

HOUSE BILL No. 5179

September 26, 1991, Introduced by Reps. Gubow, DeMars, Perry Bullard, Dobronski, Nye, Sparks, Willis Bullard, Power, Kosteva and Profit and referred to the Committee on Judiciary.

A bill to amend the title and sections 6, 27, 33, 35, 36, 71, 72, 72a, 75, 76, 77, 78, 79, 80, 101, 114, 141, 161, 162, 163, 164, 165, 166, 191, and 192 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

section 33 as amended by Act No. 59 of the Public Acts of 1990, section 35 as amended by Act No. 425 of the Public Acts of 1980, section 36 as amended by Act No. 56 of the Public Acts of 1988, sections 101, 162, 163, 164, and 165 as amended by Act No. 494 of the Public Acts of 1988, and section 114 as amended by Act No. 289 of the Public Acts of 1990, being sections 281.1006, 281.1027, 281.1033, 281.1035, 281.1036, 281.1071, 281.1072, 281.1072a, 281.1075, 281.1076, 281.1077, 281.1078, 281.1079, 281.1080, 281.1101, 281.1114, 281.1141, 281.1161, 281.1162, 281.1163, 281.1164, 281.1165, 281.1166, 281.1191, and 281.1192 of

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

18	TITLE
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1 uniformity of laws relating thereto; to prescribe the duties and
2 responsibilities of owners and operators of vessels and motor-
3 boats; TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT; to prescribe
4 the powers and duties of certain state departments AND AGENCIES;
5 to provide for the disposition of revenue; and to ~~provide for~~
6 PRESCRIBE penalties AND PROVIDE REMEDIES.

7 Sec. 6. As used in this act:

8 (a) "Boating safety certificate" means a certificate issued
9 by the director evidencing that the holder has successfully com-
10 pleted a state approved course of instruction in boating safety.

11 (b) "Vessel" means every description of watercraft, other
12 than a seaplane on the water, used or capable of being used as a
13 means of transportation on water.

14 (c) "Motorboat" means a vessel propelled WHOLLY OR IN PART
15 by machinery. ~~, whether or not machinery is the principal~~
16 ~~source of propulsion.~~

17 (d) "Lifeboat" means a small boat designated and used solely
18 for lifesaving purposes, and does not include ~~dinghies, tenders,~~
19 ~~speedboats~~ A DINGHY, TENDER, SPEEDBOAT, or other ~~types~~ TYPE of
20 craft THAT IS NOT carried aboard ~~vessels and used for other~~
21 ~~than~~ A VESSEL FOR lifesaving purposes.

22 (e) "Person" means an individual, partnership, firm, corpo-
23 ration, company, association, or governmental entity, and
24 includes a trustee, receiver, assignee or similar representative
25 of any of them.

26 (f) "Owner" means a person who claims OR IS ENTITLED TO
27 lawful possession of a vessel by virtue of THAT PERSON'S legal

1 title or equitable interest ~~therein which entitles him to the~~
2 ~~possession~~ IN THAT VESSEL.

3 (g) "Boat" means a vessel ~~which is manufactured~~ THAT IS
4 ANY OF THE FOLLOWING:

5 (i) MANUFACTURED or used primarily for noncommercial use.
6 ~~, leased,~~

7 (ii) LEASED, rented, or chartered to another for ~~the~~
8 ~~latter's~~ noncommercial use. ~~, or engaged~~

9 (iii) ENGAGED in the carrying of not more than 6
10 passengers.

11 (h) "Associated equipment" means ~~a~~ ANY OF THE FOLLOWING
12 THAT IS NOT RADIO EQUIPMENT:

13 (i) AN ORIGINAL system, part, or component of a boat ~~as~~
14 ~~originally~~ AT THE TIME THAT BOAT WAS manufactured, or a similar
15 part or component manufactured or sold for replacement. ~~,~~

16 (ii) A repair or improvement of ~~the~~ AN ORIGINAL OR
17 REPLACEMENT system, part, or component. ~~, an~~

18 (iii) AN accessory or equipment for, or appurtenance to, a
19 boat. ~~, or a~~

20 (iv) A marine safety article, accessory, or equipment
21 intended for use by a person on board a boat. ~~It does not~~
22 ~~include radio equipment.~~

23 (i) "Operator" means the person who is in control or in
24 charge of a vessel while ~~it~~ THAT VESSEL is in use.

25 (j) "Passenger" means ~~a~~ ANY OF THE FOLLOWING:

26 (i) A person carried on board a vessel other than the owner
27 or his OR HER representative. ~~, the~~

1 (ii) THE operator. ~~, bona fide~~

2 (iii) BONA FIDE members of the crew engaged in the business
3 of the vessel who have not contributed consideration for their
4 carriage and who are paid for their services. ~~, or a~~

5 (iv) A guest on board a vessel ~~which~~ THAT is being used
6 exclusively for pleasure purposes who has not contributed consid-
7 eration, directly or indirectly, for his OR HER carriage.

8 (k) "Undocumented vessel" means a vessel ~~which~~ THAT does
9 not have, and is not required to have, a valid marine document
10 issued by the United States coast guard or A federal agency suc-
11 cessor ~~thereto~~ TO THE UNITED STATES COAST GUARD.

12 (l) "Use" means operate, navigate, or employ.

13 (m) "Boat livery" means a business ~~which~~ THAT holds a
14 vessel for renting, leasing, or chartering.

15 (n) "Manufacturer" means a person engaged in ~~the~~ ANY OF
16 THE FOLLOWING:

17 (i) THE manufacture, construction, or assembly of boats or
18 associated equipment. ~~, the~~

19 (ii) THE manufacture or construction of components for boats
20 and associated equipment to be sold for subsequent assembly. →
21 ~~or the~~

22 (iii) THE importation of a boat or associated equipment into
23 the state for sale.

24 (o) "CIVIL INFRACTION" MEANS AN ACT OR OMISSION PROHIBITED
25 BY LAW THAT IS SUBJECT TO A CIVIL SANCTION, BUT THAT IS NOT A
26 CRIME AS DEFINED IN SECTION 5 OF THE MICHIGAN PENAL CODE, ACT

1 NO. 328 OF THE PUBLIC ACTS OF 1931, AS AMENDED, BEING SECTION
2 750.5 OF THE MICHIGAN COMPILED LAWS.

3 (P) "CIVIL INFRACTION DETERMINATION" MEANS A DETERMINATION
4 THAT A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION BY 1 OF THE
5 FOLLOWING:

6 (i) AN ADMISSION OF RESPONSIBILITY FOR THE CIVIL
7 INFRACTION.

8 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE CIVIL INFRAC-
9 TION, "WITH EXPLANATION".

10 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING
11 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 185 OR 186.

12 (iv) A DEFAULT JUDGMENT, FOR FAILING TO APPEAR AS DIRECTED
13 BY A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
14 SECTION 184(3)(B) OR(4), AT A SCHEDULED INFORMAL HEARING UNDER
15 SECTION 185, OR AT A SCHEDULED FORMAL HEARING UNDER SECTION 186.

16 (Q) "MARINE LAW" MEANS THIS ACT OR A RULE OR LOCAL ORDINANCE
17 ESTABLISHED IN CONFORMITY WITH THIS ACT.

18 (R) "IDENTIFICATION DOCUMENT" MEANS ANY OF THE FOLLOWING:

19 (i) A VALID MICHIGAN OPERATOR'S OR CHAUFFEUR'S LICENSE.

20 (ii) A VALID DRIVER'S OR CHAUFFEUR'S LICENSE ISSUED BY AN
21 AGENCY, DEPARTMENT, OR BUREAU OF THE UNITED STATES OR ANOTHER
22 STATE.

23 (iii) AN OFFICIAL IDENTIFICATION CARD ISSUED BY AN AGENCY,
24 DEPARTMENT, OR BUREAU OF THE UNITED STATES, THIS STATE, OR
25 ANOTHER STATE.

26 (iv) AN OFFICIAL IDENTIFICATION CARD ISSUED BY A POLITICAL
27 SUBDIVISION OF THIS STATE OR ANOTHER STATE.

1 Sec. 27. The department may adopt such rules as may be
2 necessary to carry out ~~the provisions of this section~~ ACT.

3 Sec. 33. (1) Except as otherwise provided in this section,
4 the owner of a vessel required to be numbered and to display a
5 decal shall file an application for a certificate of number with
6 the secretary of state. ~~Application forms shall be prescribed~~
7 ~~and furnished by the secretary of state.~~ THE SECRETARY OF STATE
8 SHALL PRESCRIBE AND FURNISH CERTIFICATE OF TITLE APPLICATION
9 FORMS. If a vessel REQUIRING A CERTIFICATE OF TITLE UNDER ACT
10 NO. 160 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 281.1201 TO
11 281.1223 OF THE MICHIGAN COMPILED LAWS, is sold by a dealer, THAT
12 DEALER SHALL COMBINE the application for a certificate of number
13 ~~shall be combined~~ THAT IS SIGNED BY THE VESSEL OWNER with the
14 application for a certificate of title. ~~if a certificate of~~
15 ~~title is required by Act No. 160 of the Public Acts of 1976,~~
16 ~~being sections 281.1201 to 281.1223 of the Michigan Compiled~~
17 ~~Laws. The certificate of number shall be obtained by the~~ THE
18 dealer SHALL OBTAIN THE CERTIFICATE OF NUMBER in the name of the
19 owner. ~~The application shall be signed by the owner of the~~
20 ~~vessel.~~ A person shall not file an application for a certificate
21 of number ~~which~~ THAT contains false information. A dealer who
22 fails to submit an application as required by this section is
23 guilty of a misdemeanor punishable by a fine of not more than
24 \$100.00, or ~~imprisoned~~ IMPRISONMENT for not more than 90 days,
25 or both.

26 (2) A dealer who submits an application for a certificate of
27 number as provided in subsection (1) may issue to the owner of

1 the vessel a 15-day temporary permit, on forms prescribed by the
 2 secretary of state, for the use of the vessel while the certifi-
 3 cate of number is being issued.

4 (3) A dealer may issue a 15-day permit, on a form prescribed
 5 by the secretary of state, for the use of a vessel purchased in
 6 this state and delivered to the purchaser for removal to a place
 7 outside of this state, if the purchaser certifies by his or her
 8 signature that the vessel will be registered and primarily used
 9 and stored outside of this state and will not be returned to this
 10 state by the purchaser for use or storage. A certificate of
 11 number shall not be issued for a vessel holding a permit under
 12 this subsection.

13 (4) A 15-day temporary permit issued under subsection (2) or
 14 (3) shall not be renewed or extended.

15 (5) A person shall ~~not use~~ OPERATE or permit the ~~use~~
 16 OPERATION of a vessel for which a 15-day temporary permit has
 17 been issued under this section ~~unless~~ ONLY IF the temporary
 18 permit is valid and ~~carried on board while the vessel is being~~
 19 ~~used and~~ displayed on the vessel as prescribed by rule promul-
 20 gated by the department.

21 (6) Except as otherwise provided in this section, an appli-
 22 cation shall be accompanied by a fee as follows:

23 (a) A 15-day temporary permit issued under subsec-
 24 tion (3)..... \$ 10.00

25 (b) Nonpowered vessels, other than nonmotorized
 26 canoes or kayaks, except as provided in section 32..... 8.25

1	(c) Nonmotorized canoes or kayaks except as	
2	provided in section 32.....	4.50
3	(d) Motorboats less than 12 feet in length.....	14.00
4	(e) Motorboats 12 feet or over but less than 16	
5	feet in length.....	16.75
6	(f) Motorboats 16 feet or over but less than 21	
7	feet in length.....	41.75
8	(g) Motorboats 21 feet or over but less than 28	
9	feet in length.....	90.00
10	(h) Motorboats 28 feet or over but less than 35	
11	feet in length.....	168.00
12	(i) Motorboats 35 feet or over but less than 42	
13	feet in length.....	244.00
14	(j) Motorboats 42 feet or over but less than 50	
15	feet in length.....	280.00
16	(k) Motorboats 50 feet in length or over.....	448.00
17	(l) Pontoon vessels regardless of size.....	22.50
18	(m) Motorized canoes regardless of size.....	14.00
19	(n) Vessels licensed under the commercial fishing	
20	law of 1929, Act No. 84 of the Public Acts of 1929,	
21	being sections 308.1 to 308.51 of the Michigan Compiled	
22	Laws.....	15.00
23	(o) Vessels carrying passengers for hire that are	
24	in compliance with the charter and livery boat safety	
25	act, Act No. 244 of the Public Acts of 1986, being sec-	
26	tions 281.571 to 281.595 of the Michigan Compiled Laws,	
27	or under federal law; and vessels carrying passengers	

1 and freight or freight only and owned within this state
 2 or hailing from a port within this state..... 45.00

3 (p) Beginning January 1, 1991, motorboats 21 feet
 4 or over but less than 28 feet in length..... 115.00

5 (7) The length of a vessel is the distance from end to end
 6 over the deck, excluding the longitudinal upward or downward
 7 curve of the deck, fore and aft. A pontoon boat shall be mea-
 8 sured by the length of its deck, fore and aft.

9 (8) Payment of the fee specified by this section exempts the
 10 vessel from the tax imposed by the general property tax act, Act
 11 No. 206 of the Public Acts of 1893, as amended, being sections
 12 211.1 to 211.157 of the Michigan Compiled Laws.

13 (9) Upon receipt of an initial application for a certificate
 14 of number in approved form and payment of the required fee, the
 15 secretary of state shall enter the information upon the official
 16 records and issue to the applicant a certificate of number con-
 17 taining the number awarded to the vessel, the name and address of
 18 the owner, and other information the secretary of state

19 ~~considers~~ DETERMINES necessary. The certificate of number
 20 shall be pocket size and legible. ~~When the vessel is in use,~~
 21 ~~the operator shall present the certificate of number for inspec-~~
 22 ~~tion upon demand of a law enforcement or conservation officer.~~

23 EXCEPT AS PROVIDED IN SUBSECTION (13), A PERSON OPERATING A
 24 VESSEL SHALL PRESENT THAT VESSEL'S CERTIFICATE OF NUMBER TO A
 25 PEACE OFFICER UPON THE PEACE OFFICER'S REQUEST.

