

**SUBSTITUTE FOR
HOUSE BILL NO. 5164**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 2035, 44501, 44511, 44516, 44518, 44520, 44520a, and 44524 (MCL 324.1301, 324.2035, 324.44501, 324.44511, 324.44516, 324.44518, 324.44520, 324.44520a, and 324.44524), section 1301 as amended by 2011 PA 218, section 2035 as added and sections 44501, 44511, and 44518 as amended by 2004 PA 587, sections 44516, 44520, and 44524 as added by 1995 PA 57, and section 44520a as added by 2006 PA 183, and by adding section 44522a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1301. As used in this part:
- 2 (a) "Application period" means the period beginning when an

1 application for a permit is received by the state and ending when
2 the application is considered to be administratively complete
3 under section 1305 and any applicable fee has been paid.

4 (b) "Department" means the department, agency, or officer
5 authorized by this act to approve or deny an application for a
6 particular permit.

7 (c) "Director" means the director of the state department
8 authorized under this act to approve or deny an application for a
9 particular permit or the director's designee.

10 (d) "Permit" means a permit or operating license required by
11 any of the following sections or by rules promulgated thereunder,
12 or, in the case of section 9112, by an ordinance adopted
13 thereunder:

14 (i) Section 3104, floodplain alteration permit.

15 (ii) Section 3503, permit for use of water in mining iron
16 ore.

17 (iii) Section 4105, sewerage system construction permit.

18 (iv) Section 6516, vehicle testing license.

19 (v) Section 6521, motor vehicle fleet testing permit.

20 (vi) Section 8310, restricted use pesticide dealer license.

21 (vii) Section 8310a, agricultural pesticide dealer license.

22 (viii) Section 8504, license to manufacture or distribute
23 fertilizer.

24 (ix) Section 9112, local soil erosion and sedimentation
25 control permit.

26 (x) Section 11509, solid waste disposal area construction
27 permit.

1 (xi) Section 11512, solid waste disposal area operating
2 license.

3 (xii) Section 11542, municipal solid waste incinerator ash
4 landfill operating license amendment.

5 (xiii) Section 11702, septage waste servicing license or
6 septage waste vehicle license.

7 (xiv) Section 11709, septage waste site permit.

8 (xv) Section 30104, inland lakes and streams project permit.

9 (xvi) Section 30304, state permit for dredging, filling, or
10 other activity in wetland. Permit includes an authorization for a
11 specific project to proceed under a general permit issued under
12 section 30312.

13 (xvii) Section 31509, dam construction, repair, or removal
14 permit.

15 (xviii) Section 32312, flood risk, high risk, or environmental
16 area permit.

17 (xix) Section 32503, permit for dredging and filling
18 bottomland.

19 (xx) Section 32603, permit for submerged log removal from
20 Great Lakes bottomlands.

21 (xxi) Section 35304, department permit for critical dune area
22 use.

23 (xxii) Section 36505, endangered species permit.

24 (xxiii) Section 41702, game bird hunting preserve license.

25 (xxiv) Section 42101, dog training area permit.

26 (xxv) Section 42501, fur dealer's license.

27 (xxvi) Section 42702, game dealer's license.

- 1 (xxvii) Section 44513, charter boat operating permit under
2 reciprocal agreement.
- 3 (xxviii) Section ~~44517~~, **44516**, boat livery operating permit.
- 4 (xxix) Section 45503, permit to take frogs for scientific
5 use.
- 6 (xxx) Section 45902, game fish propagation license.
- 7 (xxxi) Section 45906, game fish import license.
- 8 (xxxii) Section 61525, oil or gas well drilling permit.
- 9 (xxxiii) Section 62509, brine, storage, or waste disposal well
10 drilling or conversion permit or test well drilling permit.
- 11 (xxxiv) Section 63103a, ferrous mineral mining permit.
- 12 (xxxv) Section 63514 or 63525, surface coal mining and
13 reclamation permit or revision of the permit, respectively.
- 14 (xxxvi) Section 63704, sand dune mining permit.
- 15 (xxxvii) Section 72108, use permits for Michigan trailway.
- 16 (xxxviii) Section 76109, sunken aircraft or watercraft
17 abandoned property recovery permit.
- 18 (xxxix) Section 76504, Mackinac Island motor vehicle and land
19 use permits.
- 20 (xxxx) Section 80159, buoy or beacon permit.
- 21 (e) "Processing deadline" means the last day of the
22 processing period.
- 23 (f) "Processing period" means the following time period
24 after the close of the application period, for the following
25 permit, as applicable:
- 26 (i) Twenty days for a permit under section 61525 or 62509.
27 (ii) Thirty days for a permit under section 9112 **OR 44516**.

