

HOUSE BILL NO. 4327

February 24, 2021, Introduced by Reps. Eisen, Outman, Beeler, Paquette and Hornberger and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101 and 80146 (MCL 324.80101 and 324.80146), section 80101 as amended by 2014 PA 402 and section 80146 as amended by 2020 PA 70.

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.

1 (b) "Alcoholic liquor" means that term as defined in section
2 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

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

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

8 (i) An original system, part, or component of a boat ~~at the~~
9 ~~time that~~ **when the** boat was manufactured, or a similar **system,**
10 part, or component manufactured or sold ~~for~~ **as a** replacement.

11 (ii) ~~Repair~~ **A repair** or improvement of an original or
12 replacement system, part, or component.

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

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

16 (e) "Boat" means a vessel.

17 (f) "Boat livery" means a business that holds a vessel for
18 renting, leasing, or chartering.

19 (g) "Boating safety certificate" means any of the following:

20 (i) ~~The document issued by the department under part 802 that~~
21 ~~certifies that the individual named in the document has~~
22 ~~successfully completed a boating safety course and passed an~~
23 ~~examination approved and administered as required~~ **A boating safety**
24 **certificate issued** under section 80212.

25 (ii) A document issued by the United States ~~coast guard~~
26 ~~auxiliary~~ **Coast Guard Auxiliary** or United States ~~power squadron~~
27 **Power Squadron** that certifies that the individual named in the
28 document has successfully completed a United States ~~coast guard~~
29 ~~auxiliary~~ **Coast Guard Auxiliary** course concerning boating safety.

1 (iii) A written rental agreement ~~provided to an individual named~~
2 ~~in the rental agreement~~ entered into under section 44522, **but** only
3 on the date or dates indicated on the rental agreement **and** while
4 the ~~named~~ individual **named in the rental agreement** is operating a
5 personal watercraft leased, hired, or rented from a boat livery.

6 (h) "Boating safety course" means a course that meets both of
7 the following requirements:

8 (i) Provides instruction on the safe operation of a personal
9 watercraft that meets or exceeds the minimum course content for
10 boating or personal watercraft education established by the
11 ~~national association of state boating law administrators education~~
12 ~~committee~~ **National Association of State Boating Law Administrators**
13 **Education Committee** (October 1996), a province of ~~the commonwealth~~
14 ~~of~~ Canada, or another country.

15 (ii) Is approved by the department.

16 (i) **"Connecting waterway" means the St. Marys River, Detroit**
17 **River, St. Clair River, or Lake St. Clair.**

18 (j) ~~(i)~~ "Controlled substance" means that term as defined in
19 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

20 (k) ~~(j)~~ "Conviction" means a final conviction, the payment of
21 a fine, a plea of guilty or nolo contendere if accepted by the
22 court, a finding of guilt, or a probate court or family division
23 disposition on a violation of this part, regardless of whether the
24 penalty is rebated or suspended.

25 Sec. 80146. (1) The department may promulgate rules to
26 establish maximum vessel speed limits or to allow unlimited vessel
27 speed on ~~the~~ waters of this state.

28 (2) On waters of this state for which a vessel speed limit is
29 not established under subsection (1), for which the department has

1 not established an unlimited vessel speed limit, and for which
2 stricter speed restrictions are not established pursuant to another
3 act, the maximum speed limit is 55 miles per hour, except as
4 follows:

5 (a) In an emergency as determined by local government
6 authority.

7 (b) For conservation officers and other peace officers when
8 engaged in official duties.

9 (c) In the Great Lakes and Lake St. Clair, except for an area
10 within 1 mile of the shoreline measured at a right angle from the
11 shoreline.

12 (3) Upon receipt of a resolution ~~by~~**of** the governing body of a
13 local unit of government having jurisdiction over waters of this
14 state requesting a reduction in the maximum speed limit on those
15 waters, the department, pursuant to sections 80108 and 80109 to
16 80113, may establish a maximum speed limit not to exceed 40 miles
17 per hour on those waters.