26 (10) If a check or draft ~~in payment of a fee or tax~~
 27 payable to the secretary of state under this act is not paid on

1 its first presentation, the fee or tax is delinquent as of the
2 date the draft or check was tendered. The person tendering the
3 check or draft remains liable for the payment of each fee or tax
4 and a penalty.

5 (11) ~~The secretary of state may suspend a certificate of~~
6 ~~number when the secretary of state determines~~ UPON DETERMINING
7 that a fee or tax required by this act has not been paid and
8 remains unpaid after reasonable notice and demand, THE SECRETARY
9 OF STATE MAY SUSPEND A CERTIFICATE OF NUMBER.

10 (12) If a fee or tax ~~is still~~ REMAINS delinquent 15 days
11 after the secretary of state gives notice to the person tendering
12 the check or draft DESCRIBED IN SUBSECTION (10), THE SECRETARY OF
13 STATE SHALL ASSESS AND COLLECT a penalty ~~shall be assessed and~~
14 ~~collected in addition to the fee or tax. The penalty shall be~~
15 OF \$5.00 or 20% of the check or draft, whichever is larger, IN
16 ADDITION TO THE FEE OR TAX.

17 (13) The ~~certificate of number for vessels~~ OWNER OR AUTHO-
18 RIZED AGENT OF THE OWNER OF A VESSEL less than 26 feet in length
19 ~~and~~ THAT IS leased or rented to ~~another~~ A PERSON, PARTNER-
20 SHIP, CORPORATION, OR OTHER ENTITY for ~~the~~ noncommercial use
21 ~~of that person~~ for not more than 24 hours may ~~be retained on~~
22 ~~shore by the vessel's owner or the owner's authorized~~
23 ~~representative~~ RETAIN, at the place from which the vessel
24 departs or returns to the possession of the owner or the owner's
25 representative, THE CERTIFICATE OF NUMBER FOR THAT VESSEL if a
26 copy of the lease or rental agreement ~~, signed by the owner or~~
27 ~~the owner's authorized representative and by the person leasing~~

1 ~~or renting the vessel,~~ is on ~~board~~ THE VESSEL. UPON THE
 2 DEMAND OF A PEACE OFFICER, THE OPERATOR SHALL PRODUCE FOR INSPEC-
 3 TION EITHER THE CERTIFICATE OF NUMBER OR A COPY OF THE LEASE OR
 4 RENTAL AGREEMENT FOR THAT VESSEL. The lease or rental agreement
 5 shall contain ~~both~~ EACH of the following:

6 (a) The vessel number that appears on the certificate of
 7 number.

8 (b) The period of time for which the vessel is leased or
 9 rented. ~~When the vessel is in use, the operator shall present~~
 10 ~~the certificate of number or the lease or rental agreement for~~
 11 ~~inspection upon demand of a law enforcement or conservation~~
 12 ~~officer.~~

13 (C) THE SIGNATURE OF THE VESSEL'S OWNER OR THAT PERSON'S
 14 AUTHORIZED AGENT.

15 (D) THE SIGNATURE OF THE PERSON LEASING OR RENTING THE
 16 VESSEL.

17 (14) ~~The~~ UPON RECEIPT OF A CERTIFICATE OF NUMBER FOR A
 18 VESSEL, THE owner of ~~a~~ THAT vessel ~~, other than a nonpowered~~
 19 ~~vessel 12 feet or under in length, having been issued a certifi-~~
 20 ~~cate of number for the vessel~~ shall paint on or attach in a per-
 21 manent manner to each side of the forward half of the vessel the
 22 ~~identifying~~ number IDENTIFIED IN THE CERTIFICATE OF NUMBER, in
 23 the manner prescribed by rules promulgated by the commission. ~~A~~
 24 ~~person, partnership, corporation, or other entity which rents or~~
 25 ~~leases vessels shall be assigned~~ THE SECRETARY OF STATE SHALL
 26 ASSIGN TO THE OWNER OF VESSELS FOR RENT OR LEASE a block of
 27 numbers sufficient to number consecutively all ~~the~~ OF THAT

1 OWNER'S RENTAL OR LEASE vessels. ~~which the person, partnership,~~
2 ~~corporation, or other entity rents or leases.~~ The ~~number shall~~
3 ~~be maintained~~ OWNER SHALL MAINTAIN THE NUMBERS in a legible
4 condition. A vessel documented by the United States coast guard
5 or a federal agency that is the successor to the United States
6 coast guard ~~shall~~ IS not ~~be~~ required to display numbers under
7 this act but shall ~~be required to~~ display a decal indicating
8 payment of the fee prescribed in subsection (6), and shall other-
9 wise be in compliance with this act. THIS SUBSECTION DOES NOT
10 APPLY TO A NONPOWERED VESSEL 12 FEET OR LESS IN LENGTH.

11 (15) Upon receipt of an application for a certificate of
12 number in an approved form, and payment of the fee required by
13 this act, the secretary of state shall issue a decal indicating
14 that the vessel is numbered in compliance with this act. The
15 decal shall be color coded and dated to indicate the year the
16 decal expires. The manner in which the decal is displayed shall
17 be as prescribed by rule promulgated by the commission.

18 (16) A decal ~~shall be~~ IS valid for a 3-year period ~~which~~
19 THAT begins on April 1 and expires on March 31 of the third
20 year. An original certificate of number may be issued up to 90
21 days prior to April 1. A numbering renewal decal or other
22 renewal device may be issued up to 90 days prior to the expira-
23 tion of a certificate. Each currently issued certificate which
24 expires on December 31, 1989, 1990, or 1991 shall remain effec-
25 tive until March 31, 1990, 1991, or 1992 as provided in this
26 section.

1 (17) Upon receipt of a request for renewal of a decal and
 2 payment of the fee prescribed in subsection (6), the secretary of
 3 state shall issue to the applicant a decal as provided in subsec-
 4 tion (15).

5 (18) The numbering system adopted pursuant to this act shall
 6 be in accordance with the standard system of numbering estab-
 7 lished by the secretary of the department in which the United
 8 States coast guard operates.

9 (19) An agency of this state, a political subdivision of
 10 this state, or a state supported college or university of this
 11 state ~~shall register vessels owned by it and~~ THAT OWNS A VESSEL
 12 THAT IS required to be numbered under this act ~~and pay a~~ SHALL
 13 REGISTER THAT VESSEL AND UPON PAYMENT OF EITHER OF THE FOLLOWING
 14 SHALL RECEIVE FROM THE SECRETARY OF STATE A CERTIFICATE OF NUMBER
 15 FOR THAT VESSEL:

16 (A) A fee of \$3.00 for ~~each~~ A vessel THAT IS NOT USED FOR
 17 RECREATIONAL, COMMERCIAL, OR RENTAL PURPOSES. ~~However, if the~~

18 (B) THE FEE REQUIRED UNDER SUBSECTION (6) FOR A vessel THAT
 19 is used for recreational, commercial, or rental purposes. ~~the~~
 20 ~~fees provided in subsection (6) shall apply. Upon payment of the~~
 21 ~~fee a certificate of number shall be issued for the vessel.~~

22 (20) A vessel manufactured before 1940 and owned solely as a
 23 collector's item and not used other than in club activities,
 24 exhibitions, tours, parades, and other similar activities is an
 25 historic vessel. ~~An historic vessel shall, upon proper applica-~~
 26 ~~tion, be numbered as an historic vessel. Application~~ THE
 27 SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC APPLICATION

1 forms for certificates of number for historic vessels, ~~shall be~~
2 ~~available from the secretary of state~~ AND UPON RECEIPT OF A COM-
3 PLETED APPLICATION FORM AND FEE SHALL NUMBER AN HISTORIC VESSEL
4 AS AN HISTORIC VESSEL. The fee for the numbering of an historic
5 vessel ~~shall be~~ IS 1/3 of the otherwise applicable fee speci-
6 fied in subsection (6).

7 (21) ~~if~~ UPON APPLICATION TO THE SECRETARY OF STATE, the
8 owner of a nonmotorized canoe or kayak WHO registered that vessel
9 under this act between January 1, 1989 and ~~the effective date of~~
10 ~~this subsection, upon application to the secretary of state, that~~
11 ~~person~~ APRIL 17, 1990 shall receive a refund of a portion of the
12 registration fee equal to the difference in the amount that owner
13 paid and the fee amount provided in subsection (6)(c).

14 (22) A PERSON WHO VIOLATES SUBSECTION (9), (12), (14), OR
15 (15) IS RESPONSIBLE FOR A CIVIL INFRACTION.

16 Sec. 35. (1) The owner of a vessel shall notify the secre-
17 tary of state within 15 days if the vessel is destroyed, aban-
18 doned, or sold, ~~or~~ OR if an interest in the vessel is trans-
19 ferred, either wholly or in part, to another person. ~~or if~~
20 ~~the owner's address no longer conforms to the address appearing~~
21 ~~on the certificate of number.~~ The notice shall consist of a sur-
22 render of the certificate of number, on which the ~~proper~~ infor-
23 mation REQUIRED UNDER THIS SECTION shall be noted ~~on a place to~~
24 ~~be provided~~ on the certificate. ~~When~~ IF the surrender of the
25 certificate is due to the vessel being destroyed or abandoned,
26 the secretary of state shall cancel the certificate and enter

1 that fact in the secretary of state's records and the number may
2 be reassigned.

3 (2) THE OWNER OF A VESSEL SHALL NOTIFY THE SECRETARY OF
4 STATE IF THE OWNER'S ADDRESS NO LONGER CONFORMS TO THE ADDRESS
5 APPEARING ON THE CERTIFICATE OF NUMBER.

6 (3) ~~(2) The owner of a destroyed vessel, upon proper~~ UPON
7 application, THE OWNER OF A DESTROYED VESSEL may receive a new
8 certificate of number FOR A REPLACEMENT VESSEL, valid for the
9 remainder of the numbering period, ~~for a replacement vessel,~~ if
10 all of the following conditions are met:

11 (a) The replacement vessel is owned by the same person who
12 owned the destroyed vessel.

13 (b) The owner of the replacement vessel pays additional
14 fees, if required under section 33, due to the change in vessel
15 size or classification.

16 (c) ~~Payment of~~ THE OWNER OF THE REPLACEMENT VESSEL PAYS a
17 \$2.00 application fee.

18 (4) ~~(3)~~ If the fees required for the replacement vessel
19 under section 33 are less than the fees ~~which~~ THAT were
20 required for the destroyed vessel, the owner of the vessel shall
21 not receive a refund.

22 (5) ~~(4)~~ If the surrender of the certificate of number is
23 due to a change of the owner's address, the new address shall be
24 recorded by the secretary of state and a certificate of number
25 bearing that information shall be returned to the owner.

26 (6) ~~(5) The transferee of~~ WITHIN 15 DAYS AFTER ACQUIRING a
27 vessel registered under this act, ~~within 15 days after~~

1 ~~acquisition of the vessel,~~ THE TRANSFEREE shall ~~make~~
 2 ~~application~~ APPLY to the secretary of state for transfer ~~to the~~
 3 ~~transferee~~ of the certificate of number issued to the vessel TO
 4 THE TRANSFEREE. The transferee shall provide his or her name,
 5 address, and the number of the vessel, and pay to the secretary
 6 of state a transfer fee of \$2.00. The registration fee for the
 7 certificate of number shall be 2/3 the fee provided in section 33
 8 if the transferred certificate of number would have remained
 9 valid for 1 year or less. The registration fee for the certifi-
 10 cate of number ~~shall be~~ IS 1/3 the fee provided in section 33
 11 if the transferred certificate of number would have remained
 12 valid for more than 1 year but less than 2 years. ~~AN~~ THE SEC-
 13 RETARY OF STATE SHALL NOT ASSESS AN additional registration fee
 14 ~~shall not be assessed~~ if the transferred registration would
 15 have remained valid for 2 or more years. Unless the application
 16 is made and the fee paid within 15 days after acquisition of the
 17 vessel, the vessel ~~shall be considered to be~~ IS without certif-
 18 icate of number and a person shall not operate ~~the~~ THAT vessel
 19 until a certificate is issued. Upon receipt of the application
 20 and appropriate fees, the secretary of state shall transfer the
 21 certificate of number issued for the vessel to the ~~new owner~~
 22 TRANSFEREE. The certificate of number ~~shall be~~ IS valid for a
 23 3-year period.

24 (7) ~~(6)~~ If a certificate of number is lost, mutilated, or
 25 illegible, the owner of the vessel shall obtain a duplicate of
 26 the certificate upon application and payment of a fee of \$2.00.

1 (8) A PERSON WHO VIOLATES SUBSECTION (2) IS RESPONSIBLE FOR
2 A CIVIL INFRACTION.

3 Sec. 36. (1) A dealer shall apply for and obtain from the
4 secretary of state dealer certificates of number and dealer
5 decals for each vessel of the dealer that is tested, demon-
6 strated, or otherwise operated. Upon receipt of an application
7 in ~~approved~~ A form APPROVED BY THE SECRETARY OF STATE and pay-
8 ment of \$30.00 for each set of dealer certificates of number and
9 dealer decals, the secretary of state shall issue to the appli-
10 cant the dealer certificates of number and dealer decals. A
11 single dealer certificate of number and dealer decal issued pur-
12 suant to this section may be used on only 1 vessel at ~~any given~~
13 A time.

14 (2) ~~When~~ THE OPERATOR OF a vessel ~~is operated pursuant~~
15 ~~to~~ GOVERNED BY this section ~~—~~ SHALL DO EACH OF THE FOLLOWING:

16 (A) MAINTAIN the dealer certificate of number ~~shall be~~ on
17 board the vessel. ~~and shall be displayed upon~~

18 (B) UPON demand of a ~~law enforcement or conservation~~ PEACE
19 officer DISPLAY THE DEALER CERTIFICATE OF NUMBER. ~~In addition,~~
20 ~~an identifying number and dealer decal shall be temporarily~~
21 ~~displayed~~

22 (C) TEMPORARILY DISPLAY THE IDENTIFYING NUMBER AND DEALER
23 DECAL on the vessel in accordance with rules promulgated by the
24 commission.