1 (iii) Thirty days after the department consults with the
2 underwater salvage and preserve committee created under section
3 76103, for a permit under section 76109.

4 (iv) Sixty days, for a permit under section 30104 for a minor
5 project as established by rule under section 30105(7) or for a
6 permit under section 32312.

7 (v) Sixty days or, if a hearing is held, 90 days for a
8 permit under section 35304.

9 (vi) Sixty days or, if a hearing is held, 120 days for a
10 permit under section 30104, other than a permit for a minor
11 project as established by rule under section 30105(7), or for a
12 permit under section 31509.

13 (vii) Ninety days for a permit under section 11512, a
14 revision of a surface coal mining and reclamation permit under
15 section 63525, or a permit under section 72108.

16 (viii) Ninety days or, if a hearing is held, 150 days for a
17 permit under section 3104, 30304, or 32503 or an authorization
18 for a specific project to proceed under a general permit issued
19 under section 30312.

20 (ix) Ninety days after the close of the review or comment
21 period under section 32604, or if a public hearing is held, 90
22 days after the date of the public hearing for a permit under
23 section 32603.

24 (x) One hundred twenty days for a permit under section
25 11509, 11542, 63103a, 63514, or 63704.

26 (xi) One hundred fifty days for a permit under section 36505.
27 However, if a site inspection or federal approval is required,

1 the 150-day period is tolled pending completion of the inspection
2 or receipt of the federal approval.

3 (xii) For any other permit, 150 days or, if a hearing is
4 held, 90 days after the hearing, whichever is later.

5 Sec. 2035. (1) The waterways account is established as an
6 account within the legacy fund.

7 (2) The waterways account shall consist of both of the
8 following:

9 (a) All money in the Michigan state waterways fund, formerly
10 created in section 78110, the Michigan harbor development fund,
11 formerly created in section 78110, and the marine safety fund,
12 formerly created in section 80115, immediately prior to the
13 effective date of the amendatory act that added this section,
14 which money is hereby transferred to the waterways account.

15 (b) Revenue from the following sources:

16 (i) All revenue generated from watercraft registration fees
17 assessed on the ownership or operation of watercraft in the
18 state, of which not less than 49% shall be provided for law
19 enforcement and education.

20 (ii) All revenues derived from fees charged for the moorage
21 of watercraft at state-operated mooring facilities.

22 (iii) All revenues derived from fees charged for the use of
23 state-operated public access sites.

24 (iv) Transfers from the recreation improvement account.

25 (v) All tax revenue derived from the sale of diesel fuel in
26 this state that is used to generate power for the operation or
27 propulsion of vessels on the waterways of this state.

1 (vi) Other revenues as authorized by law.

2 (3) Money in the waterways account shall be expended, upon
3 appropriation, only as provided in parts **445**, 781, 791, and 801
4 and for the administration of the waterways account, which may
5 include payments in lieu of taxes on state owned lands purchased
6 through the waterways account or through the former Michigan
7 state waterways fund.

8 Sec. 44501. As used in this part:

9 (a) "Boat livery" means ~~either of the following:~~

10 ~~—— (i) A~~ **A** place of business or any location where a person
11 rents or leases ~~OFFERS FOR RENT~~ any vessel **OTHER THAN A**
12 **NONMOTORIZED RAFT** to the general public for noncommercial use on
13 the waters of this state.

