

HOUSE BILL NO. 4901

May 25, 2021, Introduced by Reps. Bolden and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80312 (MCL 324.80312), as amended by 2000 PA
65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80312. (1) The secretary of state may issue a certificate
2 of title for a watercraft to a person who complies with subsection
3 (2) or (3) if the transfer of ownership of that watercraft is any
4 of the following:

1 (a) By operation of law including, but not limited to,
 2 inheritance, devise, bequest, order in bankruptcy, insolvency,
 3 replevin, or execution of sale.

4 (b) By sale to satisfy a storage or repair charge.

5 (c) By repossession upon default in performance of the terms
 6 of a security agreement.

7 (d) As provided in subsection (3).

8 (2) A person applying for a certificate of title under this
 9 section shall do all of the following:

10 (a) Surrender to the secretary of state either a valid
 11 certificate of title or the manufacturer's or importer's
 12 certificate for the watercraft or, if surrender of a certificate
 13 for that watercraft is not possible, present proof satisfactory to
 14 the secretary of state of the applicant's ownership of and right of
 15 possession to the watercraft.

16 (b) Pay the fee prescribed in section 80311.

17 (c) Present to the secretary of state an application for
 18 certificate of title.

19 (3) A person may petition the secretary of state for a
 20 certificate or certificates of title for 1 or more registered
 21 watercraft that the person does not own, if ~~each~~**all** of the
 22 following circumstances ~~exists~~**exist**:

23 (a) The record owner of the registered watercraft dies without
 24 leaving other property that requires the procurement of letters
 25 under the estates and protected individuals code, 1998 PA 386, MCL
 26 700.1101 to ~~700.8102~~**700.8206**.

27 (b) The total value of the deceased owner's interest in all
 28 watercraft subject to the petition for a certificate or
 29 certificates of title under this section is ~~\$100,000.00~~**or**

1 ~~less~~ \$300,000.00 or less, as adjusted for the calendar year of the
2 deceased owner's death. The adjustment shall be made each year,
3 beginning January 1, 2024, by multiplying \$300,000.00 by the cost-
4 of-living adjustment factor and rounding to the nearest \$1,000.00.
5 The department of treasury shall certify and publish the adjusted
6 dollar amount for each calendar year. As used in this subdivision:

7 (i) "Cost-of-living adjustment factor" means a fraction, the
8 numerator of which is the United States Consumer Price Index for
9 the year before the prior calendar year and the denominator of
10 which is the United States Consumer Price Index for 2021.

11 (ii) "United States Consumer Price Index" means the annual
12 average of the United States Consumer Price Index for All Urban
13 Consumers as defined and reported by the United States Department
14 of Labor, Bureau of Labor Statistics, or its successor agency.

15 (c) ~~The person petitioning for a certificate or certificates~~
16 ~~of title under this section~~ **petitioner** is 1 of the following, in
17 the following order of priority:

18 (i) The surviving spouse of the watercraft owner.

19 (ii) A person entitled to the certificate or certificates of
20 title in the order specified in section 2103 of the estates and
21 protected individuals code, 1998 PA 386, MCL 700.2103.

22 (d) ~~The person who petitions for a certificate of title under~~
23 ~~this section~~ **petitioner** furnishes the secretary of state with proof
24 satisfactory to the secretary of state of ~~each~~ **all** of the
25 following:

26 (i) The death of the owner of each watercraft for which a
27 certificate of title is sought.

28 (ii) The petitioner's priority to receive the decedent's
29 interest in each watercraft for which a certificate of title is

1 sought.

2 (4) A certification by the person, or agent of the person, to
3 whom possession of the watercraft passed, that sets forth the facts
4 entitling that person to possession and ownership of the
5 watercraft, together with a copy of the journal entry, court order,
6 instrument, or other document upon which the claim of possession
7 and ownership is founded, are satisfactory proof of ownership and
8 right of possession. If the applicant cannot produce proof of
9 ownership, the applicant may apply to the secretary of state for a
10 certificate of title and submit evidence that establishes that
11 person's ownership interest in the watercraft. If the secretary of
12 state finds the evidence sufficient, the secretary of state may
13 issue to that person a certificate of title for that watercraft.
14 The office of secretary of state shall examine the records in its
15 possession and, if it determines from that examination that a lien
16 is on the watercraft, and if the applicant fails to provide
17 satisfactory evidence of extinction of the lien, the secretary of
18 state shall furnish a certificate of title that contains a
19 statement of the lien.

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