25 (3) A PERSON SHALL NOT OPERATE A vessel numbered under this
26 section ~~shall not be operated~~ unless the dealer is on board the
27 vessel or the ~~user~~ OPERATOR has the written authorization of

1 the dealer to operate the vessel. A PERSON SHALL NOT USE A
 2 vessel numbered under this section ~~shall not be used~~ for com-
 3 mercial purposes ~~including~~ THAT INCLUDE THE rental of the
 4 vessel or the carrying of passengers for hire on the vessel.

5 Sec. 71. (1) ~~When~~ IF vessels are being operated in ~~such~~
 6 a manner ~~so as to make~~ THAT MAKES collision imminent or likely,
 7 the following rules ~~shall~~ apply:

8 (a) ~~When~~ IF 2 vessels are approaching each other head-on,
 9 or ~~nearly so~~ NEAR HEAD-ON, the operator of each VESSEL shall
 10 cause his OR HER vessel to pass on the port side of the other.

11 (b) ~~When~~ IF A VESSEL IS overtaking a vessel proceeding in
 12 the same direction, the operator of the overtaking vessel ~~7~~
 13 ~~unless it is not feasible to do so,~~ shall pass, IF FEASIBLE, on
 14 the port side of the vessel ~~ahead~~ BEING OVERTAKEN.

15 (c) ~~When~~ IF 2 vessels ~~are approaching~~ APPROACH each
 16 other at right angles or obliquely ~~so as to involve~~ IN A MANNER
 17 THAT INVOLVES risk of collision, ~~other than when~~ AND 1 vessel
 18 is NOT overtaking ~~another~~ THE OTHER, the operator of the vessel
 19 ~~which has~~ HAVING the other on his ~~own~~ OR HER port side shall
 20 hold his OR HER course and speed, and the operator of the vessel
 21 ~~which has~~ HAVING the other on his ~~own~~ OR HER starboard side
 22 shall ~~give way~~ YIELD to the other by ~~directing~~ DOING EITHER
 23 OF THE FOLLOWING:

24 (i) DIRECTING his OR HER course to starboard so as to cross
 25 the stern of the other vessel. ~~or, if~~

26 (ii) IF necessary, ~~to do so, shall slacken~~ REDUCE his OR
 27 HER speed, stop, or reverse.

1 (d) ~~When~~ IF a motorboat and a vessel under sail are
 2 proceeding in ~~such~~ a manner ~~so as to involve~~ THAT INVOLVES
 3 risk of collision, the operator of the motorboat shall ~~give way~~
 4 YIELD to the vessel under sail.

5 (e) ~~When~~ IF a motorboat and a vessel not propelled by sail
 6 or mechanical means are proceeding in ~~such~~ A manner ~~as to~~
 7 ~~involve~~ THAT INVOLVES risk of collision, the operator of the
 8 motorboat shall ~~give way~~ YIELD to the other vessel.

9 (f) ~~When, by any of the rules provided in~~ IF UNDER this
 10 section ~~the~~ the operator of a vessel is required to ~~give way to~~
 11 ~~the other~~ YIELD TO ANOTHER VESSEL, the operator of ~~the~~ THAT
 12 other vessel shall maintain his OR HER direction and speed.

13 (2) ~~Nothing in this~~ THIS section ~~shall~~ DOES NOT relieve
 14 the operator of a vessel ~~otherwise privileged by the provisions~~
 15 ~~of this section~~ GIVEN DIRECTIONAL OR MOVEMENT PRIORITY UNDER
 16 THIS SECTION from the duty to operate with due regard for the
 17 safety of all persons using the waters of this state.

18 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
 19 CIVIL INFRACTION.

20 Sec. 72. (1) A person operating or propelling a vessel upon
 21 the waters of this state shall operate it in a careful and pru-
 22 dent manner and at ~~such~~ a rate of speed ~~so as~~ THAT DOES not
 23 ~~to~~ UNREASONABLY endanger ~~unreasonably~~ the life or property of
 24 ~~any~~ A person.

25 (2) A person shall not operate ~~any~~ A vessel at a rate of
 26 speed greater than ~~will permit~~ A SPEED THAT PERMITS him OR HER,

1 in the exercise of reasonable care, to bring the vessel to a SAFE
2 stop. ~~within the assured clear distance ahead.~~

3 (3) A person shall not operate a vessel in a manner ~~so as~~
4 ~~to interfere~~ THAT unreasonably INTERFERES with ~~the~~ ANOTHER
5 PERSON'S lawful use ~~by others of any~~ OF THE waters OF THIS
6 STATE.

7 (4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
8 CIVIL INFRACTION.

9 Sec. 72a. (1) The commission may promulgate rules to estab-
10 lish maximum motorboat speed limits or to allow unlimited motor-
11 boat speed on the waters of this state.

12 (2) ~~On waters of this state for which a motorboat speed~~
13 ~~limit is not established under subsection (1), or on any waters~~
14 ~~for which the commission has not established an unlimited motor~~
15 ~~boat speed limit, or on any waters for which stricter speed~~
16 ~~restrictions are not established pursuant to an act, a~~ THE maxi-
17 mum speed limit ON THE WATERS of THIS STATE IS 55 miles per hour,
18 ~~is established,~~ except ~~in an~~ AS OTHERWISE PROVIDED BY A
19 MARINE LAW.

20 (3) THE MAXIMUM SPEED LIMIT RESTRICTIONS ESTABLISHED PURSU-
21 ANT TO THIS SECTION DO NOT APPLY TO ANY THE FOLLOWING:

22 (A) A BONA FIDE emergency ~~and except for authorized~~
23 SITUATION.

24 (B) AUTHORIZED peace ~~and conservation~~ officers when
25 engaged in official duties. ~~The maximum speed limit of 55 miles~~
26 ~~per hour shall not apply to the~~

1 (C) THE Great Lakes and Lake St. Clair, except for an area
2 within 1 mile of the shoreline measured at a right angle from the
3 shoreline.

4 (4) Upon receipt of a resolution by the governing body of a
5 county, township, city, or village having jurisdiction over
6 waters of this state requesting a reduction in the maximum speed
7 limit on those waters, the commission, pursuant to sections 12 to
8 17, may establish a maximum speed limit not to exceed 40 miles
9 per hour on those waters.

10 (5) ~~(3)~~ A person shall not operate a motorboat on the
11 waters of this state at a speed greater than slow no-wake speed
12 or the minimum speed necessary for the motorboat to maintain for-
13 ward movement when within 100 feet of the shoreline where the
14 water depth is less than 3 feet, as determined by vertical mea-
15 surement, except in navigable channels not otherwise posted.

16 ~~(4) A person operating a motorboat in violation of this~~
17 ~~section is guilty of reckless operation of a motorboat punishable~~
18 ~~as provided in section 166.~~

19 (6) ~~(5)~~ The commission may waive this section and section
20 114 for marine events authorized by the department under section
21 151.

22 (7) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
23 CIVIL INFRACTION.

24 Sec. 75. (1) ~~Persons~~ A PERSON operating ~~vessels~~ A
25 VESSEL on the waters of this state in areas not marked by well
26 defined channels, canals, rivers or stream courses shall operate

1 in a counter-clockwise fashion insofar as it is reasonably
2 possible. ~~These persons and persons~~

3 (2) A PERSON OPERATING A VESSEL AND A PERSON being towed on
4 water skis, water sled, kite, surfboard or similar contrivance
5 shall maintain a distance of 100 feet from ~~any~~ A dock, raft,
6 buoyed or occupied bathing area, or vessel moored or at anchor,
7 except ~~when~~ IF the vessel is proceeding at a slow--no wake
8 speed or ~~when~~ IF A water ~~skiers are~~ SKIER IS being picked up
9 or dropped off, AND if ~~such~~ THE operation is ~~otherwise~~ con-
10 ducted with due regard to the safety of persons and property and
11 in accordance with the laws of this state.

12 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
13 CIVIL INFRACTION.

14 Sec. 76. (1) A person shall not operate a vessel on ~~any~~
15 ~~of~~ the waters of this state within a lawfully authorized
16 restricted area clearly marked by buoys, beacons or other distin-
17 guishing devices IDENTIFYING THAT AREA as being prohibited to
18 vessels.

19 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
20 CIVIL INFRACTION.

21 Sec. 77. (1) An operator of ~~any~~ A vessel shall not have
22 in tow or otherwise be assisting in the propulsion of a person on
23 water skis, water sled, surfboard or other similar contrivance
24 during the period of 1 hour after sunset to 1 hour prior to
25 sunrise. ~~Any~~

26 (2) A person ~~permitting~~ SHALL NOT PERMIT himself OR
27 HERSELF to be towed on water skis, water sled, surfboard or

1 similar contrivance in violation of ~~any of the provisions of~~
2 this act. ~~is guilty of a misdemeanor.~~

3 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
4 CIVIL INFRACTION.

5 Sec. 78. (1) A person shall not operate on the waters of
6 this state a vessel having in tow or otherwise assisting a person
7 on water skis, water sled, aquaplane, surfboard or other similar
8 contrivance, unless, ~~there is in the vessel,~~ in addition to the
9 operator, at least 1 competent person ~~in a position~~ IS IN THE
10 VESSEL AND POSITIONED to observe the progress of the person being
11 towed. ~~An observer shall be considered competent if he can, in~~
12 ~~fact,~~ AS USED IN THIS SECTION, "COMPETENT" MEANS A PERSON WHO
13 CAN render assistance if necessary.

14 (2) All motorboats engaged in the propulsion of a person on
15 water skis, water sled, aquaplane, surfboard or similar contriv-
16 ance, shall be equipped with a 170 degree wide angle rear view
17 mirror affixed in a manner as will permit the operator to observe
18 the progress of the person being towed.

19 (3) ~~(2) The provisions of this~~ THIS section ~~shall~~ DOES
20 not apply to vessels used by ~~duly constituted ski schools in the~~
21 ~~giving of~~ A SKI SCHOOL IN PROVIDING instructions, or to vessels
22 used in sanctioned ski tournaments, competitions, expositions or
23 trials, ~~therefor,~~ or to motorboats less than 16 feet in length
24 actually operated by the person being towed and so constructed as
25 to be incapable of carrying the operator in or on the motorboat.

26 (4) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
27 CIVIL INFRACTION.

1 Sec. 79. (1) ~~Any~~ AN occupant or operator of ~~any~~ A
2 vessel underway on the waters of this state shall not sit, stand,
3 or walk upon any portion of the vessel not specially designed for
4 ~~such~~ THAT purpose, except when immediately necessary for the
5 safe and reasonable navigation or operation of the vessel.

6 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
7 CIVIL INFRACTION.

8 Sec. 80. (1) A person not in a ~~boat~~ VESSEL shall not
9 intentionally rock, tip, jostle or otherwise interfere with the
10 operation of ~~any~~ A vessel, except under supervised training.

11 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE OR A
12 CIVIL INFRACTION.

13 Sec. 101. (1) ~~Any~~ A person diving or submerging in ~~any~~
14 ~~of~~ the waters of this state with the aid of a diving suit or
15 other mechanical diving device shall place a buoy or boat in the
16 water at or near the point of submergence. The buoy or boat
17 shall bear a red flag not less than 14 inches by 16 inches with a
18 3-1/2 inch white stripe running from 1 upper corner to a diagonal
19 lower corner. The flag shall be in place only while actual
20 diving operations are in progress.

21 (2) A PERSON SHALL NOT OPERATE A vessel ~~shall not be~~
22 ~~operated~~ within 200 feet of a buoyed diver's flag unless ~~it~~ HE
23 OR SHE is involved in tendering the diving operation. A person
24 diving shall stay within a surface area of 100 feet of the
25 diver's flag.

26 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
27 CIVIL INFRACTION.

1 Sec. 114. (1) A person shall not operate a motorboat on the
2 waters of this state unless the motorboat is equipped and main-
3 tained with an effective muffler or underwater exhaust system
4 that does not produce sound levels in excess of 90 dB(A) when
5 subjected to a stationary sound level test as prescribed by SAE
6 J2005. If a motorboat is equipped with more than 1 motor or
7 engine, the test shall be performed with all motors or engines
8 operating.

9 (2) A person shall not manufacture, or sell, or offer for
10 sale, a new motorboat for use on the waters of this state if that
11 motorboat cannot be operated in ~~such~~ a manner ~~so as to comply~~
12 THAT COMPLIES with the sound levels prescribed in subsection
13 (1).

14 (3) Subsection (1) does not apply to any of the following:

15 (a) A motorboat tuning up, testing for or participating in
16 official trials for speed records or a sanctioned race conducted
17 pursuant to a permit issued by an appropriate unit of
18 government.

19 (b) A motorboat being operated by a boat or marine engine
20 manufacturer for the purpose of testing or development.

21 (c) A motorboat manufactured prior to 1955 that is an his-
22 toric or antique vessel.

23 (4) A person shall not operate on the waters of this state a
24 motorboat that is equipped with a cut-out, bypass, amplifier, or
25 other similar device.

26 (5) As used in this section, "dB(A)" means decibels on the
27 "A" scale on a sound meter having characteristics of a general

1 purpose sound meter as defined by American national standards
2 institute S1.4-1983.