18 (4) Upon receipt of a resolution of the governing body of a
19 county or municipality requesting a reduction in the maximum vessel
20 speed limit to protect life and property during emergency
21 conditions, the department, the county emergency management
22 coordinator, or the county sheriff may establish a temporary
23 reduced maximum vessel speed limit on waters of this state located
24 in the county or municipality. In that case, the department,
25 emergency management coordinator, or sheriff, respectively, shall
26 do all of the following:

27 (a) Specify a maximum fine for violating the temporary speed
28 limit. The maximum fine shall not be greater than \$100.00 for a
29 first violation of a temporary speed limit established by that

1 authority or \$500.00 for a second or subsequent violation.

2 (b) Notify the other authorities authorized to issue temporary
3 speed limits under this subsection of the temporary speed limit.

4 (c) Post the temporary speed limit, the maximum fine, and a
5 description of the affected waters **of this state** on its website.

6 (d) Subject to section 80159, place buoys sufficient to advise
7 vessel operators of the temporary speed limit.

8 (5) A person who violates a temporary speed limit established
9 by the department under subsection (4) is responsible for a state
10 civil infraction and subject to a civil fine as specified pursuant
11 to subsection (4). A person who violates a temporary speed limit
12 established by an emergency management coordinator or sheriff is
13 responsible for a municipal civil infraction and subject to a civil
14 fine as specified pursuant to subsection (4).

15 (6) ~~A-Subject to subsection (7), a~~ temporary speed limit under
16 subsection (4) shall remain in effect for not more than 14 days. A
17 temporary speed limit may be reissued once per calendar year.
18 However, a temporary speed limit may be reissued twice per calendar
19 year if, before adopting the resolution requesting the second
20 reissuance, the county or municipality submitted to the department
21 an application and resolution for a temporary ordinance under
22 section 80112a in lieu of the temporary speed limit under
23 subsection (4). ~~Temporary-Subject to subsection (7), temporary~~
24 speed limits under subsection (4) shall only be in effect during
25 the period from September 1 to June 20. However, a temporary speed
26 limit may be in effect during the period from June 21 to June 30 if
27 it is the first or second reissuance of a temporary speed limit and
28 if, before adopting the resolution requesting that reissuance, the
29 county or municipality submitted to the department an application

1 and resolution for a temporary ordinance under section 80112a in
2 lieu of the temporary speed limit under subsection (4).

3 **(7) If requested by the governing body of the county or**
4 **municipality in the resolution under subsection (4), a temporary**
5 **speed limit applicable to areas of the Great Lakes or a connecting**
6 **waterway where the nearest shoreline in this state has an elevation**
7 **of less than 600 feet above sea level may be in effect at any time**
8 **of the year and may remain in effect until a date not later than 3**
9 **years after the effective date of the amendatory act that added**
10 **this subsection.**

11 **(8) ~~(7)~~**—A temporary speed limit under subsection (4) shall not
12 prohibit the use of any type of vessel.

13 **(9) ~~(8)~~**—During a state of emergency or disaster declared by
14 the governor pursuant to law, the governor may establish restricted
15 wake zones if necessary and appropriate to address emergency or
16 disaster conditions.

17 **(10) ~~(9)~~**—A person shall not operate a vessel on the waters of
18 this state at a speed greater than slow-no wake speed or the
19 minimum speed necessary for the vessel to maintain forward movement
20 when within 100 feet of the shoreline where the water depth is less
21 than 3 feet, as determined by vertical measurement, except in
22 navigable channels not otherwise posted.

23 **(11) ~~(10)~~**—A person who violates subsection (2) or (3) is
24 responsible for a state civil infraction and may be ordered to pay
25 a civil fine of not more than \$500.00, unless 1 of the following
26 conditions exists:

27 (a) The requirements of this section have been waived ~~as~~
28 ~~described~~ under subsection ~~(11)~~. **(12)**.

29 (b) The person violates this section in a manner that

1 constitutes reckless operation of a vessel as described in section
2 80147.

3 **(12)** ~~(11)~~—The department may waive the requirements of this
4 section and section 80156 for marine events authorized by the
5 department under section 80164.