

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.80104.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

324.80104.amended "Highly restricted personal information" defined; definitions; P to W.

Sec. 80104. As used in this part:

(a) "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, and medical and disability information.

(b) "Passenger" means an individual carried on board, attached to, or towed by a vessel, other than the operator.

(c) "Peace officer" means any of the following:

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of a municipality.

(vi) An officer of the department of state police.

(vii) The director and conservation officers employed by the department.

(d) "Personal information" means information that identifies an individual, including an individual's driver license number, name, address not including zip code, and telephone number, but does not include information on watercraft operation and equipment-related violations or civil infractions, operator or vehicle registration status, accidents, or other behaviorally related information.

(e) "Personal watercraft" means that term as defined in 40 CFR 1045.801.

(f) "Political subdivision" means a county, metropolitan authority, municipality, or combination of those entities in this state. If a body of water is located in more than 1 political subdivision, all of the subdivisions shall act individually in order to comply with this part, except that if the problem is confined to a specific area of the body of water, only the political subdivision in which the problem waters lie shall act.

(g) "Port" means left, and reference is to the port side of a vessel or to the left side of the vessel.

(h) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) A violation or an attempted violation of section 80176(1), (3), (4), (5), (6), or (7), except that only 1 violation or attempted violation of section 80176(6), a local ordinance substantially corresponding to section 80176(6), a law of another state substantially corresponding to section 80176(6), or a law of the United States substantially corresponding to section 80176(6) may be used as a prior conviction other than for enhancement purposes as provided in section 80178a(1)(b).

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of a vessel or an attempt to commit any of those crimes.

(iii) Former section 73, 73b, or 171(1) of the marine safety act.

(i) "Probate court or family division disposition" means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(j) "Prosecuting attorney", unless the context requires otherwise, means the attorney general, prosecuting attorney of a county, or attorney representing a political subdivision of government.

(k) "Regatta", "boat race", "marine parade", "tournament", or "exhibition" means an organized water event of limited duration that is conducted according to a prearranged schedule.

(l) "Slow—no wake speed" means a very slow speed whereby the wake or wash created by the vessel would be minimal.

(m) "Specialty court program" means a program under any of the following:

(i) A drug treatment court, as defined in section 1060 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult.

(ii) A DWI/sobriety court, as defined in section 1084 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1084.

(iii) A hybrid of the programs under subparagraphs (i) and (ii).

(iv) A mental health court as defined in section 1090 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.1090.

(v) A veterans treatment court, as defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

(n) "Starboard" means right, and reference is to the starboard side of a vessel or to the right side of the vessel.

(o) "State aid" means payment made by this state to a county for the conduct of a marine safety program.

(p) "Temporary ordinance" means a type of local ordinance adopted by a political subdivision of this state under section 80112a that includes, but is not limited to, a local watercraft control or administrative rule.

(q) "Undocumented vessel" means a vessel that does not have, and is not required to have, a valid marine document issued by the United States Coast Guard or federal agency successor to the United States Coast Guard.

(r) "Uniform inspection decal" means an adhesive-backed sticker created by the department that is color-coded to indicate the year that it expires and is attached to a vessel in the manner prescribed for decals in section 80122 when a peace officer inspects and determines that the vessel complies with this part.

(s) "Use" means operate, navigate, or employ.

(t) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

(u) "Waters of this state" means any waters within the territorial limits of this state, and includes those waters of the Great Lakes that are under the jurisdiction of this state.

(v) "Waterways account" means the waterways account established in section 2035.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2012, Act 58, Eff. Nov. 1, 2012;—Am. 2014, Act 402, Eff. Mar. 31, 2015;—Am. 2020, Act 72, Imd. Eff. Apr. 2, 2020;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: Marine Safety Act

Popular name: NREPA