3 (6) A person who violates this section is RESPONSIBLE FOR A
4 CIVIL INFRACTION. ~~guilty of a misdemeanor, punishable by impris-~~
5 ~~onment for not more than 90 days and a fine of not less than~~
6 ~~\$100.00 or more than \$500.00. Additionally, before putting the~~
7 ~~motorboat back in use, a person who violates this section shall~~
8 ~~be required to~~ BEFORE RETURNING TO USE A MOTORBOAT THAT DOES NOT
9 COMPLY WITH THIS SECTION, THAT PERSON SHALL install ON THE MOTOR-
10 BOAT, AT HIS OR HER EXPENSE, an effective muffler or underwater
11 exhaust system that meets the requirements of this section. ~~on~~
12 ~~the motorboat in violation at his or her expense.~~

13 Sec. 141. (1) ~~The~~ WITHOUT EXPENSE TO THE STATE, THE
14 department may ~~authorize, through the issuance of~~ ISSUE revoca-
15 ble permits ~~—~~ AUTHORIZING the placing of buoys or beacons in
16 the waters of this state to mark obstruction to navigation, to
17 designate bathing areas, to designate vessel anchorages, or for
18 any other purpose ~~if it will promote~~ THAT PROMOTES safety or
19 navigation. ~~Any~~

20 (2) A person ~~who desires~~ SEEKING to place ~~buoys or~~
21 ~~beacons~~ A BUOY OR A BEACON in the waters of this state ~~—, with-~~
22 ~~out expense to the state,~~ shall ~~make application~~ APPLY to the
23 department FOR A REVOCABLE PERMIT in ~~such~~ THE form and contain-
24 ing ~~such~~ THE information ~~as~~ THAT the department may require.
25 ~~Buoys or beacons, except~~

26 (3) EXCEPT for A mooring ~~buoys~~ BUOY, A PERSON shall not
27 ~~be placed~~ PLACE A BUOY OR BEACON in the waters of this state

1 unless authorized by the department in writing. ~~When~~ IF
 2 authorization ~~has been~~ IS granted, the ~~buoys or beacons shall~~
 3 ~~be placed~~ PERSON SHALL PLACE THE BUOY OR BEACON only in accord-
 4 ance with the terms of the permit. ~~and shall be deemed~~ A BUOY
 5 OR BEACON PLACED IN COMPLIANCE WITH THIS ACT IS lawfully placed.
 6 ~~If buoys or beacons are~~ THE DEPARTMENT MAY ORDER THE REMOVAL OF
 7 A BUOY OR BEACON placed in the waters of this state without a
 8 permit. ~~having been issued, the department may order their~~
 9 ~~removal. If, in the judgment of the department, buoys or beacons~~
 10 ~~authorized by it are found to be improperly placed or that the~~
 11 ~~reason for their placement no longer exists or that the buoys or~~
 12 ~~beacons do not conform~~ THE DEPARTMENT MAY REVOKE A PERMIT FOR,
 13 AND MAY ORDER THE REMOVAL OF, A BUOY OR BEACON THAT THE DEPART-
 14 MENT DETERMINES IS ANY OF THE FOLLOWING:

15 (A) IMPROPERLY PLACED.

16 (B) PLACED AT A SITE WHERE IT IS NO LONGER NEEDED.

17 (C) NOT CONFORMING to the uniform system of marking estab-
 18 lished by state regulation. ~~, the department may revoke the~~
 19 ~~permit authorizing their placement and may order their removal.~~
 20 ~~Revocation of permits and orders of removal shall be~~

21 (4) THE DEPARTMENT SHALL REVOKE A PERMIT AND ISSUE AN ORDER
 22 OF REMOVAL PURSUANT TO SUBSECTION (3) by PROVIDING written notice
 23 to the person ~~placing the buoys or beacons~~ WHO PLACED THE BUOY
 24 OR BEACON AT A SITE or to the person to whom the permit was
 25 issued, at ~~his~~ THAT PERSON'S last known address, directing the
 26 removal within a specified time. The person to whom the notice
 27 is directed shall remove the ~~buoys or beacons~~ BUOY OR BEACON in

1 accordance with the ~~instructions~~ WRITTEN NOTICE. If the person
2 fails to remove the ~~buoys or beacons~~ BUOY OR BEACON within the
3 specified time, the department may ~~cause their removal, and the~~
4 ~~cost and expense of the removal shall be charged against the~~
5 ~~person authorized to place the buoys or beacons or, where autho-~~
6 ~~rization has not been granted, the person placing such buoys or~~
7 ~~beacons and shall be~~ REMOVE THE BUOY OR BEACON AT THAT PERSON'S
8 COST. THE DEPARTMENT MAY REMOVE AN UNAUTHORIZED BUOY OR BEACON
9 AND RECOVER THE COST OF THAT REMOVAL FROM THE PERSON WHO PLACED
10 THE BUOY OR BEACON AT A SITE WITHOUT A PERMIT. THE COSTS ARE
11 recoverable through ~~any~~ A court of competent jurisdiction.

12 (5) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
13 CIVIL INFRACTION.

14 Sec. 161. (1) ~~The~~ UPON THE DIRECTION OF A PEACE OFFICER,
15 THE operator or person in charge of ~~any~~ A vessel being used or
16 operated on the waters of this state ~~, upon being hailed by any~~
17 ~~peace officer empowered to enforce the provisions of this act or~~
18 ~~the provisions of any local ordinance or rules established under~~
19 ~~this act,~~ shall immediately bring the vessel to a stop or maneu-
20 ver it in such manner ~~as~~ THAT will permit the officer to come
21 alongside. The operator or person in charge of the vessel and
22 any other person on board shall give his OR HER correct name and
23 address, exhibit the certificate of number awarded for the
24 vessel, submit to a reasonable inspection of the vessel and to a
25 reasonable inspection and test of the equipment of the vessel.

26 (2) A peace officer who observes ~~any violation by any~~
27 ~~person of any of the provisions of this act or of a provision of~~

1 ~~any local ordinance or rule established under this act may~~
2 ~~forthwith~~ A PERSON COMMIT A MARINE LAW VIOLATION THAT IS A
3 FELONY OR A MISDEMEANOR MAY arrest ~~the~~ THAT person without a
4 warrant.

5 Sec. 162. (1) ~~Whenever a person is arrested without a war-~~
6 ~~rant for any violation of this act or of a provision of any local~~
7 ~~ordinance or rule established in conformity with this act, pun-~~
8 ~~ishable as a misdemeanor, the arrested person shall be taken,~~
9 ~~without unreasonable delay, before a magistrate or a district~~
10 ~~court judge within the county in which the offense charged is~~
11 ~~alleged to have been committed and who has jurisdiction of the~~
12 ~~offense and is nearest or most accessible with reference to the~~
13 ~~place where the arrest is made, in any of the following cases:~~
14 IF A PERSON 18 YEARS OF AGE OR OLDER IS ARRESTED WITHOUT A WAR-
15 RANT IN ANY OF THE FOLLOWING CIRCUMSTANCES, THE ARRESTING OFFICER
16 SHALL TAKE THE ARRESTED PERSON, WITHOUT UNREASONABLE DELAY,
17 BEFORE THE NEAREST AND MOST ACCESSIBLE MAGISTRATE OR JUDGE HAVING
18 JURISDICTION WITHIN THE COUNTY IN WHICH THE VIOLATION IS ALLEGED
19 TO HAVE OCCURRED, OR, IF THE ARRESTED PERSON IS LESS THAN 18
20 YEARS OF AGE, THE ARRESTING OFFICER SHALL TAKE THAT PERSON BEFORE
21 THE JUVENILE DIVISION OF THE PROBATE COURT OF THE COUNTY WITHIN
22 WHICH THE VIOLATION IS ALLEGED TO HAVE OCCURRED:

23 (a) ~~When the~~ THE person is ~~arrested upon a charge of~~
24 ALLEGED TO HAVE COMMITTED negligent homicide.

25 (b) ~~When the~~ THE person is ~~arrested under~~ ALLEGED TO
26 HAVE VIOLATED section 73 or section 73b.

1 (c) ~~When a~~ THE person is ~~arrested under~~ ALLEGED TO HAVE
2 VIOLATED section 74. ~~When in the~~

3 (2) IF THE ARRESTING OFFICER DETERMINES THAT UNDER existing
4 circumstances ~~it does not appear that releasing~~ the RELEASE OF
5 THAT person pending the issuance of a warrant will NOT constitute
6 a public menace, the arresting officer may proceed in ~~such cases~~
7 ~~as~~ THE MANNER provided by section 163.

8 Sec. 163. (1) ~~When~~ IF a person is arrested without a war-
9 rant for ~~any~~ A MARINE LAW violation ~~of this act punishable as~~
10 ~~a misdemeanor, or of a provision of any local ordinance or rule~~
11 ~~established in conformity with this act,~~ THAT IS PUNISHABLE AS A
12 MISDEMEANOR, under conditions not referred to in section 162, the
13 arresting officer shall prepare, ~~in duplicate~~ AS SOON AS POSSI-
14 BLE AND AS COMPLETELY AS POSSIBLE, AN ORIGINAL AND 3 COPIES OF a
15 written ~~notice~~ CITATION to appear in court containing the name
16 and address of the person, the offense charged, and the time and
17 place when and where the person shall appear in court. THE OFFI-
18 CER SHALL INFORM THE OFFENDER OF THE VIOLATION AND SHALL GIVE THE
19 SECOND COPY OF THE CITATION TO THE ALLEGED OFFENDER. If the
20 arrested person ~~so~~ demands ~~, he or she shall be taken~~ AN
21 IMMEDIATE HEARING, THE ARRESTING OFFICER SHALL TAKE HIM OR HER
22 before a DISTRICT COURT magistrate or a district court judge OR A
23 MUNICIPAL COURT JUDGE OR THE PROBATE COURT as provided in section
24 162 in lieu of being given the ~~notice~~ CITATION.

25 (2) The time specified in the ~~notice~~ CITATION to appear
26 shall be within a reasonable time after the arrest unless the
27 person arrested demands an earlier hearing.

1 (3) ~~The~~ IF THE PERSON ARRESTED IS 18 YEARS OF AGE OR
2 OLDER, THE place OF COURT APPEARANCE specified in the ~~notice to~~
3 ~~appear~~ CITATION shall be ~~before a magistrate or~~ a district
4 court ~~judge~~ OR A MUNICIPAL COURT HAVING JURISDICTION within the
5 CITY, township, or county in which the offense charged is alleged
6 to have ~~been committed and who has jurisdiction of the offense~~
7 OCCURRED. IF THE ARRESTED PERSON IS LESS THAN 18 YEARS OF AGE,
8 THE PLACE OF COURT APPEARANCE SPECIFIED IN THE CITATION SHALL BE
9 THE JUVENILE DIVISION OF THE PROBATE COURT WITHIN THE COUNTY IN
10 WHICH THE VIOLATION CHARGED IS ALLEGED TO HAVE OCCURRED.

11 (4) ~~Appearance may be made~~ A PERSON 18 YEARS OF AGE OR
12 OLDER MAY MAKE AN APPEARANCE in person, by representation or by
13 mail. ~~When~~ IF appearance is made by representation ~~,~~ or
14 mail, the DISTRICT COURT magistrate or ~~the district court~~ judge
15 OR THE MUNICIPAL COURT JUDGE may accept the plea of guilty or not
16 guilty for purposes of arraignment, with the same effect as
17 though the person personally appeared before him or her. The
18 DISTRICT COURT magistrate or ~~the district court~~ judge OR THE
19 MUNICIPAL COURT JUDGE, by giving notice 5 ~~days~~ DAYS prior to
20 the date of appearance, may require appearance in person at the
21 time and place designated in the ~~notice~~ CITATION.

22 SEC. 163A. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER
23 SECTION 163 FOR A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
24 MORE THAN 90 DAYS, A COURT HAVING JURISDICTION MAY ACCEPT A PLEA
25 OF GUILTY OR NOT GUILTY UPON THE CITATION WITHOUT RECEIPT OF A
26 SWORN COMPLAINT, BUT SHALL NOT MAKE A DOCKET RETURN ON THE
27 COMPLAINT UNTIL THE OFFICER SIGNS THE COMPLAINT.

1 (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER
2 SECTION 163 PLEADS NOT GUILTY, A COURT SHALL HOLD NO FURTHER PRO-
3 CEEDINGS UNTIL A SWORN COMPLAINT IS FILED WITH THE MAGISTRATE OR
4 JUDGE. A COURT SHALL NOT ISSUE AN ARREST WARRANT FOR A PERSON TO
5 WHOM A CITATION WAS ISSUED UNDER SECTION 163 UNTIL A SWORN COM-
6 PLAINT AGAINST THAT PERSON IS FILED WITH THE COURT.

7 Sec. 164. (1) ~~When~~ IF a person not a resident of this
8 state ~~is arrested~~ DEMANDS AN IMMEDIATE HEARING UPON THAT
9 PERSON'S ARREST without a warrant for ~~any~~ A violation of this
10 act ~~under conditions~~ OR A RULE OR LOCAL ORDINANCE ESTABLISHED
11 IN CONFORMITY WITH THIS ACT, THAT IS PUNISHABLE AS A MISDEMEANOR,
12 AND THE VIOLATION IS not referred to under section 162, the offi-
13 cer making the arrest ~~, upon demand of the arrested person,~~
14 shall ~~forthwith~~ IMMEDIATELY take the person before a DISTRICT
15 COURT magistrate or ~~a district court judge in the vicinity to~~
16 ~~answer to the complaint made against him or her~~ JUDGE, A MUNICI-
17 PAL COURT JUDGE, OR THE PROBATE COURT HAVING JURISDICTION NEAREST
18 THE SITE OF THE ALLEGED VIOLATION FOR A HEARING. If a
19 magistrate, ~~or a district court~~ judge, OR COURT HAVING JURIS-
20 DICTION OVER THE ARRESTED PERSON is not available or an immediate
21 trial cannot be had, the person arrested may recognize to ~~such~~
22 THE ARRESTING officer for his or her appearance by leaving with
23 ~~him or her~~ THE OFFICER A GUARANTEED APPEARANCE CERTIFICATE OR a
24 sum of money not to exceed \$25.00, ~~—~~ AND THE FOLLOWING SHALL
25 APPLY:

26 (A) ~~(2) In all cases the~~ THE officer making the arrest
27 shall give ~~a receipt~~ to the person arrested A WRITTEN CITATION

1 AS PROVIDED IN SECTION 163 AND A RECEIPT for the GUARANTEED
2 APPEARANCE CERTIFICATE OR THE money ~~so~~ deposited with ~~him or~~
3 ~~her together with a written summons as provided in section 163~~
4 THAT OFFICER.