14 ~~—— (ii) A~~ **BOAT LIVERY DOES NOT INCLUDE A** place where a person
15 offers cabins, cottages, motel rooms, hotel rooms, or other
16 similar rental ~~or leased units where a vessel is~~ **IF VESSELS ARE**
17 furnished **ONLY** for the use of ~~the person renting or leasing the~~
18 ~~unit, but does not include a single privately owned cabin or~~
19 ~~cottage leased or rented to another where a vessel is furnished~~
20 ~~for the use of the person renting or leasing the unit.~~ **PERSONS**
21 **OCCUPYING THE UNITS.**

22 (b) "Carrying passengers for hire" or "carry passengers for
23 hire" means the transporting of any ~~person~~ **INDIVIDUAL** on a vessel
24 **OTHER THAN A NONMOTORIZED RAFT** for consideration ~~regardless of~~
25 ~~whether the consideration is~~ directly or indirectly paid to the
26 owner of the vessel, the owner's agent, the operator of the
27 vessel, or any other person who holds any interest in the vessel.

1 (c) "Charter boat" means a vessel **OTHER THAN A NONMOTORIZED**
2 **RAFT** that is rented ~~or leased~~ or offered for rent ~~or lease~~ to
3 carry passengers for hire if the owner or the owner's agent
4 retains possession, command, and control of the vessel.

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

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

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

11 (g) "Class D vessel" means a vessel that is propelled
12 primarily by a sail or sails and carries for hire on navigable
13 waters not more than 6 passengers or carries passengers for hire
14 on inland waters.

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

18 (i) Is utilized primarily as a river-drift boat that is
19 propelled primarily by hand.

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

23 (i) "Equipment" means a system, part, or component of a
24 vessel as originally manufactured, or a system, part, or
25 component manufactured or sold for replacement, repair, or
26 improvement of a system, part, or component of a vessel; an
27 accessory or equipment for, or appurtenance to, a vessel; or a

1 marine safety article, accessory, or equipment intended for use
 2 by ~~a person~~ **AN INDIVIDUAL** on board a vessel; but does not include
 3 radio equipment.

4 (j) "Inland waters" means all waters of this state, except
 5 navigable waters.

6 (k) "Livery boat" means a vessel, ~~which~~ **OTHER THAN A**
 7 **NONMOTORIZED RAFT, THAT** is **RENTED OR** offered for rent ~~or lease by~~
 8 ~~the boat livery or boat owner or his or her agent or is rented or~~
 9 ~~leased from~~ **BY** a boat livery or a boat owner or his or her agent
 10 ~~and~~ **IF** the boat livery or boat owner or his or her agent
 11 relinquishes **OR OFFERS TO RELINQUISH** complete physical control of
 12 the vessel to the renter ~~or lessee, except the boat livery or~~
 13 ~~owner retains~~ **WHILE RETAINING** legal title to the vessel.

14 (l) "Navigable waters" means those waters of the state over
 15 which this state and the United States coast guard exercise
 16 concurrent jurisdiction, including the Great Lakes and waters
 17 connected to the Great Lakes, to the upstream limit of navigation
 18 as determined by the United States ~~department of the army corps~~
 19 of engineers.

20 (M) **"NAVIGABLE WATERS LIVERY BOAT" MEANS A LIVERY BOAT THAT**
 21 **IS MORE THAN 20 FEET IN LENGTH AND IS RENTED OR OFFERED FOR RENT**
 22 **FOR USE ON NAVIGABLE WATERS.**

23 (N) ~~(m)~~ "Operate", **WHEN USED WITH REFERENCE TO A VESSEL,**
 24 means to start any propulsion engine or to physically control the
 25 motion, direction, or speed of ~~a~~ **THE** vessel.

26 (O) ~~(n)~~ "Owner", **WHEN USED IN REFERENCE TO A VESSEL,** means a
 27 person who claims lawful possession of ~~a~~ **THE** vessel by virtue of

1 legal title or an equitable interest in a vessel that entitles
2 that person to possession of the vessel.

3 (P) ~~(e)~~ "Passenger" means ~~a person~~ **AN INDIVIDUAL** carried on
4 board a charter boat except either of the following:

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

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

9 (Q) ~~(p)~~ "Peace officer" means ~~every~~ **A** sheriff or sheriff's
10 deputy; village or township marshal; officer of the police
11 department of any city, village, or township; ~~any~~ officer of the
12 Michigan state police; or ~~any~~ other police officer or law
13 enforcement officer who is trained and certified pursuant to the
14 commission on law enforcement standards act, 1965 PA 203, MCL
15 28.601 to 28.616, and includes the director and conservation
16 officers employed by the department.

