

# SENATE BILL No. 1141

November 8, 2018, Introduced by Senators JONES, O'BRIEN, BOOHER, HOOD, PROOS, KNOLLENBERG, WARREN, MEEKHOF and SCHMIDT and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2045, 74101, 74116, 74120, 78101, 78105, and 78119 (MCL 324.2001, 324.2045, 324.74101, 324.74116, 324.74120, 324.78101, 324.78105, and 324.78119), section 2001 as amended by 2010 PA 32, sections 2045, 74120, 78105, and 78119 as amended by 2013 PA 81, section 74101 as amended by 2010 PA 33, section 74116 as amended by 2016 PA 1, and section 78101 as amended by 2010 PA 302.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2001. As used in this part:

2           (a) "Forest recreation account" means the forest recreation  
3 account of the legacy fund provided for in section 2005.

4           (b) "Game and fish protection account" means the game and fish

1 protection account of the legacy fund provided for in section 2010.

2 (c) "Legacy fund" means the Michigan conservation and  
3 recreation legacy fund established in section 40 of article IX of  
4 the state constitution of 1963 and provided for in section 2002.

5 (d) "Off-road vehicle account" means the off-road vehicle  
6 account of the legacy fund provided for in section 2015.

7 (e) "Recreation improvement account" means the recreation  
8 improvement account of the legacy fund provided for in section  
9 2020.

10 (f) ~~"Recreation"~~ **SENATOR PATTY BIRKHOLOZ RECREATION** passport  
11 fee" means a state park and state-operated public boating access  
12 site recreation passport fee paid under section 805 of the Michigan  
13 vehicle code, 1949 PA 300, MCL 257.805, or under rules promulgated  
14 under section 74120(2).

15 (g) "Snowmobile account" means the snowmobile account of the  
16 legacy fund provided for in section 2025.

17 (h) "State park improvement account" means the state park  
18 improvement account of the legacy fund provided for in section  
19 2030.

20 (i) "Waterways account" means the waterways account of the  
21 legacy fund provided for in section 2035.

22 Sec. 2045. (1) The department shall distribute **SENATOR PATTY**  
23 **BIRKHOLOZ** recreation passport fee revenue as follows:

24 (a) First, for necessary expenses incurred by the secretary of  
25 state each state fiscal year in administration and implementation  
26 of section 805 of the Michigan vehicle code, 1949 PA 300, MCL  
27 257.805. Funds appropriated for necessary expenses shall be based

1 upon an established cost allocation methodology that reflects  
2 actual costs. Appropriations under this subdivision in a state  
3 fiscal year shall not exceed \$1,000,000.00.

4 (b) The next \$10,700,000.00 received each fiscal year shall be  
5 deposited in the state park improvement account.

6 (c) The next \$1,030,000.00 received each fiscal year shall be  
7 deposited in the waterways account.

8 (d) The remaining revenue shall be deposited as follows:

9 (i) 50% in the state park improvement account to be used for  
10 capital improvements at state parks, including state recreation  
11 areas.

12 (ii) 30% in the state park improvement account to be used for  
13 operations and maintenance at state parks, including state  
14 recreation areas.

15 (iii) 2.75% in the state park improvement account to be used  
16 for operations, maintenance, and capital improvements of state park  
17 cultural and historic resources.

18 (iv) 0.25% in the state park improvement account to be used to  
19 do all of the following:

20 (A) Promote, in concert with other state agencies, the use of  
21 state parks, state-operated public boating access sites, state  
22 forest campgrounds, and state forest nonmotorized trails and  
23 pathways.

24 (B) Promote the use of the internet for state park camping  
25 reservations and for payment of the **SENATOR PATTY BIRKHOLZ**  
26 recreation passport fee in conjunction with motor vehicle  
27 registration.

1 (v) 10% in the local public recreation facilities fund created  
 2 in section 1911, to be used for development of public recreation  
 3 facilities for local units of government.

4 (vi) 7% in the forest recreation account to be used for  
 5 operating, maintaining, and making capital improvements to state  
 6 forest campgrounds and the state forest system of pathways and  
 7 nonmotorized trails, including, but not limited to, equestrian  
 8 trails.