5 (B) ~~(3)~~ If the ~~offender~~ ARRESTED PERSON fails to appear
6 as required IN THE CITATION, the GUARANTEED APPEARANCE CERTIFI-
7 CATE OR deposit shall be forfeited as in other cases of default
8 in bail ~~7~~ in addition to any other penalty provided in this
9 act.

10 (2) ~~(4) Every officer taking a~~ NOT MORE THAN 48 HOURS
11 AFTER A PEACE OFFICER RECEIVES A CERTIFICATE OR deposit OF MONEY
12 under this section, ~~within 48 hours thereafter shall deposit it~~
13 ~~with the magistrate or the district court judge named in the~~
14 ~~notice to appear, together with a report stating the facts relat-~~
15 ~~ing to the arrest.~~ HE OR SHE SHALL DELIVER THAT CERTIFICATE OR
16 DEPOSIT OF MONEY AND A REPORT STATING THE FACTS RELATING TO THE
17 ARREST TO THE COURT NAMED IN THE CITATION, OR TO THE POLICE CHIEF
18 OR PERSON AUTHORIZED BY THE POLICE CHIEF TO RECEIVE CERTIFICATES
19 AND DEPOSITS. THE POLICE CHIEF OR PERSON AUTHORIZED BY THE
20 POLICE CHIEF SHALL DEPOSIT WITH THE COURT THE CERTIFICATE OR THE
21 MONEY DEPOSITED AND THE CITATION IN THE SAME MANNER AS PRESCRIBED
22 FOR CITATIONS IN SECTION 173. ~~Failure to make the report and~~

23 (3) THE FAILURE OF A PERSON IN RECEIPT OF MONEY UNDER THIS
24 SECTION TO deposit ~~the~~ THAT money IN THE MANNER PRESCRIBED BY
25 THIS SECTION is embezzlement of public money.

26 (4) FOR PURPOSES OF THIS SECTION, "GUARANTEED APPEARANCE
27 CERTIFICATE" MEANS THAT TERM AS DEFINED IN SECTION 187A.

1 Sec. 165. (1) ~~Any~~ A PEACE officer, DISTRICT COURT
2 magistrate, ~~or~~ district court judge, ~~violating~~ OR MUNICIPAL
3 COURT JUDGE WHO VIOLATES section 163 or 164 is guilty of miscon-
4 duct in office and is subject to removal from office.

5 (2) Sections 163 and 164 ~~shall~~ govern ~~all~~ A peace
6 ~~officers~~ OFFICER in making ~~arrests~~ AN ARREST without a war-
7 rant for ~~violations of this act and shall not be construed as~~
8 ~~preventing~~ A MARINE LAW VIOLATION AND DO NOT PREVENT the execu-
9 tion of a warrant for the arrest of ~~the~~ A person. ~~as in other~~
10 ~~cases of misdemeanors when it may be necessary.~~

11 Sec. 166. (1) ~~Unless~~ EXCEPT AS otherwise ~~specified~~
12 ~~under~~ PROVIDED IN this act, a MARINE LAW violation ~~of any of~~
13 ~~the provisions of this act or rules established in conformity~~
14 ~~with it,~~ is a misdemeanor. ~~A~~

15 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A polit-
16 ical subdivision ~~having adopted any~~ THAT ENACTS A local ordi-
17 nance in conformity with this act may provide that ~~any~~ A viola-
18 tion ~~thereof~~ OF THAT ORDINANCE is a misdemeanor OR A CIVIL
19 INFRACTION. ~~Any~~

20 (3) A POLITICAL SUBDIVISION SHALL NOT ENACT A LOCAL ORDI-
21 NANCE THAT PROVIDES A CRIMINAL PENALTY FOR AN ACT OR OMISSION
22 THAT IS A CIVIL INFRACTION UNDER THIS ACT, OR THAT IMPOSES A PEN-
23 ALTY IN EXCESS OF THAT PRESCRIBED IN THIS ACT. A LOCAL ORDINANCE
24 THAT IS IN CONFLICT WITH THIS ACT IS VOID TO THE EXTENT OF THE
25 CONFLICT.

26 (4) A COURT HAVING JURISDICTION OVER A person convicted of
27 reckless operation of a vessel as defined in section 74, or of

1 operating a vessel while under the influence of intoxicating
2 liquor or narcotic drugs, in addition to IMPOSING any other pen-
3 alty, may ~~be refused by the court having jurisdiction of the~~
4 ~~violation, the right of~~ PROHIBIT THAT CONVICTED PERSON FROM
5 operating ~~any~~ A vessel on ~~any of~~ the waters of this state for
6 a period of not more than 2 years.

7 SEC. 171. EACH POLICE CHIEF, INCLUDING THE CHIEFS OF THE
8 STATE POLICE AND LAW ENFORCEMENT DIVISION OF THE DEPARTMENT, AND
9 EACH SHERIFF SHALL ISSUE CITATION BOOKS OF CONSECUTIVELY NUMBERED
10 CITATIONS TO EACH PEACE OFFICER OF HIS OR HER DEPARTMENT WHOSE
11 DUTIES MAY OR WILL INCLUDE ENFORCEMENT OF MARINE LAW. EACH
12 POLICE CHIEF SHALL OBTAIN A RECEIPT FROM THE OFFICER TO WHOM A
13 CITATION BOOK HAS BEEN ISSUED UPON A FORM CREATED BY THE SECRE-
14 TARY OF STATE, THE ATTORNEY GENERAL, THE STATE COURT ADMINISTRA-
15 TOR, AND THE DIRECTOR OF THE DEPARTMENT OF STATE POLICE.

16 SEC. 172. (1) AS USED IN THIS ACT, "CITATION" MEANS AN
17 ORIGINAL AND 3 COPIES OF A WRITTEN NOTICE TO APPEAR, ON A FORM
18 APPROVED BY THE SECRETARY OF STATE, ATTORNEY GENERAL, STATE COURT
19 ADMINISTRATOR, AND THE DIRECTOR OF STATE POLICE, UPON WHICH A
20 PEACE OFFICER RECORDS AN OCCURRENCE OF A PERSON'S ALLEGED VIOLA-
21 TION OF A MARINE LAW.

22 (2) EACH CITATION ISSUED BY A PEACE OFFICER SHALL CONTAIN
23 THE NAME OF THE STATE OR POLITICAL SUBDIVISION ACTING AS PLAIN-
24 TIFF, THE NAME AND ADDRESS OF THE PERSON TO WHOM THE CITATION IS
25 ISSUED, THE ALLEGED MARINE LAW VIOLATION, THE PLACE WHERE THE
26 PERSON SHALL APPEAR IN COURT, THE TELEPHONE NUMBER OF THE COURT,

1 THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE MADE, AND THE
2 ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

3 (3) THE CITATION SHALL INFORM THE PERSON ALLEGED TO BE
4 RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION THAT HE OR SHE MAY
5 DO 1 OF THE FOLLOWING AT OR BY THE TIME SPECIFIED FOR
6 APPEARANCE:

7 (A) ADMIT RESPONSIBILITY FOR THE CIVIL INFRACTION IN PERSON,
8 BY REPRESENTATION, OR BY MAIL.

9 (B) ADMIT RESPONSIBILITY FOR THE CIVIL INFRACTION "WITH
10 EXPLANATION" IN PERSON, BY REPRESENTATION, OR BY MAIL.

11 (C) DENY RESPONSIBILITY FOR THE CIVIL INFRACTION BY DOING
12 EITHER OF THE FOLLOWING:

13 (i) APPEARING IN PERSON FOR AN INFORMAL HEARING BEFORE A
14 DISTRICT COURT MAGISTRATE OR A JUDGE, WITHOUT BEING REPRESENTED
15 BY AN ATTORNEY.

16 (ii) APPEARING IN COURT FOR A FORMAL HEARING BEFORE A JUDGE,
17 WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

18 (4) THE CITATION SHALL INFORM THE PERSON ALLEGED TO BE
19 RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION THAT IF THE PERSON
20 DESIRES TO ADMIT RESPONSIBILITY "WITH EXPLANATION" OTHER THAN BY
21 MAIL OR TO HAVE AN INFORMAL HEARING OR A FORMAL HEARING, THE
22 PERSON IS REQUIRED TO APPLY TO THE COURT IN PERSON, BY MAIL, OR
23 BY TELEPHONE, WITHIN THE TIME SPECIFIED FOR APPEARANCE AND OBTAIN
24 A SCHEDULED DATE AND TIME TO APPEAR FOR A HEARING. A HEARING
25 DATE MAY BE SPECIFIED ON THE CITATION.

26 (5) EACH CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE
27 THAT THE FAILURE OF A PERSON TO APPEAR WITHIN THE TIME SPECIFIED

1 IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR
2 APPEARANCE WILL RESULT IN ENTRY OF A DEFAULT JUDGMENT AGAINST THE
3 PERSON. TIMELY APPLICATION TO THE COURT FOR A HEARING OR RETURN
4 OF THE CITATION WITH AN ADMISSION OF RESPONSIBILITY AND WITH FULL
5 PAYMENT OF APPLICABLE CIVIL FINES AND COSTS FOR A MARINE LAW
6 CIVIL INFRACTION CONSTITUTES A TIMELY APPEARANCE.

7 (6) IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A
8 MISDEMEANOR, THE PEACE OFFICER ISSUING THE CITATION SHALL PROVIDE
9 THAT PERSON TO WHOM IT IS ISSUED THE SECOND COPY OF THE
10 CITATION. IF A MARINE LAW VIOLATION ALLEGED IN A CITATION IS A
11 CIVIL INFRACTION, THE PEACE OFFICER ISSUING THE CITATION SHALL
12 PROVIDE THAT PERSON TO WHOM IT IS ISSUED THE THIRD COPY OF THE
13 CITATION.

14 (7) FOR PURPOSES OF THIS ACT, A COMPLAINT SIGNED BY A PEACE
15 OFFICER SHALL BE TREATED AS MADE UNDER OATH IF THE VIOLATION
16 ALLEGED IN THE COMPLAINT IS EITHER A CIVIL INFRACTION OR A MINOR
17 OFFENSE AS DEFINED IN SECTION 1 OF CHAPTER I OF THE CODE OF CRIM-
18 INAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING
19 SECTION 761.1 OF THE MICHIGAN COMPILED LAWS, AND OCCURRED OR WAS
20 COMMITTED IN THE SIGNING OFFICER'S PRESENCE OR UNDER CIRCUM-
21 STANCES PERMITTING THE OFFICER'S ISSUANCE OF A CITATION UNDER
22 SECTION 73, AND IF THE COMPLAINT CONTAINS THE FOLLOWING STATEMENT
23 IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF THE OFFICER:

24 "I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATE-
25 MENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE,
26 AND BELIEF."

1 SEC. 173. (1) BEFORE THE EXPIRATION OF 48 HOURS AFTER THE
2 COMPLETION OF HIS OR HER TOUR OF DUTY, A PEACE OFFICER TO WHOM A
3 CITATION BOOK HAS BEEN ISSUED AND WHO HAS RECORDED THE OCCURRENCE
4 OF A MARINE LAW VIOLATION UPON A CITATION SHALL DELIVER TO HIS OR
5 HER POLICE CHIEF OR TO A PERSON DULY AUTHORIZED BY THE POLICE
6 CHIEF TO RECEIVE CITATIONS ALL COPIES OF THE CITATION DULY
7 SIGNED. THE POLICE CHIEF OR A PERSON DULY AUTHORIZED BY THE
8 POLICE CHIEF SHALL DEPOSIT THE ORIGINAL OF THE CITATION WITH THE
9 COURT HAVING JURISDICTION OVER THE OFFENSE NOT LATER THAN 3 DAYS
10 AFTER THE DATE OF THE CITATION, EXCLUDING SATURDAYS, SUNDAYS, AND
11 LEGAL HOLIDAYS.

12 (2) THE CITATION IS DEPOSITED WITH THE COURT AS REQUIRED
13 UNDER SUBSECTION (1) IF THE ORIGINAL OF THE CITATION IS MAILED
14 NOT LATER THAN 2 DAYS AFTER THE DATE OF THE CITATION AS SPECIFIED
15 UNDER THIS SUBSECTION. MAILING IS ACCOMPLISHED BY ENCLOSING THE
16 ORIGINAL OF THE CITATION IN A SEALED ENVELOPE WITH FIRST CLASS
17 POSTAGE FULLY PREPAID, ADDRESSED TO THE COURT, AND DEPOSITING THE
18 ENVELOPE AND CONTENTS IN THE UNITED STATES GOVERNMENT MAIL.

19 (3) IF A CITATION IS SPOILED, MUTILATED, OR VOIDED, THE
20 PEACE OFFICER WHO ISSUED THAT CITATION SHALL ENDORSE IT WITH A
21 STATEMENT FULLY EXPLAINING ITS CONDITION, AND SHALL PROVIDE HIS
22 OR HER CHIEF OFFICER OR THAT PERSON'S AUTHORIZED DESIGNEE WITH
23 THE STATEMENT.

24 (4) THIS ACT DOES NOT PREVENT A PERSON WHO IS NOT A PEACE
25 OFFICER FROM APPLYING FOR THE ISSUANCE OF A CRIMINAL COMPLAINT
26 FOR A MARINE LAW VIOLATION WHICH IS NOT A CIVIL INFRACTION, AND

1 THAT PERSON IS NOT REQUIRED TO SHOW THAT THE ALLEGED OFFENDER HAS
2 BEEN ISSUED A CITATION IN CONNECTION WITH THE OFFENSE.

3 SEC. 174. THE STATE TREASURER SHALL ESTABLISH PROCEDURES TO
4 ENSURE THE ACCOUNTABILITY OF ALL JURISDICTIONS PROCESSING MARINE
5 LAW VIOLATION CITATIONS. THE RECORD SHOWING THE ISSUANCE AND
6 SUBSEQUENT DISPOSITION SHALL BE MAINTAINED COMPLETE FOR AT LEAST
7 5 YEARS FOLLOWING ISSUANCE AND DISPOSITION AND THE RECORDS AND
8 NOTICES ARE AVAILABLE FOR PUBLIC INSPECTION.