17 (R) ~~(q)~~ "Personal watercraft" means a vessel that meets all
18 of the following requirements:

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

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

24 (iii) Is designed to be operated by 1 or more ~~persons~~
25 **INDIVIDUALS** positioned on, rather than within, the confines of
26 the hull.

27 (S) ~~(r)~~ "Pilot's license" means a vessel operator's license

1 issued by the United States coast guard or other federal agency,
2 or a license issued by the department to an operator of a charter
3 boat that is operated on inland waters.

4 (T) ~~(s)~~—"Training or instructional purposes" means the
5 teaching of any ~~person~~**INDIVIDUAL** in the handling and navigation
6 of a vessel or the techniques of waterskiing.

7 (U) ~~(t)~~—"Vessel" means every description of watercraft,
8 other than a seaplane, used or capable of being used as a means
9 of transportation on water irrespective of the method of
10 operation or propulsion.

11 (V) ~~(u)~~—"Waters of the state" means any waters within the
12 territorial limits of this state and includes those waters of the
13 Great Lakes which are under the jurisdiction of this state.

14 (W) ~~(v)~~—"Waterways account" means the waterways account of
15 the Michigan conservation and recreation legacy fund provided for
16 in section 2035.

17 Sec. 44511. (1) The owner of a charter boat required to be
18 inspected under this part and a person required to be licensed as
19 a state pilot under this part shall file an application with the
20 required fee for the charter boat inspection or the state pilot's
21 examination with the department on a form prescribed and
22 furnished by the department. Persons applying for a certificate
23 of inspection or a state pilot's license shall furnish
24 information reasonably required by the department. A person shall
25 not file an application for charter boat inspection or state
26 pilot's examination that contains false information. A person
27 filing an application shall certify by the person's signature

1 that the information furnished on the application is true and
2 correct.

3 (2) ~~The owner of IF~~ a charter boat ~~, or livery boat as~~
4 ~~provided for under section 44517, which~~ has never been inspected,
5 **THE OWNER** shall pay ~~to~~ the department an inspection fee for dry
6 dock and dockside inspection according to the following schedule:

- 7 (a) Class A and D vessels..... \$250.00
- 8 (b) Class B vessels..... \$120.00
- 9 (c) Class C vessels..... \$350.00

10 (3) ~~Beginning on April 1, 1987, for~~ **FOR** each required dry
11 dock or dockside inspection of a charter boat ~~, or livery boat as~~
12 ~~provided for under section 44517,~~ other than an inspection under
13 subsection (2), the owner shall pay the department a fee
14 according to the following schedule:

- 15 (a) Class A and D vessels
- 16 (i) Dockside inspection..... \$100.00
- 17 (ii) Dry dock inspection..... \$150.00
- 18 (b) Class B vessels
- 19 (i) Dockside inspection..... \$ 60.00
- 20 (ii) Dry dock inspection..... \$ 60.00
- 21 (c) Class C vessels
- 22 (i) Dockside inspection..... \$150.00
- 23 (ii) Dry dock inspection..... \$200.00

24 (4) ~~When IF~~ the department inspects any charter boat ~~, or~~
25 ~~livery boat as provided for under section 44517,~~ at an interval

1 other than as required by this part, the inspection shall be
2 conducted without an inspection fee for a dockside inspection and
3 for a reduced fee to be determined by the department for a dry
4 dock inspection. ~~When~~**IF** a 24-month dockside inspection and a 72-
5 month dry dock inspection are required in the same year, the
6 owner shall only pay the fee for the dry dock inspection, as
7 provided in subsection (3).

8 (5) For each examination of a person for a state pilot's
9 license, the applicant shall pay a fee of \$30.00 to the
10 department.

11 (6) The charter boat inspection fee or state pilot's license
12 examination fee shall be forfeited to the department and credited
13 to the marine safety ~~fund~~**SUBACCOUNT OF THE WATERWAYS ACCOUNT** if
14 the owner of the charter boat or the applicant for a state
15 pilot's license fails to keep an appointment, which has been
16 mutually agreed upon between the owner or the applicant and the
17 department, for an inspection or reinspection of the charter boat
18 or a state pilot's license examination, without ~~first~~ notifying
19 the inspecting officer or the department's marine safety section
20 within the department's law enforcement division at least 24
21 hours prior to the scheduled appointment. Upon the forfeiture of
22 an application fee, the owner of the charter boat or the
23 applicant for a state pilot's license ~~must~~**SHALL** submit a new
24 application and the required fee before the department ~~shall~~
25 ~~conduct~~**CONDUCTS** any inspection of the charter boat or ~~conduct~~
26 **CONDUCTS** any examination of the applicant for a state pilot's
27 license.

