

HOUSE BILL No. 4845

June 30, 2011, Introduced by Reps. Foster and LaFontaine and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80101, 80104, and 80141 (MCL 324.80101,
324.80104, and 324.80141), section 80101 as amended by 2004 PA 547,
section 80104 as amended by 2004 PA 587, and section 80141 as added
by 1995 PA 58; 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.

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

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

6 (ii) Repair or improvement of an original or replacement
7 system, part, or component.

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

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

11 (d) "Boat" means a vessel.

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

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

15 **(i) THE DOCUMENT ISSUED BY THE DEPARTMENT UNDER PART 802 THAT**
16 **CERTIFIES THAT THE INDIVIDUAL NAMED IN THE DOCUMENT HAS**
17 **SUCCESSFULLY COMPLETED A BOATING SAFETY COURSE AND PASSED AN**
18 **EXAMINATION APPROVED AND ADMINISTERED AS REQUIRED UNDER SECTION**
19 **80212.**

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

25 **(iii) A WRITTEN RENTAL AGREEMENT PROVIDED TO AN INDIVIDUAL NAMED**
26 **IN THE RENTAL AGREEMENT ENTERED INTO UNDER SECTION 44522 ONLY ON**
27 **THE DATE OR DATES INDICATED ON THE RENTAL AGREEMENT WHILE THE NAMED**

1 INDIVIDUAL IS OPERATING A PERSONAL WATERCRAFT LEASED, HIRED, OR
2 RENTED FROM A BOAT LIVERY.

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

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

10 (ii) IS APPROVED BY THE DEPARTMENT.

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

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

18 Sec. 80141. (1) Except as otherwise provided in subsection
19 (4), a person less than 12 years of age shall not operate a
20 motorboat on the waters of this state unless all of the following
21 conditions are met:

22 (A) HE OR SHE HAS BEEN ISSUED AND IS IN POSSESSION OF A
23 BOATING SAFETY CERTIFICATE.

24 (B) ~~(a)~~—He or she is under the direct supervision of a person
25 on board the motorboat who is 16 years of age or older **AND WHO HAS**
26 **BEEN ISSUED AND IS IN POSSESSION OF BOTH A BOATING SAFETY**
27 **CERTIFICATE AND A WATERCRAFT ENDORSEMENT.**

1 (C) ~~(b)~~ The motorboat he or she operates is powered by a motor
2 or motors totaling no more than 35 horsepower.

3 (2) Except as otherwise provided in subsection (4), a person
4 12 through 15 years of age may operate a motorboat on the waters of
5 this state only if that person complies with either of the
6 following:

7 (a) He or she is accompanied by at least 1 person 16 years of
8 age or older.

9 (b) He or she is in possession of a boating safety certificate
10 issued after he or she has satisfactorily completed a department
11 approved course in boating safety.

12 (3) A person ~~12 through 15 years of age operating~~ **OR**
13 **SUPERVISING THE OPERATION OF** a motorboat ~~pursuant to subsection~~
14 ~~(2) (b)~~ **AS DESCRIBED IN THIS SECTION** shall present the boating
15 safety certificate issued to him or her upon the demand of any
16 peace officer.

17 (4) This section does not apply to the operation of a
18 motorboat that is powered by a motor or motors totaling no more
19 than 6 horsepower.

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