9 SEC. 175. THE FISCAL OFFICER OF THE POLITICAL SUBDIVISION
10 TO WHICH A MARINE LAW ENFORCEMENT AGENCY OR DEPARTMENT IS RESPON-
11 SIBLE SHALL CONDUCT A COMPLETE AUDIT OF CITATION RECORDS OF THAT
12 POLITICAL SUBDIVISION AT LEAST ANNUALLY. THE STATE TREASURER MAY
13 AUDIT THOSE CITATION RECORDS AT ANY TIME.

14 SEC. 176. A PERSON WHO KNOWINGLY FALSIFIES A CITATION OR
15 COPIES OF A CITATION, OR A RECORD OF THE ISSUANCE OF A CITATION,
16 OR DISPOSES OF A CITATION, COPY, OR RECORD, IN A MANNER OTHER
17 THAN AS REQUIRED IN THIS ACT, OR ATTEMPTS SO TO FALSIFY OR DIS-
18 POSE, OR ATTEMPTS TO INCITE OR PROCURE ANOTHER SO TO FALSIFY OR
19 DISPOSE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
20 NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$500.00, OR
21 BOTH.

22 SEC. 178. EACH MUNICIPAL JUDGE AND EACH CLERK OF A COURT OF
23 RECORD SHALL KEEP A FULL RECORD OF EVERY CASE IN WHICH A PERSON
24 IS CHARGED WITH OR CITED FOR A MARINE LAW VIOLATION.

25 SEC. 179. (1) A CIVIL INFRACTION ACTION IS A CIVIL ACTION
26 IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR A MARINE
27 LAW CIVIL INFRACTION. UPON THE ISSUANCE AND SERVICE OF A

1 CITATION AS PROVIDED IN SECTION 180, A CIVIL INFRACTION ACTION
2 MAY BE BROUGHT IN A DISTRICT COURT OR A MUNICIPAL COURT BY EITHER
3 OF THE FOLLOWING:

4 (A) THE STATE, IF THE ALLEGED CIVIL INFRACTION IS A VIOLA-
5 TION OF THIS ACT OR A RULE ESTABLISHED IN CONFORMITY WITH THIS
6 ACT.

7 (B) A POLITICAL SUBDIVISION, IF THE ALLEGED CIVIL INFRACTION
8 IS A VIOLATION OF A LOCAL ORDINANCE OF THAT SUBDIVISION WHICH IS
9 ESTABLISHED IN CONFORMITY WITH THIS ACT.

10 (2) THE TIME FOR APPEARANCE SPECIFIED IN A CITATION FOR A
11 CIVIL INFRACTION SHALL BE WITHIN A REASONABLE TIME AFTER THE
12 CITATION IS ISSUED PURSUANT TO SECTION 180.

13 (3) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE IS
14 THE MUNICIPAL COURT OR DISTRICT COURT THAT HAS TERRITORIAL JURIS-
15 DICTION OF THE SITE OF THE CIVIL INFRACTION. VENUE IN THE DIS-
16 TRICT COURT SHALL BE GOVERNED BY SECTION 8312 OF THE REVISED
17 JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961,
18 BEING SECTION 600.8312 OF THE MICHIGAN COMPILED LAWS.

19 (4) IF THE PERSON CITED FOR A CIVIL INFRACTION IS LESS THAN
20 18 YEARS OF AGE, HE OR SHE MAY APPEAR IN A DISTRICT OR MUNICIPAL
21 COURT TO ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION WITHOUT
22 APPOINTMENT OF A GUARDIAN OR NEXT FRIEND. A DISTRICT COURT OR
23 MUNICIPAL COURT HAS JURISDICTION OVER THAT PERSON AND MAY PROCEED
24 IN THE SAME MANNER AND IN ALL RESPECTS AS IF THAT INDIVIDUAL WERE
25 18 YEARS OF AGE OR OLDER.

1 SEC. 180. (1) A PEACE OFFICER WHO WITNESSES A PERSON
2 COMMITTING A MARINE LAW CIVIL INFRACTION MAY DO ANY OF THE
3 FOLLOWING:

4 (A) STOP THE PERSON.

5 (B) DETAIN THE PERSON TEMPORARILY TO MAKE A RECORD OF THE
6 VESSEL CHECK.

7 (C) PREPARE AND SUBSCRIBE, AS SOON AND AS COMPLETELY AS POS-
8 SIBLE, A CITATION FOR 1 OR MORE CIVIL INFRACTIONS.

9 (2) IF A PEACE OFFICER OF A GOVERNMENTAL UNIT WITNESSES A
10 PERSON COMMITTING A CIVIL INFRACTION WITHIN THAT GOVERNMENTAL
11 UNIT, THAT PEACE OFFICER MAY PURSUE, STOP, AND DETAIN THE PERSON
12 OUTSIDE THE GOVERNMENTAL UNIT WHERE THE VIOLATION OCCURRED TO
13 EXERCISE THE AUTHORITY AND PERFORM THE DUTIES PRESCRIBED IN THIS
14 SECTION AND SECTION 187A.

15 (3) A PEACE OFFICER MAY ISSUE A CITATION TO A PERSON WHO IS
16 THE OPERATOR OF A VESSEL INVOLVED IN AN ACCIDENT IF, BASED UPON
17 PERSONAL INVESTIGATION, THE OFFICER HAS REASONABLE CAUSE TO
18 BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION IN
19 CONNECTION WITH THE ACCIDENT.

20 (4) IF EACH OF THE FOLLOWING OCCURS, A PEACE OFFICER MAY
21 ISSUE A CITATION TO A PERSON WHO IS THE OPERATOR OF A VESSEL:

22 (A) BASED UPON THE PEACE OFFICER'S PERSONAL INVESTIGATION OF
23 A COMPLAINT BY A WITNESS TO AN ALLEGED VIOLATION OF THIS ACT OR A
24 RULE OR LOCAL ORDINANCE ESTABLISHED IN CONFORMITY WITH THIS ACT,
25 THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT THE OPERA-
26 TOR OF A VESSEL IS RESPONSIBLE FOR A CIVIL INFRACTION.

1 (B) THE PROSECUTING ATTORNEY OR ATTORNEY FOR THE POLITICAL
2 SUBDIVISION HAVING JURISDICTION PROVIDES WRITTEN APPROVAL OF THE
3 ISSUANCE OF THE CITATION.

4 (5) THE FORM OF A CITATION ISSUED UNDER SUBSECTION (1) OR
5 (3) SHALL BE AS PRESCRIBED IN SECTION 172.

6 (6) THE OFFICER SHALL INFORM THE PERSON OF THE ALLEGED CIVIL
7 INFRACTION OR INFRACTIONS AND SHALL DELIVER THE THIRD COPY OF THE
8 CITATION TO THE ALLEGED OFFENDER.

9 SEC. 182. (1) IF A PEACE OFFICER ISSUES A CITATION UNDER
10 SECTION 180 FOR A CIVIL INFRACTION, THE COURT HAVING JURISDICTION
11 MAY ACCEPT AN ADMISSION WITH EXPLANATION OR AN ADMISSION OR
12 DENIAL OF RESPONSIBILITY UPON THE CITATION WITHOUT A SWORN
13 COMPLAINT.

14 (2) IF THE PERSON TO WHOM A CITATION WAS ISSUED UNDER
15 SECTION 180 DENIES RESPONSIBILITY FOR THE CIVIL INFRACTION, THE
16 COURT SHALL NOT HOLD FURTHER PROCEEDINGS UNTIL A SWORN COMPLAINT
17 IS FILED WITH THAT COURT. A COURT SHALL NOT ISSUE A WARRANT FOR
18 ARREST OF A PERSON UNDER SECTION 188B UNTIL A SWORN COMPLAINT
19 AGAINST THE PERSON IS FILED WITH THE COURT.

20 SEC. 183. A PEACE OFFICER WHO KNOWINGLY MAKES A MATERIALLY
21 FALSE STATEMENT IN A CITATION ISSUED UNDER SECTION 180 IS GUILTY
22 OF PERJURY, A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
23 15 YEARS, AND IN ADDITION A COURT HAVING JURISDICTION SHALL ISSUE
24 AN ORDER DECLARING THAT PEACE OFFICER IN CONTEMPT OF COURT.

25 SEC. 184. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER
26 SECTION 180 SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE

1 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS
2 PROVIDED IN THIS SECTION.

3 (2) A PERSON MAY ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION
4 BY APPEARING AT THE COURT IN PERSON, BY REPRESENTATION, OR BY
5 MAIL. IF APPEARANCE IS MADE BY REPRESENTATION OR MAIL, THE COURT
6 MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH THE
7 PERSON PERSONALLY APPEARED IN COURT. UPON ACCEPTANCE OF THE
8 ADMISSION, THE COURT MAY ORDER ANY OF THE SANCTIONS PERMITTED
9 UNDER SECTION 188.

10 (3) A PERSON MAY ADMIT RESPONSIBILITY FOR A CIVIL INFRACTION
11 "WITH EXPLANATION" IN EITHER OF THE FOLLOWING WAYS:

12 (A) BY APPEARING BY MAIL.

13 (B) BY DOING EACH OF THE FOLLOWING:

14 (i) CONTACTING THE COURT IN PERSON, BY MAIL, BY TELEPHONE,
15 OR BY REPRESENTATION TO OBTAIN FROM THE COURT A SCHEDULED DATE
16 AND TIME TO APPEAR.

17 (ii) APPEARING, PERSONALLY OR THROUGH COUNSEL, AT THE COURT
18 ON THE SCHEDULED DATE AND TIME.

19 (4) IF A PERSON ADMITS RESPONSIBILITY FOR A CIVIL INFRACTION
20 "WITH EXPLANATION" UNDER SUBSECTION (3), THE COURT SHALL ACCEPT
21 THE ADMISSION AS THOUGH THE PERSON HAS ADMITTED RESPONSIBILITY
22 UNDER SUBSECTION (2) AND MAY CONSIDER THE PERSON'S EXPLANATION BY
23 WAY OF MITIGATING ANY SANCTION THAT THE COURT MAY ORDER UNDER
24 SECTION 188. IF APPEARANCE IS MADE BY REPRESENTATION OR MAIL,
25 THE COURT MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH
26 THE PERSON PERSONALLY APPEARED IN COURT, BUT THE COURT MAY

1 REQUIRE THE PERSON TO PROVIDE A FURTHER EXPLANATION OR TO APPEAR
2 IN COURT.

3 (5) A PERSON MAY DENY RESPONSIBILITY FOR A CIVIL INFRACTION
4 BY APPEARING FOR AN INFORMAL OR FORMAL HEARING. UNLESS THE HEAR-
5 ING DATE IS SPECIFIED ON THE CITATION, THE PERSON SHALL CONTACT
6 THE COURT IN PERSON, THROUGH A REPRESENTATIVE, BY MAIL, OR BY
7 TELEPHONE, AND OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN
8 INFORMAL OR FORMAL HEARING. THE COURT SHALL SCHEDULE AN INFORMAL
9 HEARING, UNLESS THE PERSON EXPRESSLY REQUESTS A FORMAL HEARING.
10 IF THE HEARING DATE IS SPECIFIED ON THE CITATION, THE PERSON
11 SHALL APPEAR ON THAT DATE FOR AN INFORMAL HEARING UNLESS THE
12 PERSON CONTACTS THE COURT AT LEAST 10 DAYS BEFORE THAT DATE IN
13 PERSON, THROUGH A REPRESENTATIVE, BY MAIL, OR BY TELEPHONE TO
14 REQUEST A FORMAL HEARING. IF THE PERSON EXPRESSLY REQUESTS A
15 FORMAL HEARING, THE COURT SHALL SCHEDULE A FORMAL HEARING. IF A
16 HEARING IS SCHEDULED BY TELEPHONE, THE COURT SHALL MAIL THE
17 DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY REGULAR MAIL TO
18 THE ADDRESS APPEARING ON THE CITATION OR TO AN ADDRESS FURNISHED
19 BY THE DEFENDANT. THE COURT SHALL CONDUCT AN INFORMAL HEARING
20 PURSUANT TO SECTION 185 AND A FORMAL HEARING CONDUCTED PURSUANT
21 TO SECTION 186.

22 SEC. 185. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A
23 DISTRICT COURT MAGISTRATE WHEN AUTHORIZED BY THE JUDGE OR JUDGES
24 OF THE DISTRICT COURT DISTRICT OR BY A MUNICIPAL COURT JUDGE
25 HAVING JURISDICTION. A DISTRICT COURT MAGISTRATE MAY ADMINISTER
26 OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT AND
27 CONCLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DISTRICT

1 COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN
2 INFORMAL MANNER TO ALLOW SUBSTANTIAL JUSTICE ACCORDING TO LAW,
3 BUT SHALL NOT BE BOUND BY THE STATUTORY PROVISIONS OR RULES OF
4 PRACTICE, PROCEDURE, PLEADING, OR EVIDENCE, EXCEPT PROVISIONS
5 RELATING TO PRIVILEGED COMMUNICATIONS. A JUDGE OR MAGISTRATE
6 SHALL CONDUCT AN INFORMAL HEARING WITHOUT A JURY. A VERBATIM
7 RECORD OF AN INFORMAL HEARING IS NOT REQUIRED.

8 (2) AT AN INFORMAL HEARING THE PERSON CITED SHALL NOT BE
9 REPRESENTED BY AN ATTORNEY AND THE PLAINTIFF SHALL NOT BE REPRESENTED BY THE PROSECUTING ATTORNEY OR ATTORNEY FOR A POLITICAL
10 SUBDIVISION.

12 (3) A COURT SHALL PROVIDE NOTICE OF A SCHEDULED INFORMAL
13 HEARING TO THE LAW ENFORCEMENT AGENCY OR DEPARTMENT THAT ISSUED
14 THE CITATION. A PARTY MAY ISSUE A SUBPOENA TO COMPEL THE
15 ATTENDANCE OF A WITNESS, AND A WITNESS FEE IS NOT REQUIRED TO BE
16 PAID TO A WITNESS IN ADVANCE OF AN INFORMAL HEARING. A WITNESS
17 FEE FOR A PROSECUTION WITNESS IS PAYABLE BY ANY OF THE
18 FOLLOWING:

19 (A) THE DISTRICT CONTROL UNIT OF THAT DISTRICT COURT HOLDING
20 THE HEARING.