9 (2) For each state fiscal year, beginning with the 2011-2012  
 10 state fiscal year, the state treasurer shall adjust the amounts set  
 11 forth in subsection (1) (b) and (c) by an amount determined by the  
 12 state treasurer to reflect the cumulative percentage change in the  
 13 ~~consumer price index~~ **CONSUMER PRICE INDEX** for the most recent 1-  
 14 year period for which data are available. As used in this  
 15 subsection, "~~consumer price index~~" **"CONSUMER PRICE INDEX"** means the  
 16 most comprehensive index of consumer prices available for this  
 17 state from the ~~bureau of labor statistics~~ **BUREAU OF LABOR**  
 18 **STATISTICS** of the United States ~~department of labor~~ **DEPARTMENT OF**  
 19 **LABOR**.

20 (3) By January 15 of each year, the department, in  
 21 consultation with the department of state, shall estimate the  
 22 amount of additional **SENATOR PATTY BIRKHOZ RECREATION PASSPORT FEE**  
 23 revenue that would have been collected as ~~recreation passport fees~~  
 24 during the immediately preceding state fiscal year if owners of  
 25 resident motor vehicles described in sections 74116(4) (c) and  
 26 78119(4) (b) were not exempt under those provisions from paying the  
 27 **SENATOR PATTY BIRKHOZ** recreation passport fee. The department

1 shall estimate the amount as follows:

2 (a) Determine the total number of resident motor vehicles  
3 described in sections 74116(4)(c) and 78119(4)(b).

4 (b) Multiply the number under subdivision (a) by the  
5 percentage of resident motor vehicles with single-year  
6 registrations for which a **SENATOR PATTY BIRKHOLZ** recreation  
7 passport fee was paid during the preceding state fiscal year.

8 (c) Subtract from the result under subdivision (b) the number  
9 of resident motor vehicles described in sections 74116(4)(c) and  
10 78119(4)(b) for which a **SENATOR PATTY BIRKHOLZ** recreation passport  
11 fee was paid during the preceding state fiscal year under rules  
12 promulgated under section 74120(3).

13 (d) Multiply the result under subdivision (c) by the current  
14 amount of the **SENATOR PATTY BIRKHOLZ** recreation passport fee during  
15 the preceding state fiscal year.

16 (4) The legislature shall annually appropriate from the  
17 general fund a sum equal to the amount estimated under subsection  
18 (3). The sum appropriated shall be distributed as provided in  
19 subsection (1)(d).

20 (5) The department shall submit a report to the standing  
21 committees and appropriations subcommittees of the legislature with  
22 jurisdiction over issues pertaining to natural resources and the  
23 environment by February 1 each year. The report shall provide  
24 information on all of the following for the preceding state fiscal  
25 year:

26 (a) The total amount of **SENATOR PATTY BIRKHOLZ** recreation  
27 passport fee revenue received by the department and the amounts

1 allocated under subsection (1).

2 (b) The total amount of annual and daily state park motor  
3 vehicle permit fee revenue received by the department under section  
4 74117.

5 (c) The total amount of seasonal or daily state-operated  
6 public boating access site revenue received by the department under  
7 section 78105(3).

8 (d) Details on the specific uses of the revenue described in  
9 subdivisions (a), (b), and (c) and the amounts expended for each  
10 specific use.

11 (e) The amount of revenue received during the preceding state  
12 fiscal year under subsection (4).

13 (f) The adequacy of the revenue described in subdivisions (a)  
14 and (e) for each of the purposes for which it is allocated under  
15 subsection (1).

16 (g) The impact of the state park revenue stream described in  
17 subdivisions (a), (b), and (d) on the Michigan state parks  
18 endowment fund created in section 35a of article IX of the state  
19 constitution of 1963 and provided for in section 74119.

20 (h) Other relevant issues that affect funding needs for the  
21 state park system.

22 (6) By February 1, 2012 and every 2 years thereafter, the  
23 department shall submit a report to the standing committees and  
24 appropriations subcommittees of the legislature with jurisdiction  
25 over issues pertaining to natural resources and the environment.  
26 The report shall provide information on how frequently motor  
27 vehicles for which the registrant declined to pay the **SENATOR PATTY**

1 **BIRKHOLZ** recreation passport fee entered state parks and state-  
2 operated public boating access sites designated under section 78105  
3 during the registration period. The information shall be based on  
4 random audits conducted by the department. A report under this  
5 subsection may be combined with a report required under subsection  
6 (5).