1 (7) ~~Except as otherwise provided in section 44517, the~~ **THE**
2 revenue received for inspection fees under this section shall be
3 deposited in the state treasury to the credit **OF THE MARINE**
4 **SAFETY SUBACCOUNT** of the waterways account and shall only be used
5 to pay for inspections required by this part, and to maintain the
6 education and enforcement program provided for in section
7 44513(2). The revenue division of the department of treasury
8 shall annually provide to the department an accurate total of
9 revenue collected and shall annually credit that amount to **THE**
10 **MARINE SAFETY SUBACCOUNT OF** the waterways account.

11 Sec. 44516. (1) ~~The owner of a boat livery shall make an~~
12 ~~application to the sheriff of the county in which the livery is~~
13 ~~located for inspection of its livery boats and equipment.~~ **A BOAT**
14 **LIVERY SHALL NOT RENT A MOTORIZED LIVERY BOAT UNLESS THE LIVERY**
15 **BOAT HAS A CURRENT ANNUAL INSPECTION DECAL, PLATE, OR TAB AS**
16 **PROVIDED UNDER SECTION 44518.**

17 (2) **REGARDLESS OF WHETHER THE LIVERY BOATS ARE MOTORIZED OR**
18 **NONMOTORIZED, A PERSON SHALL NOT OPERATE A BOAT LIVERY EXCEPT AS**
19 **AUTHORIZED BY A PERMIT ISSUED PURSUANT TO PART 13. SUBJECT TO**
20 **SUBSECTION (7), THE OWNER OF A BOAT LIVERY SHALL SUBMIT AN**
21 **APPLICATION FOR A BOAT LIVERY PERMIT TO THE SHERIFF'S DEPARTMENT**
22 **OF THE COUNTY WHERE THE BOAT LIVERY IS LOCATED.** The application
23 ~~shall be made on a form provided by the department and~~ **FOR A BOAT**
24 **LIVERY PERMIT shall include ALL OF THE FOLLOWING:**

- 25 (a) The boat livery name.
26 (b) The mailing address of the boat livery.
27 (c) The location of the boat livery.

1 (d) The waters of the state on which the boat livery rents
2 vessels.

3 (e) The number and types of livery boats available for rent,
4 INCLUDING WHETHER THE BOATS ARE MOTORIZED.

5 (3) AN APPLICATION FOR A BOAT LIVERY PERMIT SHALL BE
6 ACCOMPANIED BY AN INSPECTION FEE OF \$100.00 FOR EACH NAVIGABLE
7 WATERS LIVERY BOAT THAT THE BOAT LIVERY RENTS OR OFFERS TO RENT.
8 A FEE COLLECTED UNDER THIS SUBSECTION SHALL BE FORWARDED TO THE
9 DEPARTMENT OF TREASURY TO BE CREDITED TO THE MARINE SAFETY
10 SUBACCOUNT OF THE WATERWAYS ACCOUNT. AN INSPECTION OF A
11 NAVIGABLE WATERS LIVERY BOAT SHALL BE A COMPREHENSIVE DOCKSIDE
12 INSPECTION.

13 (4) AFTER A SHERIFF'S DEPARTMENT RECEIVES AN APPLICATION FOR
14 A BOAT LIVERY PERMIT, IF THE BOAT LIVERY RENTS OR OFFERS FOR RENT
15 1 OR MORE MOTORIZED LIVERY BOATS, THE COUNTY SHERIFF OR A DEPUTY
16 SHERIFF SHALL INSPECT THE MOTORIZED LIVERY BOATS AND ASSOCIATED
17 EQUIPMENT TO DETERMINE IF THEY MEET THE MINIMUM SAFETY STANDARDS
18 ESTABLISHED UNDER RULES PROMULGATED UNDER THIS PART.

