

HOUSE BILL No. 6313

July 1, 2010, Introduced by Rep. Lindberg 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 sections 80101 and 80104 (MCL 324.80101 and 324.80104),
section 80101 as amended by 2004 PA 547 and section 80104 as
amended by 2004 PA 587; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80101. As used in this part:

2 (a) "Airboat" means a motorboat that is propelled, wholly or
3 in part, by a propeller projecting above the water surface.

4 (b) "Anchored rafts" means all types of nonpowered rafts used
5 for recreational purposes that are anchored seasonally on waters of
6 this state.

7 (c) "Associated equipment" means any of the following that are
8 not radio equipment:

1 (i) An original system, part, or component of a boat at the
2 time that boat was manufactured, or a similar part or component
3 manufactured or sold for replacement.

4 (ii) Repair or improvement of an original or replacement
5 system, part, or component.

6 (iii) An accessory or equipment for, or appurtenance to, a boat.

7 (iv) A marine safety article, accessory, or equipment intended
8 for use by a person on board a boat.

9 (d) "Boat" means a vessel.

10 (e) "Boat livery" means a business that holds a vessel for
11 renting, leasing, or chartering.

12 (F) "BOATING SAFETY CERTIFICATE" MEANS ANY OF THE FOLLOWING:

13 (i) THE DOCUMENT ISSUED BY THE DEPARTMENT UNDER PART 802 THAT
14 CERTIFIES THAT THE INDIVIDUAL NAMED IN THE DOCUMENT HAS
15 SUCCESSFULLY COMPLETED A BOATING SAFETY COURSE AND PASSED AN
16 EXAMINATION APPROVED AND ADMINISTERED AS REQUIRED UNDER SECTION
17 80211.

18 (ii) A DOCUMENT ISSUED BY THE UNITED STATES COAST GUARD
19 AUXILIARY OR UNITED STATES POWER SQUADRON THAT CERTIFIES THAT THE
20 INDIVIDUAL NAMED IN THE DOCUMENT HAS SUCCESSFULLY COMPLETED A
21 UNITED STATES COAST GUARD AUXILIARY COURSE CONCERNING BOATING
22 SAFETY.

23 (iii) A WRITTEN RENTAL AGREEMENT PROVIDED TO AN INDIVIDUAL NAMED
24 IN THE RENTAL AGREEMENT ENTERED INTO UNDER SECTION 44522 ONLY ON
25 THE DATE OR DATES INDICATED ON THE RENTAL AGREEMENT WHILE THE NAMED
26 INDIVIDUAL IS OPERATING A PERSONAL WATERCRAFT LEASED, HIRED, OR
27 RENTED FROM A BOAT LIVERY.

1 (G) "BOATING SAFETY COURSE" MEANS A COURSE THAT MEETS BOTH OF
2 THE FOLLOWING REQUIREMENTS:

3 (i) PROVIDES INSTRUCTION ON THE SAFE OPERATION OF A PERSONAL
4 WATERCRAFT THAT MEETS OR EXCEEDS THE MINIMUM COURSE CONTENT FOR
5 BOATING OR PERSONAL WATERCRAFT EDUCATION ESTABLISHED BY THE
6 NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS EDUCATION
7 COMMITTEE (OCTOBER 1996).

8 (ii) IS APPROVED BY THE DEPARTMENT.

9 (H) ~~(F)~~—"Controlled substance" means that term as defined in
10 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

11 (I) ~~(G)~~—"Conviction" means a final conviction, the payment of
12 a fine, a plea of guilty or nolo contendere if accepted by the
13 court, a finding of guilt, or a probate court **OR FAMILY DIVISION**
14 disposition on a violation of this part, regardless of whether the
15 penalty is rebated or suspended.

16 Sec. 80104. As used in this part:

17 (a) "Highly restricted personal information" means an
18 individual's photograph or image, social security number, digitized
19 signature, and medical and disability information.

20 (b) "Passenger" means a person carried on board a vessel other
21 than any of the following:

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

23 (ii) The operator.

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

25 (i) A sheriff.

26 (ii) A sheriff's deputy.

27 (iii) A deputy who is authorized by a sheriff to enforce this

1 part and who has satisfactorily completed at least 40 hours of law
2 enforcement training, including training specific to this part.

3 (iv) A village or township marshal.

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

5 (vi) An officer of the Michigan state police.

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

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

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

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

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

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

24 (f) "Political subdivision" means any county, metropolitan
25 authority, municipality, or combination of those entities in this
26 state. Whenever a body of water is located in more than 1 political
27 subdivision, all of the subdivisions shall act individually in

1 order to comply with this part, except that if the problem is
2 confined to a specific area of the body of water, only the
3 political subdivision in which the problem waters lie shall act.

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

6 (h) "Probate court or family division disposition" means the
7 entry of a probate court order of disposition or family division
8 order of disposition for a child found to be within the provisions
9 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
10 712A.1 to 712A.32.

11 (i) "Prosecuting attorney", except as the context requires
12 otherwise, means the attorney general, the prosecuting attorney of
13 a county, or the attorney representing a political subdivision of
14 government.

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

18 (k) "Slow-no wake speed" means a very slow speed whereby the
19 wake or wash created by the vessel would be minimal.

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

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

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

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

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

(Q) "WATERCRAFT ENDORSEMENT" MEANS AN ENDORSEMENT AUTHORIZING THE HOLDER TO OPERATE WATERCRAFTS UNDER EITHER OF THE FOLLOWING:

(i) THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

(ii) 1972 PA 222, MCL 28.291 TO 28.300.

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

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

(T) ~~(s)~~ "Waterways account" means the waterways account ~~of the Michigan conservation and recreation legacy fund provided for in~~ **ESTABLISHED UNDER** section 2035.

Enacting section 1. Section 80215 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80215, is repealed.