7 (7) The department may prepare a list of frequently asked  
8 questions and answers concerning the **SENATOR PATTY BIRKHOLZ**  
9 recreation passport fee. The department and the department of state  
10 may post the information on their websites. The department of state  
11 may provide the information with any applications for registration  
12 of motor vehicles that are mailed by the department of state.

13 Sec. 74101. As used in this part:

14 (a) "Commercial motor vehicle" means a commercial vehicle as  
15 defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL  
16 257.7.

17 (b) "Improvement program" means the construction,  
18 reconstruction, development, improvement, bettering, operating,  
19 maintaining, and extending a facility at a state park, including a  
20 site improvement, impoundment, road and parking lot, toilet  
21 building, concession building, shelter building, bathhouse,  
22 utility, outdoor center, visitor service facility, ski area, ski  
23 tow, ski shelter, and administration unit.

24 (c) "Motor vehicle" means a vehicle that is self-propelled.

25 (d) "Nonresident motor vehicle" means a motor vehicle other  
26 than a commercial motor vehicle that is not registered as a motor  
27 vehicle in this state.

1 ~~—— (e) "Recreation passport fee" means that term as defined in~~  
2 ~~section 2001.~~

3 (E) ~~(f)~~—"Resident motor vehicle" means a motor vehicle, other  
4 than a commercial motor vehicle, that is registered as a motor  
5 vehicle in this state.

6 (F) "SENATOR PATTY BIRKHOZ RECREATION PASSPORT FEE" MEANS  
7 THAT TERM AS DEFINED IN SECTION 2001.

8 (g) "State park" means a state park or state recreation area  
9 designated by the director.

10 (h) "State park improvement account" means the state park  
11 improvement account of the Michigan conservation and recreation  
12 legacy fund provided for in section 2030.

13 (i) "State park revenues" means all revenues collected for  
14 state parks, including but not limited to, revenue from **SENATOR**  
15 **PATTY BIRKHOZ** recreation passport fees, motor vehicle permits,  
16 concession fees, nonmotorized trail permits, fees, leases, camping  
17 fees, sale of farm animals from Maybury state park, donations, and  
18 gifts.

19 Sec. 74116. (1) Subject to subsection (4), the operator of a  
20 nonresident motor vehicle or **ANY** commercial motor vehicle shall not  
21 enter any state park with that motor vehicle unless a valid motor  
22 vehicle park permit issued under section 74117 is affixed to the  
23 lower right-hand corner of the windshield. An annual motor vehicle  
24 park permit for a nonresident motor vehicle shall be affixed  
25 permanently for that year. The department shall post signs at parks  
26 that state that a motor vehicle park permit is required for entry  
27 by a nonresident motor vehicle or commercial motor vehicle.

1           (2) Subject to subsection (4), the operator of a resident  
2 motor vehicle shall not enter a state park with the resident motor  
3 vehicle unless the **SENATOR PATTY BIRKHOLZ** recreation passport fee  
4 has been paid for that motor vehicle. Payment of the **SENATOR PATTY**  
5 **BIRKHOLZ** recreation passport fee authorizes entry into all state  
6 parks and recreation areas and designated state-operated public  
7 boating access sites until expiration of the motor vehicle  
8 registration.

9           (3) Subject to subsection (4), if the secretary of state  
10 issues registration tabs or stickers as described in section 805 of  
11 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
12 of a resident motor vehicle shall not enter a state park with the  
13 resident motor vehicle unless the resident motor vehicle has a  
14 registration tab or sticker marked as provided under that section  
15 to show that the **SENATOR PATTY BIRKHOLZ** recreation passport fee has  
16 been paid.

17           (4) Subsections (1) to (3) do not apply under any of the  
18 following circumstances:

19           (a) While the motor vehicle is being driven or parked within  
20 an established federal, state, or county highway within a state  
21 park.

22           (b) If the motor vehicle is used in the operation or  
23 maintenance of a state park, is an emergency motor vehicle, is a  
24 state owned or law enforcement motor vehicle, or is a private motor  
25 vehicle being operated on official state business.