19 (5) A BOAT LIVERY PERMIT SHALL BE ISSUED IF ANY OF THE
20 FOLLOWING APPLY:

21 (A) ONE OR MORE MOTORIZED LIVERY BOATS AND THEIR ASSOCIATED
22 EQUIPMENT PASS INSPECTION UNDER SUBSECTION (4).

23 (B) THE BOAT LIVERY RENTS OR OFFERS FOR RENT 1 OR MORE
24 NONMOTORIZED LIVERY BOATS.

25 (6) A BOAT LIVERY OWNER SHALL ENSURE THAT A BOAT LIVERY
26 PERMIT ISSUED UNDER SUBSECTION (5) IS PROMINENTLY DISPLAYED ON
27 THE SITE OF THE BOAT LIVERY. THE PERMIT EXPIRES ON MAY 31 OF THE

1 YEAR FOLLOWING THE YEAR IN WHICH THE PERMIT IS ISSUED.

2 (7) THE DEPARTMENT AND A CONSERVATION OFFICER SHALL EXERCISE
3 THE POWERS AND PERFORM THE DUTIES OF THE COUNTY SHERIFF'S
4 DEPARTMENT AND A SHERIFF OR DEPUTY SHERIFF UNDER THIS SECTION AND
5 SECTION 44518 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

6 (A) IF THE COUNTY DOES NOT RECEIVE STATE AID UNDER SECTION
7 80117 TO CONDUCT A MARINE SAFETY PROGRAM.

8 (B) IF THE BOAT LIVERY RENTS OR OFFERS TO RENT A NAVIGABLE
9 WATERS LIVERY BOAT.

10 (8) THE DEPARTMENT OF NATURAL RESOURCES SHALL FURNISH BOAT
11 LIVERY PERMIT APPLICATION FORMS, BLANK BOAT LIVERY PERMITS,
12 REGISTRATION DECALS, AND INSPECTION DECALS, PLATES, OR TABS TO
13 THE SHERIFF'S DEPARTMENT.

14 Sec. 44518. (1) ~~An inspecting officer, designated by the~~
15 ~~department,~~ THE SHERIFF OF THE COUNTY WHERE A BOAT LIVERY IS
16 LOCATED OR A DEPUTY SHERIFF shall affix or cause to be affixed AN
17 INSPECTION DECAL, PLATE, OR TAB to each ~~and every~~ MOTORIZED
18 livery boat that ~~meets the minimum safety standards established~~
19 ~~under rules promulgated under this part an~~ PASSES THE INSPECTION
20 UNDER SECTION 44516.

21 (2) AN inspection decal, plate, or tab ~~furnished by the~~
22 ~~department which bears~~ UNDER SUBSECTION (1) EXPIRES ON MAY 31 OF
23 THE YEAR FOLLOWING THE YEAR IN WHICH THE DECAL, PLATE, OR TAB IS
24 ISSUED. THE INSPECTION DECAL, PLATE, OR TAB SHALL BEAR all of the
25 following information:

26 (a) The maximum number of persons permitted to be carried
27 aboard the vessel ~~MOTORIZED~~ LIVERY BOAT.

1 (b) The maximum horsepower of a motor permitted to be used
2 on the vessel. **MOTORIZED LIVERY BOAT.**

3 (c) Other information as the department may reasonably
4 require.

5 (3) ~~(2) Each~~ **A** boat livery owner shall pay a fee of ~~\$2.00~~ to
6 the ~~inspecting officer~~ **SHERIFF OR DEPUTY SHERIFF A FEE OF \$2.00**
7 for each decal, plate, or tab affixed to the livery boats. The
8 ~~inspecting officer shall forward all fees collected under this~~
9 ~~subsection~~ **UNDER SUBSECTION (1) TO A MOTORIZED LIVERY BOAT OTHER**
10 **THAN A NAVIGABLE WATERS LIVERY BOAT. FEES COLLECTED UNDER THIS**
11 **SUBSECTION SHALL BE FORWARDED AS FOLLOWS:**

12 (A) **EXCEPT AS PROVIDED IN SUBDIVISION (B),** to the treasurer
13 of the county in which the fee is collected to be credited for
14 the purpose of reimbursing the sheriff's department for expenses
15 incurred pursuant to **UNDER** this part. If the ~~inspecting officer~~
16 ~~is a conservation officer, fees collected under this section~~
17 ~~shall be forwarded~~

18 (B) **IF, PURSUANT TO SECTION 44516(7), A CONSERVATION OFFICER**
19 **PERFORMS THE INSPECTION,** to the department of treasury to be
20 credited to the **MARINE SAFETY SUBACCOUNT OF THE** waterways
21 account.

