

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

***** 324.80312.amended THIS AMENDED SECTION IS EFFECTIVE MAY 21, 2024 *****

324.80312.amended Certificate of title for watercraft; issuance; compliance; transfer of ownership; requirements; petition for watercraft not owned; proof of ownership and right of possession; statement of lien.

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

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

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

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

(d) As provided in subsection (3).

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

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

(b) Pay the fee prescribed in section 80311.

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

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

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

(b) On the date of the petition, the total value of the deceased owner's interest in all watercraft subject to the petition for a certificate or certificates of title under this section does not exceed the following dollar amount, as applicable:

(i) For calendar years through 2023, \$100,000.00.

(ii) For the 2024 and 2025 calendar years, \$300,000.00.

(iii) For the 2026 calendar year and each calendar year thereafter, a dollar amount equal to the product of the dollar amount applicable for the immediately preceding calendar year multiplied by the cost-of-living adjustment factor, rounded to the nearest \$1,000.00. Beginning with the dollar amount for the 2026 calendar year, and annually thereafter, the department of treasury shall certify and publish the adjusted dollar amount applicable for each calendar year by September 1 of the prior calendar year. As used in this subparagraph:

(A) "Cost-of-living adjustment factor" means a fraction, the numerator of which is the United States Consumer Price Index for the year before the prior calendar year and the denominator of which is the United States Consumer Price Index for 2023.

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

(c) The petitioner is 1 of the following, in the following order of priority:

(i) The surviving spouse of the watercraft owner.

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

(d) The petitioner furnishes the secretary of state with proof satisfactory to the secretary of state of all of the following:

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

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

(4) A certification by the person, or agent of the person, to whom possession of the watercraft passed, that sets forth the facts entitling that person to possession and ownership of the watercraft, together with a copy of the journal entry, court order, instrument, or other document upon which the claim of possession and ownership is founded, are satisfactory proof of ownership and right of possession. If the applicant cannot produce proof of ownership, the applicant may apply to the secretary of state for a certificate of title and submit evidence that establishes that person's ownership interest in the watercraft. If the secretary of state finds the evidence sufficient, the secretary of state may issue to that person a certificate of title for that

watercraft. The office of secretary of state shall examine the records in its possession and, if it determines from that examination that a lien is on the watercraft, and if the applicant fails to provide satisfactory evidence of extinction of the lien, the secretary of state shall furnish a certificate of title that contains a statement of the lien.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2000, Act 65, Eff. Apr. 1, 2000;—Am. 2024, Act 4, Eff. May 21, 2024.

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Popular name: Watercraft Title Act