26           (c) If the motor vehicle is registered under section 803e(1)  
27 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is

1 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
2 300, MCL 257.803e, from the registration tax, or if the motor  
3 vehicle is registered under section 217d or 803f of the Michigan  
4 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

5 (d) At a state-operated public boating access site or a state  
6 park where there is an opportunity to fish on a day that the  
7 department has designated as a free winter fishing day or a free  
8 fishing day under section 43534.

9 (e) If and to the extent that the department waives the  
10 requirements for department-sponsored events or other circumstances  
11 as determined by the director or the director's designee.

12 Sec. 74120. (1) The department may promulgate rules to  
13 implement this part.

14 (2) The department may promulgate rules providing a method for  
15 an individual whose motor vehicle registration expires annually to  
16 pay a ~~state park and state-operated public boating access site~~  
17 **SENATOR PATTY BIRKHOLZ** recreation passport fee in addition to the  
18 method provided for in section 805 of the Michigan vehicle code,  
19 1949 PA 300, MCL 257.805. The amount of the ~~state park and state-~~  
20 ~~operated public boating access site~~ **SENATOR PATTY BIRKHOLZ**  
21 recreation passport fee required to be paid under a method provided  
22 for by rule under this subsection shall not exceed twice the amount  
23 of a ~~state park and state-operated public boating access site~~  
24 **SENATOR PATTY BIRKHOLZ** recreation passport fee paid under the  
25 method provided for in section 805 of the Michigan vehicle code,  
26 1949 PA 300, MCL 257.805.

27 (3) The department shall promulgate rules providing a method

1 for an individual whose motor vehicle registration does not expire  
2 annually and who is exempt under sections 74116(4)(c) and  
3 78119(4)(b) from the **SENATOR PATTY BIRKHOLZ** recreation passport fee  
4 to voluntarily pay the **SENATOR PATTY BIRKHOLZ** recreation passport  
5 fee as a donation. The amount of the ~~state park and state operated~~  
6 ~~public boating access site~~ **SENATOR PATTY BIRKHOLZ** recreation  
7 passport fee required to be paid under the method provided for by  
8 rule under this subsection shall equal the amount of a ~~state park~~  
9 ~~and state operated public boating access site~~ **SENATOR PATTY**  
10 **BIRKHOLZ** recreation passport fee paid under the method provided for  
11 in section 805 of the Michigan vehicle code, 1949 PA 300, MCL  
12 257.805.

13 (4) A rule promulgated under this section shall provide for a  
14 method evidencing payment of the ~~state park and state operated~~  
15 ~~public boating access site~~ **SENATOR PATTY BIRKHOLZ** recreation  
16 passport fee, such as the issuance and display of a permit.

17 Sec. 78101. As used in this part:

18 (a) "Commercial motor vehicle" means that term as defined in  
19 section 74101.

20 (b) "Commission" means the Michigan state waterways  
21 commission.

22 (c) "Department" means the department of natural resources.

23 (d) "Designated state-operated public boating access site"  
24 means a state-operated public boating access site designated under  
25 section 78105(2).

26 (e) "Director" means the administrative director of the  
27 commission.

1 (f) "Diesel motor fuel" means any liquid fuel used in the  
2 operation of engines of the diesel type in motor vehicles or  
3 watercraft.

4 (g) "Gasoline" means gasoline, casing head or natural  
5 gasoline, benzole, benzine, and naphtha. Gasoline also means any  
6 liquid prepared, advertised, offered for sale, sold for use as, or  
7 used for, the generation of power for the propulsion of motor  
8 vehicles or watercraft, including any product obtained by blending  
9 together any 1 or more products of petroleum, regardless of their  
10 original names or characteristics, with or without other products,  
11 unless the resultant product obtained is entirely incapable of use  
12 for the generation of power for the propulsion of motor vehicles or  
13 watercraft. Gasoline does not include diesel fuel, liquefied  
14 petroleum gas, or commercial or industrial naphthas or solvents  
15 manufactured, imported, received, stored, distributed, sold, or  
16 used exclusively for purposes other than as a fuel for motor  
17 vehicles or watercraft.

18 (h) "Harbor" means a portion of a lake or other body of water  
19 either naturally or artificially protected so as to be a place of  
20 safety for watercraft, including contrivances used or designed for  
21 navigation on water and used or owned by the United States.