22 Sec. 44520. (1) The owner of a boat livery shall not rent ~~or~~
23 ~~lease~~ a livery boat more than 20 feet in length to be used on
24 navigable water ~~until~~ **EXCEPT PURSUANT TO** a written rental
25 contract ~~or lease agreement has been made between the boat livery~~
26 owner and the renter. ~~or lessee.~~

27 (2) A boat livery owner ~~or his or her designated~~

1 ~~representative OR AGENT OF THE OWNER shall not permit a livery~~
2 ~~boat to depart the premises of the boat livery if:~~ **RELINQUISH**
3 **PHYSICAL CONTROL OF ANY LIVERY BOAT TO THE PERSON RENTING THE**
4 **LIVERY BOAT OR SOMEONE IN THAT PERSON'S PARTY IF ANY OF THE**
5 **FOLLOWING APPLY:**

6 (a) The equipment required pursuant to rules promulgated
7 under this part is not aboard the livery boat.

8 (b) The livery boat contains a number of ~~persons~~ **INDIVIDUALS**
9 in excess of the maximum number approved for the livery boat and
10 ~~indicated on the inspection decal, plate, or tab affixed to the~~
11 ~~livery boat.~~ **REQUIRED TO BE DISPLAYED UNDER SUBSECTION (4).**

12 (c) The livery boat is equipped with a motor with a
13 horsepower rating in excess of the maximum horsepower approved
14 for the livery boat and indicated on the inspection decal, plate,
15 or tab affixed to the livery boat.

16 (3) **THE INDIVIDUAL RENTING A LIVERY BOAT, OR AN INDIVIDUAL**
17 **IN THE RENTER'S PARTY, IS NOT RESPONSIBLE FOR A VIOLATION OF A**
18 **RULE DESCRIBED IN SUBSECTION (2) (A) IF THE LIVERY BOAT OR**
19 **EQUIPMENT WAS IN VIOLATION WHEN THE OWNER RELINQUISHED POSSESSION**
20 **OF THE LIVERY BOAT TO THE RENTER OR THE INDIVIDUAL IN THE**
21 **RENTER'S PARTY.**

22 (4) **A LIVERY BOAT SHALL DISPLAY THE MAXIMUM NUMBER OF**
23 **PERSONS AND MAXIMUM WEIGHT OF PERSONS, GEAR, AND OTHER ITEMS THE**
24 **LIVERY BOAT IS CAPABLE OF SAFELY CARRYING UNDER NORMAL**
25 **CONDITIONS. THE INFORMATION MAY BE DISPLAYED ON THE INSPECTION**
26 **DECAL, PLATE, OR TAB REQUIRED FOR A MOTORIZED LIVERY BOAT; ON A**
27 **MANUFACTURER'S PLATE, DECAL, PLATE, OR TAB; OR BY OTHER MEANS.**

1 Sec. 44520a. (1) An owner of a nonmotorized livery boat is
2 not liable for an injury to or the death of a user of the
3 nonmotorized livery boat resulting from a risk inherent in the
4 use or operation of a nonmotorized livery boat.

5 (2) An owner of a nonmotorized livery boat shall post in
6 conspicuous locations a notice specifying that a user of the
7 nonmotorized livery boat accepts the risk inherent in the use or
8 operation of a nonmotorized livery boat.

9 (3) As used in this section:

10 (a) "Owner of a nonmotorized livery boat" means the person
11 who owns the nonmotorized livery boat, the boat livery that rents
12 ~~, leases,~~ or furnishes the nonmotorized livery boat for use, or
13 an employee or agent of the owner or boat livery.

14 (b) "Risk inherent in the use or operation of a nonmotorized
15 livery boat" means a danger or condition that is an integral part
16 of the use or operation of a nonmotorized livery boat ~~that~~ **AND** is
17 limited to 1 or more of the following:

18 (i) Wave or other water motion.

19 (ii) Weather conditions.

20 (iii) Contact or maneuvers necessary to avoid contact with
21 another vessel or a manmade object in or near the water.