21 (B) THAT CITY OR VILLAGE WHERE THE HEARING IS HELD, IF A
22 DISTRICT COURT DOES NOT HAVE JURISDICTION.

23 (C) THAT COUNTY IN WHICH THE HEARING IS HELD, IF THE HEARING
24 CONSISTS OF THE PROSECUTION OF A PERSON FOR A VIOLATION OF THIS
25 ACT, AND A DISTRICT COURT DOES NOT HAVE JURISDICTION.

26 (4) IF A JUDGE OR DISTRICT COURT MAGISTRATE DETERMINES BY A
27 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON CITED IS

1 RESPONSIBLE FOR A CIVIL INFRACTION, THE JUDGE OR MAGISTRATE SHALL
2 ENTER AN ORDER AGAINST THE PERSON AS PROVIDED IN SECTION 188. IF
3 A JUDGE OR MAGISTRATE DETERMINES BY A PREPONDERANCE OF THE EVI-
4 DENCE THAT THE PERSON CITED IS NOT RESPONSIBLE FOR A CIVIL
5 INFRACTION, THE JUDGE OR MAGISTRATE SHALL ENTER AN ORDER FOR THAT
6 PERSON. A PERSON FOUND NOT RESPONSIBLE FOR A CIVIL INFRACTION
7 UNDER THIS SECTION IS NOT ENTITLED TO RECOVER HIS OR HER COSTS OF
8 THE ACTION.

9 (5) A PARTY TO AN INFORMAL HEARING MAY APPEAL A JUDGMENT
10 ENTERED AT THAT HEARING. AN APPEAL FROM A MUNICIPAL COURT IS
11 SUBJECT TO DE NOVO REVIEW IN THE CIRCUIT COURT. AN APPEAL FROM A
12 DISTRICT COURT MAGISTRATE DECISION IS SUBJECT TO DE NOVO REVIEW
13 IN THAT DISTRICT COURT. AN APPEAL FROM A DISTRICT COURT JUDICIAL
14 DECISION IS SUBJECT TO DE NOVO REVIEW BY A DIFFERENT JUDGE OF
15 THAT DISTRICT COURT.

16 SEC. 186. (1) ONLY A JUDGE OF A COURT HAVING JURISDICTION
17 OVER CIVIL INFRACTIONS UNDER SECTION 179(1) SHALL CONDUCT A
18 FORMAL HEARING ON A CITATION ISSUED FOR AN ALLEGED MARINE LAW
19 CIVIL INFRACTION.

20 (2) A PERSON TO WHOM A CITATION FOR A MARINE LAW CIVIL
21 INFRACTION IS ISSUED MAY BE REPRESENTED BY AN ATTORNEY IN A
22 FORMAL HEARING, BUT A COURT MAY NOT APPOINT COUNSEL FOR THAT
23 PERSON AT PUBLIC EXPENSE.

24 (3) A COURT SHALL PROVIDE NOTICE OF A FORMAL HEARING TO THE
25 ATTORNEY WHO IS RESPONSIBLE FOR PROSECUTING THE PERSON ALLEGED TO
26 BE RESPONSIBLE FOR A MARINE LAW CIVIL INFRACTION. THAT ATTORNEY
27 SHALL BE RESPONSIBLE FOR THE ISSUANCE OF A SUBPOENA TO EACH

1 PROSECUTION WITNESS, AND THAT ATTORNEY SHALL APPEAR AT THE FORMAL
2 HEARING. A PERSON PROSECUTED FOR A MARINE LAW CIVIL INFRACTION
3 MAY SUBPOENA A WITNESS TO APPEAR AT THE FORMAL HEARING. A WIT-
4 NESS FEE IS NOT REQUIRED TO BE PAID TO A WITNESS PRIOR TO A
5 HEARING.

6 (4) THE WITNESS FEE OF A PROSECUTION WITNESS SHALL BE PAID
7 BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT FOR THE PLACE
8 WHERE THE HEARING OCCURS, BY THAT CITY OR VILLAGE PROSECUTING A
9 PERSON FOR AN ALLEGED MARINE LAW CIVIL INFRACTION IF THE HEARING
10 INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT WHERE THE DISTRICT
11 COURT IS NOT FUNCTIONING, OR BY THE COUNTY IF THE HEARING
12 INVOLVES A CIVIL INFRACTION UNDER THIS ACT IN A DISTRICT WHERE
13 THE DISTRICT COURT IS NOT FUNCTIONING.

14 (5) A JUDGE SHALL CONDUCT A FORMAL HEARING WITHOUT A JURY.

15 (6) IF A JUDGE DETERMINES BY A PREPONDERANCE OF THE EVIDENCE
16 THAT THE PERSON CITED IS RESPONSIBLE FOR A MARINE LAW CIVIL
17 INFRACTION, THE JUDGE SHALL ENTER AN ORDER AGAINST THE PERSON AS
18 PROVIDED IN SECTION 188. IF A JUDGE DETERMINES BY A PREPONDER-
19 ANCE OF THE EVIDENCE THAT THE PERSON IS NOT RESPONSIBLE FOR A
20 MARINE LAW CIVIL INFRACTION, THE JUDGE SHALL ENTER A JUDGMENT FOR
21 THAT PERSON, BUT SHALL NOT ALLOW THAT PERSON TO RECOVER HIS OR
22 HER COSTS OF THE ACTION.

23 SEC. 187. IF THE PERSON TO WHOM A CITATION IS ISSUED FOR A
24 CIVIL INFRACTION FAILS TO APPEAR AS DIRECTED BY THE CITATION OR
25 OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER SECTION 184(3)(B)
26 OR (4), AT A SCHEDULED INFORMAL HEARING, OR AT A SCHEDULED FORMAL
27 HEARING, THE COURT SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT

1 PERSON AND ALL MATTERS PERTAINING TO THE VIOLATION ARE RESOLVED
2 UNLESS THE COURT SETS ASIDE THE DEFAULT JUDGMENT.

3 SEC. 187A. (1) IF A PERSON WHO IS NOT A RESIDENT OF THIS
4 STATE IS STOPPED FOR A CIVIL INFRACTION PURSUANT TO SECTION 180
5 AND THAT PERSON HAS IN HIS OR HER POSSESSION AN IDENTIFICATION
6 DOCUMENT, THE PEACE OFFICER MAKING THE STOP SHALL TAKE THAT
7 PERSON'S IDENTIFICATION DOCUMENT AS SECURITY FOR THE
8 NONRESIDENT'S APPEARANCE IN COURT AND SATISFACTION OF ANY ORDER
9 WHICH MAY BE ISSUED UNDER SECTION 188, AND SHALL ISSUE TO THAT
10 PERSON A CITATION AS PROVIDED IN SECTIONS 172 AND 180. WITHIN 48
11 HOURS OF A PEACE OFFICER'S RECEIPT OF AN IDENTIFICATION DOCUMENT
12 UNDER THIS SECTION, THAT PEACE OFFICER SHALL DELIVER THE IDENTI-
13 FICATION DOCUMENT TO THE COURT NAMED IN THE CITATION OR TO THE
14 APPLICABLE CHIEF POLICE OFFICER OR PERSON AUTHORIZED BY THAT
15 CHIEF POLICE OFFICER TO RECEIVE CITATIONS AND IDENTIFICATION
16 DOCUMENTS. THE CHIEF POLICE OFFICER OR PERSON AUTHORIZED SHALL
17 DEPOSIT THE IDENTIFICATION DOCUMENT AND CITATION WITH THE COURT
18 IN THE SAME MANNER AS PRESCRIBED FOR CITATIONS IN SECTION 173.
19 FAILURE TO DELIVER THE IDENTIFICATION DOCUMENT IS CONTEMPT OF
20 COURT.

21 (2) IN LIEU OF THE OFFICER'S TAKING OF THE IDENTIFICATION
22 DOCUMENT UNDER SUBSECTION (1) OR BEFORE APPEARANCE IN COURT, THE
23 PERSON STOPPED MAY RECOGNIZE TO THE OFFICER OR TO THE COURT FOR
24 HIS OR HER APPEARANCE BY LEAVING WITH THE OFFICER OR COURT A
25 GUARANTEED APPEARANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED
26 \$25.00.

1 (3) IF A DISTRICT COURT MAGISTRATE OR JUDGE IS AVAILABLE FOR
2 AN IMMEDIATE APPEARANCE, AND A NONRESIDENT TO WHOM A CITATION IS
3 ISSUED DEMANDS AN IMMEDIATE HEARING, THE CITATION ISSUING PEACE
4 OFFICER SHALL TAKE THE NONRESIDENT BEFORE THE DISTRICT COURT MAG-
5 ISTRATE OR JUDGE IMMEDIATELY FOR A HEARING ON THE ALLEGED CIVIL
6 INFRACTION. THE COURT HAVING JURISDICTION SHALL RETURN TO A NON-
7 RESIDENT THAT PERSON'S IDENTIFICATION UPON COMPLETION OF AN
8 INFORMAL HEARING OR UPON THAT PERSON'S ADMISSION OF RESPONSIBILI-
9 TY, IF ANY OF THE FOLLOWING OCCUR:

10 (A) JUDGMENT IS ENTERED FOR THAT PERSON.

11 (B) AN ADVERSE JUDGMENT AGAINST THAT PERSON IS SATISFIED.

12 (C) THAT PERSON PROVIDES THE COURT WITH A GUARANTEED APPEAR-
13 ANCE CERTIFICATE OR A SUM OF MONEY NOT TO EXCEED \$25.00 AS SECUR-
14 ITY FOR PAYMENT OF ANY FINES OR COSTS ORDERED.

15 (4) IF THE NONRESIDENT DEFENDANT REQUESTS A FORMAL HEARING,
16 THE COURT SHALL SCHEDULE A HEARING AS PROVIDED IN SECTION 186,
17 BUT SHALL RETAIN THE DEFENDANT'S IDENTIFICATION DOCUMENT UNTIL
18 FINAL RESOLUTION OF THE MATTER UNLESS THE DEFENDANT LEAVES WITH
19 THE COURT A GUARANTEED APPEARANCE CERTIFICATE OR DEPOSIT AS
20 DESCRIBED IN SUBSECTION (2) AS SECURITY FOR APPEARANCE AT THE
21 SCHEDULED FORMAL HEARING.

22 (5) THE OFFICER RECEIVING A GUARANTEED APPEARANCE CERTIFI-
23 CATE OR DEPOSIT OF MONEY UNDER SUBSECTION (2) SHALL DO EACH OF
24 THE FOLLOWING:

25 (A) GIVE TO THE PERSON STOPPED FOR AN ALLEGED CIVIL INFRAC-
26 TION A RECEIPT FOR THE GUARANTEED APPEARANCE CERTIFICATE OR THE
27 MONEY DEPOSITED.

1 (B) GIVE TO THE PERSON STOPPED FOR AN ALLEGED CIVIL
2 INFRACTION THE WRITTEN CITATION REQUIRED UNDER SUBSECTION (1).

3 (C) WITHIN 48 HOURS AFTER HIS OR HER RECEIPT OF A CERTIFI-
4 CATE OR DEPOSIT OF MONEY PURSUANT TO THIS SECTION, DEPOSIT THAT
5 CERTIFICATE OR MONEY WITH THE COURT IDENTIFIED IN THE CITATION,
6 WITH THE CHIEF OFFICER OF HIS OR HER DEPARTMENT OR AGENCY, OR
7 WITH THE AUTHORIZED AGENT OF THE CHIEF OFFICER OF HIS OR HER
8 DEPARTMENT OR AGENCY.

9 (6) A CHIEF OFFICER OF A DEPARTMENT OR AGENCY OR THAT
10 PERSON'S AUTHORIZED AGENT SHALL DELIVER A CERTIFICATE OR MONEY
11 RECEIVED UNDER THIS SECTION TO THE COURT IN THE SAME MANNER AS
12 PRESCRIBED FOR CITATIONS IN SECTION 173. THAT PERSON'S FAILURE
13 TO DELIVER A CERTIFICATE OR DEPOSIT OF MONEY IN COMPLIANCE WITH
14 THIS SECTION IS EMBEZZLEMENT OF PUBLIC MONEY.

15 (7) IF THE PERSON WHO POSTS A CERTIFICATE OR DEPOSIT FAILS
16 TO APPEAR AS REQUIRED IN THE CITATION OR FOR A SCHEDULED FORMAL
17 HEARING, THE COURT HAVING JURISDICTION AND VENUE OVER THE CIVIL
18 INFRACTION SHALL ENTER A DEFAULT JUDGMENT AGAINST THAT PERSON,
19 AND THAT PERSON SHALL FORFEIT THE GUARANTEED APPEARANCE CERTIFI-
20 CATE OR MONEY DEPOSITED. THE COURT SHALL APPLY MONEY FORFEITED
21 UNDER THIS SECTION TO ANY CIVIL FINE OR COSTS ORDERED PURSUANT TO
22 SECTION 188.

23 (8) AS USED IN THIS SECTION, "GUARANTEED APPEARANCE
24 CERTIFICATE" MEANS A CARD OR CERTIFICATE CONTAINING A PRINTED
25 STATEMENT THAT A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THIS
26 STATE GUARANTEES THE APPEARANCE OF THE PERSON WHOSE SIGNATURE
27 APPEARS ON THE CARD OR CERTIFICATE, AND THAT THE COMPANY, IF THE

1 PERSON FAILS TO APPEAR IN COURT AT THE TIME OF A SCHEDULED
2 INFORMAL OR FORMAL HEARING OR TO PAY ANY FINE OR COSTS IMPOSED
3 PURSUANT TO SECTION 188, WILL PAY ANY FINE, COSTS, OR BOND FOR-
4 FEITURE IMPOSED ON THE PERSON IN A TOTAL AMOUNT NOT TO EXCEED
5 \$200.00.