22 (i) "Harbor facilities" means the structures at a harbor  
23 constructed to protect the lake or body of water and the facilities  
24 provided within the harbor and ashore for the mooring and servicing  
25 of watercraft and the servicing of crews and passengers.

26 (j) "Inland lake or stream" means that term as defined in  
27 section 30101.

1 (k) "Liquefied petroleum gas" means gases derived from  
2 petroleum or natural gases that are in the gaseous state at normal  
3 atmospheric temperature and pressure, but that may be maintained in  
4 the liquid state at normal atmospheric temperature by suitable  
5 pressure.

6 (l) "Marina" means a site that contains harbor facilities.

7 (m) "Motor vehicle" means that term as defined in section  
8 74101.

9 (n) "Navigable water" means any waterway navigable by vessels,  
10 or capable of being made navigable by vessels through artificial  
11 improvements, and includes the structures and facilities created to  
12 facilitate navigation.

13 (o) "Nonresident motor vehicle" means that term as defined in  
14 section 74101.

15 (p) "Person" includes any individual, partnership,  
16 corporation, association, or body politic, except the United States  
17 and this state, and includes any trustee, receiver, assignee, or  
18 other similar representative of those entities.

19 (q) "Public boating access site" means a publicly owned site  
20 for the launching of recreational watercraft.

21 (r) "Recreational boating facilities" means boat launches,  
22 harbors, marinas, and locks assisting recreational boats accessing  
23 water bodies at different elevations.

24 ~~— (s) "Recreation passport fee" means that term as defined in~~  
25 ~~section 2001.~~

26 (S) ~~(t)~~ "Resident motor vehicle" means that term as defined in  
27 section 74101.

1           (T) ~~(u)~~—"Retail fuel dealer" includes any person or persons,  
2 both private and municipal, who engage in the business of selling  
3 or distributing fuel within this state.

4           (U) ~~(v)~~—"Secretary of state" means the secretary of state of  
5 this state, acting directly or through a duly authorized deputy,  
6 investigators, agents, and employees.

7           (V) **"SENATOR PATTY BIRKHOLZ RECREATION PASSPORT FEE" MEANS**  
8 **THAT TERM AS DEFINED IN SECTION 2001.**

9           (w) "Vessel" means all watercraft except the following:

10           (i) Watercraft used for commercial fishing.

11           (ii) Watercraft used by the sea scout department of the ~~boy~~  
12 ~~scouts~~ **BOY SCOUTS** of America chiefly for training scouts in  
13 seamanship.

14           (iii) Watercraft owned by this state, any political  
15 subdivision of this state, or the federal government.

16           (iv) Watercraft when used in interstate or foreign commerce  
17 and watercraft used or owned by any railroad company or railroad  
18 car ferry company.

19           (v) Watercraft when used in trade, including watercraft when  
20 used in connection with an activity that constitutes a person's  
21 chief business or means of livelihood.

22           (x) "Watercraft" means any contrivance used or designed for  
23 navigation on water, including, but not limited to, any vessel,  
24 ship, boat, motor vessel, steam vessel, vessel operated by  
25 machinery, motorboat, sailboat, barge, scow, tugboat, and rowboat,  
26 but does not include contrivances used or owned by the United  
27 States.

1 (y) "Waterway" means any body of water.

2 (z) "Waterways account" means the waterways account of the  
3 Michigan conservation and recreation legacy fund provided for in  
4 section 2035.

5 Sec. 78105. (1) The department has the following powers and  
6 duties:

7 (a) To acquire, construct, and maintain harbors, channels, and  
8 facilities for vessels in the navigable waters lying within the  
9 boundaries of this state.

10 (b) To acquire, by purchase, lease, gift, or condemnation the  
11 lands, rights of way, and easements necessary for harbors and  
12 channels. For the purposes of this subdivision, the department  
13 shall be considered a state agency under 1911 PA 149, MCL 213.21 to  
14 213.25.

15 (c) To acquire, by purchase, lease, gift, or condemnation  
16 suitable areas on shore for disposal of the material from dredging.

17 (d) To enter into any contracts or agreements that may be  
18 necessary in carrying out this part, including agreements to hold  
19 and save the United States free from damages due to the  
20 construction and maintenance by the United States of those works  
21 that the United States undertakes.

