to a prearranged schedule.

26 (k) "Slow—no wake speed" means a very slow speed whereby the
27 wake or wash created by the vessel would be minimal.

1 (l) "Starboard" means right, and reference is to the starboard
2 side of a vessel or to the right side of the vessel.

3 (m) "State aid" means payment made by the state to a county
4 for the conduct of a marine safety program.

5 (n) "Undocumented vessel" means a vessel that does not have,
6 and is not required to have, a valid marine document issued by the
7 United States coast guard or federal agency successor to the United
8 States coast guard.

9 (o) "Uniform inspection decal" means an adhesive-backed
10 sticker created by the department that is color-coded to indicate
11 the year that it expires and is attached to a vessel in the manner
12 prescribed for decals in section 80122 when a peace officer
13 inspects and determines that the vessel complies with this part.

14 (p) "Use" means operate, navigate, or employ.

15 (q) "Vessel" means every description of watercraft used or
16 capable of being used as a means of transportation on water.

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

20 (s) "Waterways account" means the waterways account of the
21 Michigan conservation and recreation legacy fund provided for in
22 section 2035.