6 SEC. 188. (1) A MARINE LAW VIOLATION THAT IS DESIGNATED A
7 CIVIL INFRACTION IS NOT A LESSER INCLUDED OFFENSE OF A CRIMINAL
8 OFFENSE.

9 (2) IF A PERSON IS FOUND TO BE RESPONSIBLE OR RESPONSIBLE
10 "WITH EXPLANATION" FOR A MARINE LAW CIVIL INFRACTION, A COURT MAY
11 ORDER THE PERSON TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00 AND
12 COSTS AS PROVIDED IN SUBSECTION (3). A CIVIL FINE OR COSTS
13 IMPOSED FOR A MARINE LAW CIVIL INFRACTION ARE PAYABLE IMMEDIATELY
14 UPON ENTRY OF JUDGMENT, UNLESS A COURT EXPRESSLY INCLUDES IN THE
15 JUDGMENT A PROVISION FOR THE PERSON TO PAY A CIVIL FINE, COSTS,
16 OR BOTH, WITHIN A SPECIFIED PERIOD OF TIME OR IN SPECIFIED
17 INSTALLMENTS.

18 (3) IF A CIVIL FINE IS ORDERED TO BE PAID UNDER
19 SUBSECTION (2), THE COURT SHALL ASSESS AGAINST THE PERSON FINED
20 THOSE COSTS, INCLUDING DIRECT AND INDIRECT COSTS OF UP TO
21 \$100.00, THAT THE PROSECUTION HAS INCURRED IN PROSECUTING THAT
22 PERSON. A COURT SHALL DEPOSIT THE PROCEEDS OF COSTS RECEIVED
23 UNDER THIS SECTION INTO THE GENERAL FUND OF THE ENTITY ACTING AS
24 PLAINTIFF.

25 (4) IN ADDITION TO A CIVIL FINE AND COSTS ORDERED UNDER
26 SUBSECTION (2), A COURT MAY ORDER THE PERSON RESPONSIBLE FOR A

1 MARINE LAW VIOLATION TO ATTEND AND COMPLETE A PROGRAM OF
2 TREATMENT, EDUCATION, OR REHABILITATION.

3 (5) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS
4 PERMITTED UNDER SUBSECTIONS (2) AND (4) ONLY TO THE EXTENT
5 EXPRESSLY AUTHORIZED BY THE CHIEF JUDGE OR SOLE JUDGE OF THE DIS-
6 TRICT COURT DISTRICT.

7 (6) A COURT MAY ESTABLISH A SCHEDULE OF ALL OR SOME OF THE
8 CIVIL FINES AND COSTS AUTHORIZED TO BE IMPOSED FOR CIVIL INFRAC-
9 TIONS OCCURRING WITHIN ITS JURISDICTION. A SCHEDULE MAY EXCLUDE
10 FEES AND COSTS AUTHORIZED TO BE IMPOSED AGAINST A PERSON PREVI-
11 OUSLY FOUND RESPONSIBLE FOR A MARINE LAW VIOLATION. IF A COURT
12 ESTABLISHES A SCHEDULE, IT SHALL PROMINENTLY POST THE SCHEDULE
13 AND MAKE THAT SCHEDULE READILY AVAILABLE FOR PUBLIC INSPECTION.

14 (7) THE STATE COURT ADMINISTRATOR SHALL ANNUALLY PUBLISH AND
15 DISTRIBUTE TO EACH DISTRICT AND COURT A RECOMMENDED RANGE OF
16 CIVIL FINES AND COSTS FOR FIRST-TIME CIVIL INFRACTIONS. THIS
17 RECOMMENDATION IS NOT BINDING UPON THE COURTS HAVING JURISDICTION
18 OVER CIVIL INFRACTIONS, BUT IS A NORMATIVE GUIDE FOR JUDGES AND
19 DISTRICT COURT MAGISTRATES AND A BASIS FOR PUBLIC EVALUATION OF
20 DISPARITIES IN THE IMPOSITION OF CIVIL FINES AND COSTS THROUGHOUT
21 THE STATE.

22 (8) A DEFAULT IN ALL OR A PORTION OF THE PAYMENT OF A CIVIL
23 FINE OR COSTS ORDERED UNDER SUBSECTION (2) OR (3) MAY BE COL-
24 LECTED BY A MEANS AUTHORIZED FOR THE ENFORCEMENT OF A JUDGMENT
25 UNDER CHAPTER 40 OF THE REVISED JUDICATURE ACT OF 1961, ACT
26 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.4001 TO
27 600.4065 OF THE MICHIGAN COMPILED LAWS, OR UNDER CHAPTER 60 OF

1 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS 600.6001
2 TO 600.6098 OF THE MICHIGAN COMPILED LAWS.

3 (9) IF A PERSON FAILS TO COMPLY WITH AN ORDER OR JUDGMENT
4 ISSUED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED BY THE
5 COURT, THE COURT MAY ALSO PROCEED UNDER SECTION 189.

6 (10) IF A PERSON RECEIVES A CITATION FOR A VIOLATION OF SEC-
7 TION 33(9), THE COURT SHALL WAIVE ANY FINE AND COSTS, UPON
8 RECEIPT OF CERTIFICATION BY A LAW ENFORCEMENT AGENCY THAT THE
9 PERSON, BEFORE THE APPEARANCE DATE ON THE CITATION, PRODUCED A
10 CERTIFICATE OF NUMBER THAT WAS VALID ON THE DATE THE VIOLATION OF
11 SECTION 33(9) OCCURRED.

12 SEC. 188A. A COURT MAY ADD TO A FINE AND COSTS LEVIED
13 AGAINST A PERSON THOSE ADDITIONAL COSTS INCURRED IN COMPELLING
14 THE APPEARANCE OF THAT PERSON. A COURT SHALL DEPOSIT THE PRO-
15 CEEDS OF ADDITIONAL COSTS IMPOSED UNDER THIS SUBSECTION INTO THE
16 GENERAL FUND OF THE GOVERNMENTAL ENTITY ACTING AS PLAINTIFF.

17 SEC. 188B. A PERSON WHO FAILS TO ANSWER A CITATION OR
18 NOTICE TO APPEAR IN COURT FOR EITHER A MARINE LAW VIOLATION OR A
19 PENDING MATTER, OR A PERSON WHO FAILS TO COMPLY WITH AN ORDER OR
20 JUDGMENT ISSUED PURSUANT TO SECTION 188, IS GUILTY OF A
21 MISDEMEANOR.

22 SEC. 189. (1) IF A PERSON DEFAULTS IN THE PAYMENT OF A
23 CIVIL FINE, COSTS, OR BOTH, OR OF ANY INSTALLMENT AS ORDERED PUR-
24 SUANT TO SECTION 188, THE COURT MAY REQUIRE THAT PERSON TO SHOW
25 CAUSE WHY THE DEFAULT SHOULD NOT BE TREATED AS CIVIL CONTEMPT AND
26 MAY ISSUE EITHER OF THE FOLLOWING:

1 (A) A SUMMONS OR AN ORDER FOR THAT PERSON TO SHOW CAUSE.

2 (B) A BENCH WARRANT OF ARREST FOR THAT PERSON'S APPEARANCE.

3 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A
4 CIVIL FINE OR COSTS, THE PERSON AUTHORIZED BY THAT CORPORATION OR
5 ASSOCIATION TO MAKE DISBURSEMENT SHALL PAY THE FINE OR COSTS, AND
6 THAT PERSON'S FAILURE TO TENDER PAYMENT IS CIVIL CONTEMPT UNLESS
7 HE OR SHE MAKES THE SHOWING REQUIRED IN THIS SECTION.

8 (3) UNLESS A PERSON DEMONSTRATES TO A COURT'S SATISFACTION
9 THAT THE DEFAULT WAS NOT ATTRIBUTABLE TO AN INTENTIONAL REFUSAL
10 TO OBEY THE ORDER OF THE COURT OR TO THAT PERSON'S FAILURE TO
11 MAKE A GOOD FAITH EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAY-
12 MENT, THE COURT SHALL FIND THAT THE DEFAULT CONSTITUTES A CIVIL
13 CONTEMPT AND MAY ORDER THAT PERSON IMPRISONED UNTIL THE CIVIL
14 FINE, COSTS, OR BOTH, OR A SPECIFIED PART IS PAID.

15 (4) IF A COURT DETERMINES THAT A DEFAULT IN THE PAYMENT OF A
16 CIVIL FINE OR COSTS DOES NOT CONSTITUTE CIVIL CONTEMPT, THE COURT
17 MAY ENTER AN ORDER THAT DOES ANY OF THE FOLLOWING:

18 (A) ALLOWS A PERSON ADDITIONAL TIME TO TENDER PAYMENT.

19 (B) REDUCES THE AMOUNT OF PAYMENT OR OF EACH INSTALLMENT.

20 (C) REVOKES THE FINE OR COSTS OR THE UNPAID PORTION IN WHOLE
21 OR IN PART.

22 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-
23 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF
24 IMPRISONMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$10.00 OF THE
25 FINE AND COSTS. A PERSON IMPRISONED FOR NONPAYMENT OF A CIVIL
26 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY
27 OF IMPRISONMENT AT THE RATE OF \$10.00 PER DAY.

1 (6) A PERSON IMPRISONED FOR CIVIL CONTEMPT FOR NONPAYMENT OF
2 A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED FROM CUSTODY UNTIL
3 1 OF THE FOLLOWING OCCURS:

4 (A) THAT PERSON HAS BEEN CREDITED WITH THE AMOUNT DUE PURSU-
5 ANT TO SUBSECTION (5).

6 (B) THE AMOUNT DUE HAS ACTUALLY BEEN COLLECTED THROUGH EXE-
7 CUTION OF PROCESS OR OTHERWISE.

8 (C) THE AMOUNT DUE HAS BEEN SATISFIED PURSUANT TO A COMBINA-
9 TION OF SUBDIVISIONS (A) AND (B).

10 (7) THE CIVIL CONTEMPT SHALL BE PURGED UPON DISCHARGE OF THE
11 DEFENDANT PURSUANT TO SUBSECTION (6).

12 SEC. 190. (1) A CIVIL FINE THAT IS ORDERED UNDER SECTION
13 188 FOR A VIOLATION OF THIS ACT, A RULE PROMULGATED UNDER THIS
14 ACT, OR A LOCAL ORDINANCE ESTABLISHED IN SUBSTANTIAL CONFORMITY
15 WITH THIS ACT IS EXCLUSIVELY APPLICABLE TO THE SUPPORT OF PUBLIC
16 LIBRARIES AND COUNTY LAW LIBRARIES IN THE SAME MANNER AS IS PRO-
17 VIDED BY LAW FOR PENAL FINES ASSESSED AND COLLECTED FOR VIOLATION
18 OF A PENAL LAW OF THE STATE.

19 (2) SUBSECTION (1) IS INTENDED TO MAINTAIN A SOURCE OF REVE-
20 NUE FOR PUBLIC LIBRARIES THAT PREVIOUSLY RECEIVED PENAL FINES FOR
21 THOSE MISDEMEANOR VIOLATIONS OF THIS ACT THAT ARE NOW CIVIL
22 INFRACTIONS.

23 Sec. 191. (1) ~~When wind conditions on the Great Lakes~~
24 ~~attain a magnitude whereby~~ IF 1/3 of the waves ~~resulting~~
25 ~~therefrom~~ ON THE GREAT LAKES RESULTING FROM WIND CONDITIONS
26 cause ~~any~~ A public dock, pier, wharf, or retaining wall to be
27 awash, ~~it constitutes a state not conducive to the orderly and~~

1 ~~safe use and occupancy of such structures~~ THAT PUBLIC DOCK,
2 PIER, WHARF, OR RETAINING WALL IS UNSAFE.

3 (2) ~~When such~~ IF THE conditions DESCRIBED IN SUBSECTION
4 (1) exist, ~~any~~ A harbormaster, peace ~~or police~~ officer, or
5 other authorized official may rope off or barricade entry to
6 ~~these structures~~ THE UNSAFE PUBLIC DOCK, PIER, WHARF, OR
7 RETAINING WALL, or THAT PERSON MAY post in a conspicuous manner
8 notices that entry ~~thereon~~ TO THAT PUBLIC DOCK, PIER, WHARF, OR
9 RETAINING WALL for the purpose of fishing, swimming, or other
10 recreational activity is prohibited.

11 (3) A person shall not knowingly enter or remain upon ~~any~~
12 A public dock, pier, wharf, or retaining wall for the purpose of
13 fishing, swimming, or other recreational activity when ~~(1)~~ 1 OR
14 MORE OF THE FOLLOWING EXIST:

15 (A) THE PUBLIC DOCK, PIER, WHARF, OR RETAINING WALL IS
16 roped, cabled, or otherwise barricaded in a manner designed to
17 exclude intruders. ~~, (2)~~

18 (B) A notice against entry is ~~given by posting~~ POSTED in a
19 conspicuous manner. ~~, or (3)~~

20 (C) A notice to leave or stay off is personally communicated
21 to him OR HER by a peace ~~or police~~ officer or other authorized
22 official of the local unit of government.

23 Sec. 192. (1) The owner or person in charge of a bathing
24 beach maintained primarily for public ~~usage~~ USE shall not know-
25 ingly permit a person to bathe or swim from the bathing beach
26 unless buoys are established in accordance with section 141,
27 outlining a safe bathing or swimming area.

1 (2) A person who is bathing or swimming from a bathing beach
2 maintained primarily for public ~~usage~~ USE shall not bathe or
3 swim in waters which are within 100 feet beyond the buoyed bath-
4 ing or swimming area. This subsection ~~shall~~ DOES not apply to
5 persons swimming from adjacent privately owned beaches ~~which~~
6 THAT are not open to the general public.

7 (3) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
8 CIVIL INFRACTION.

9 Section 2. This amendatory act shall not take effect unless
10 all of the following bills of the 86th Legislature are enacted
11 into law:

12 (a) Senate Bill No. _____ or House Bill No. 5178 (request
13 no. 03785'91 a).

14 (b) Senate Bill No. _____ or House Bill No. 5177 (request
15 no. 03785'91 b).