22 (e) To provide for the granting of concessions within the  
23 boundaries of harbors, so as to furnish the public gas, oil, food,  
24 and other facilities.

25 (f) To represent this state and the governor in dealings with  
26 the chief of engineers of the United States ~~army~~**ARMY** and his or  
27 her authorized agents for the purposes set forth in this part.

1 (g) To charge fees for both seasonal and daily moorage at  
2 state-operated small craft mooring facilities. All revenues derived  
3 from this source shall be deposited in the waterways account.

4 (h) To collect the proceeds from the sale of marine fuel at  
5 harbors operated by the department. The proceeds from the sales  
6 shall be credited to the waterways account and used for the  
7 purchase of marine fuel supplies as may be needed. Any remaining  
8 revenue from this source not needed for the purchase of marine fuel  
9 supplies may be expended in the same manner as other funds within  
10 the waterways account.

11 (2) The director shall designate state-operated public boating  
12 access sites that, subject to section 78119(4), shall not be  
13 entered by a resident motor vehicle unless the **SENATOR PATTY**  
14 **BIRKHOLZ** recreation passport fee has been paid or by a nonresident  
15 or commercial motor vehicle unless a pass purchased under  
16 subsection (3) is affixed to the motor vehicle as described in  
17 section 78119.

18 (3) The department shall charge fees for passes authorizing  
19 seasonal or daily entry by nonresident motor vehicles or commercial  
20 motor vehicles at designated state-operated public boating access  
21 sites. Fee revenue under this subsection shall be deposited in the  
22 waterways account.

23 Sec. 78119. (1) Subject to subsection (4), a person shall not  
24 enter, in a nonresident motor vehicle or commercial motor vehicle,  
25 a state-operated public boating access site designated under  
26 section 78105(2) without a valid pass affixed to the lower right-  
27 hand corner of the windshield. A seasonal pass shall be affixed

1 permanently for the season.

2 (2) Subject to subsection (4), the operator of a resident  
3 motor vehicle shall not enter a state-operated public boating  
4 access site designated under section 78105(2) with the resident  
5 motor vehicle unless the **SENATOR PATTY BIRKHOLZ** recreation passport  
6 fee has been paid for that motor vehicle. Payment of the **SENATOR**  
7 **PATTY BIRKHOLZ** recreation passport fee authorizes entry into all  
8 state parks and recreation areas and designated state-operated  
9 public boating access sites until expiration of the motor vehicle  
10 registration.

11 (3) Subject to subsection (4), if the secretary of state  
12 issues registration tabs or stickers as described in section 805 of  
13 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
14 of a resident motor vehicle shall not enter a designated state-  
15 operated public boating access site with the resident motor vehicle  
16 unless the resident motor vehicle has a registration tab or sticker  
17 marked as provided under that section to show that the **SENATOR**  
18 **PATTY BIRKHOLZ** recreation passport fee has been paid.

19 (4) Subsections (1) to (3) do not apply under any of the  
20 following circumstances:

21 (a) If the motor vehicle is used in the operation or  
22 maintenance of the public boating access site, is an emergency  
23 motor vehicle, is a state-owned or law enforcement motor vehicle,  
24 or is a private motor vehicle being operated on official state  
25 business.

26 (b) If the motor vehicle is registered under section 803e(1)  
27 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is

1 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
2 300, MCL 257.803e, from the registration tax, or if the motor  
3 vehicle is registered under section 217d or 803f of the Michigan  
4 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

5 (c) If and to the extent the department waives the  
6 requirements for department-sponsored events or other circumstances  
7 as determined by the director or the director's designee.

8 (5) A person who violates subsection (1), (2), or (3) is  
9 responsible for a state civil infraction and may be ordered to pay  
10 a civil fine of not more than \$100.00. A person shall not be cited  
11 for a violation of both subsections (2) and (3) for the same  
12 incident.

13 (6) In any proceeding for the violation of this part or a rule  
14 promulgated under this part, if a motor vehicle is found parked in  
15 a designated state-operated public boating access site, the  
16 registration plate displayed on the motor vehicle constitutes prima  
17 facie evidence that the owner of the motor vehicle was the person  
18 who parked or placed it at the location where it was found.

19 Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.