22 (iv) Contact or maneuvers necessary to avoid contact with
23 rock, sand, vegetation, or other natural objects in or near the
24 water.

25 (v) Malfunction of equipment, except for equipment owned by
26 the owner of a nonmotorized livery boat.

27 (vi) Failure to use or wear a personal flotation device or to

1 have lifesaving equipment available, except if the owner of a
2 nonmotorized livery boat failed to provide the personal flotation
3 device or lifesaving equipment when required by law ~~or regulation~~
4 to do so.

5 (vii) The actions of a vessel operator, except if the owner
6 of a nonmotorized livery boat ~~leased or rented~~ the livery boat to
7 an operator who the owner knew or in the exercise of reasonable
8 care should have known was disqualified by law ~~or regulation~~ from
9 operating the livery boat.

10 (viii) Having **ON BOARD** a number of persons ~~in excess of OR~~
11 **WEIGHT OF PERSONS, GEAR, AND OTHER ITEMS THAT EXCEEDS** the maximum
12 ~~number approved for the livery boat, on board, except if~~ **IN ANY**
13 **OF THE FOLLOWING CIRCUMSTANCES:**

14 (A) **IF** the owner of a nonmotorized livery boat knowingly
15 allowed the livery boat to leave the boat livery's premises with
16 a number of persons ~~in excess of the maximum weight or number OR~~
17 **WEIGHT OF PERSONS, GEAR, AND OTHER ITEMS ON BOARD THAT EXCEEDS**
18 **THE MAXIMUM** approved for the livery boat ~~on board~~ or did not
19 properly inform the user of the maximum weight or number of
20 persons approved for the livery boat.

21 (B) **IF A NONMOTORIZED LIVERY BOAT DID NOT DISPLAY THE**
22 **MAXIMUM NUMBER OF PERSONS OR MAXIMUM WEIGHT OF PERSONS, GEAR, OR**
23 **OTHER ITEMS PERMITTED TO BE CARRIED ON BOARD AS REQUIRED UNDER**
24 **SECTION 44520 WHEN THE BOAT LIVERY OWNER RELINQUISHED PHYSICAL**
25 **CONTROL OF THE LIVERY BOAT TO THE RENTER OR AN INDIVIDUAL IN THE**
26 **RENTER'S PARTY.**

27 (c) "User of the nonmotorized livery boat" means a ~~person~~ **AN**

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1 **INDIVIDUAL** who participates in the use or operation of the
 2 nonmotorized livery boat regardless of whether the ~~person~~
 3 **INDIVIDUAL** rented ~~or leased~~ the nonmotorized livery boat.

4 **SEC. 44522A. IN ADDITION TO INSPECTIONS CONDUCTED FOR**
 5 **PURPOSES OF SECTION 44516 OR UNDER SECTION 80166, A PEACE OFFICER**
 6 **MAY INSPECT ANY LIVERY BOAT AT A BOAT LIVERY. THE PEACE OFFICER**
 7 **SHALL GIVE THE OWNER OF THE BOAT LIVERY AT LEAST 72 HOURS'**
 8 **ADVANCE NOTICE OF AN INSPECTION UNDER THIS SECTION AND SHALL**
 9 **CONDUCT THE INSPECTION AT A REASONABLE TIME.**

10 Sec. 44524. (1) A person who violates this part or a rule
 11 promulgated under this part is guilty of a misdemeanor ~~7~~
 12 punishable by imprisonment for not more than 1 year ~~7~~ or a fine
 13 of not more than \$1,000.00, or both.

14 (2) When a vessel is operated in violation of section 44502,
 15 44509, or ~~44514,~~ **44516(1) OR (2)**, the vessel may be seized as
 16 evidence, and upon conviction of the owner, the vessel may be
 17 condemned and confiscated in the same manner as provided for
 18 under part 16.

19 (3) A peace officer may issue an appearance ticket to any
 20 person violating this part or a rule promulgated under this part.

21 Enacting section 1. Sections 44514 and 44517 of the natural
 22 resources and environmental protection act, 1994 PA 451, MCL
 23 324.44514 and 324.44517, are repealed.

24 Enacting section 2. This amendatory act takes effect [\[June 1, 2012](#)
 25 **]**.