

Act No. 39
Public Acts of 1993
Approved by the Governor
May 20, 1993
Filed with the Secretary of State
May 20, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Dalman, Jamian, Gernaat, McNutt, Llewellyn, Horton, Bodem, Rhead, London, Brown, Shugars, Vorva and Bullard

Reps. Agee, Allen, Baade, Bandstra, Bankes, Bender, Brackenridge, Byrum, Curtis, DeMars, Dolan, Gilmer, Gire, Gnodtke, Goschka, Hammerstrom, Harder, Hill, Hoffman, Jaye, Jersevic, Kilpatrick, Kukuk, Lowe, McManus, Middaugh, Olshove, Palamara, Points, Porreca, Profit, Rocca, Stille, Varga, Wallace, Willard, Yokich and Joe Young, Jr. named co-sponsors

ENROLLED HOUSE BILL No. 4113

AN ACT to amend section 33 of Act No. 303 of the Public Acts of 1967, entitled as amended "An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; and to provide for penalties," as amended by Act No. 59 of the Public Acts of 1990, being section 281.1033 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 33 of Act No. 303 of the Public Acts of 1967, as amended by Act No. 59 of the Public Acts of 1990, being section 281.1033 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 33. (1) Except as otherwise provided in this section, the owner of a vessel required to be numbered and to display a decal shall file an application for a certificate of number with the secretary of state. The secretary of state shall prescribe and furnish application forms. If a vessel is sold by a dealer, that dealer shall combine the application for a certificate of number with the application for a certificate of title if a certificate of title is required by Act No. 160 of the Public Acts of 1976, being sections 281.1201 to 281.1223 of the Michigan Compiled Laws. The dealer shall obtain the certificate of number in the name of the owner. The owner of the vessel shall sign the application. A person shall not file an application for a certificate of number that contains false information. A dealer who fails to submit an application as required by this section is guilty of a misdemeanor punishable by a fine of not more than \$100.00, or imprisonment for not more than 90 days, or both.

(2) A dealer who submits an application for a certificate of number as provided in subsection (1) may issue to the owner of the vessel a 15-day temporary permit, on forms prescribed by the secretary of state, for the use of the vessel while the certificate of number is being issued.

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

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

(5) A person shall not use or permit the use of a vessel for which a 15-day temporary permit has been issued under this section unless the temporary permit is valid and carried on board while the vessel is being used and displayed on the vessel as prescribed by rule promulgated by the department.

(6) Except as otherwise provided in this section, an applicant shall pay the following fee at the time of application:

(a) A 15-day temporary permit issued under subsection (3)	\$ 10.00
(b) Nonpowered vessels, other than nonmotorized canoes or kayaks, except as provided in section 32	8.25
(c) Nonmotorized canoes or kayaks except as provided in section 32	4.50
(d) Motorboats less than 12 feet in length	14.00
(e) Motorboats 12 feet or over but less than 16 feet in length	16.75
(f) Motorboats 16 feet or over but less than 21 feet in length	41.75
(g) Motorboats 21 feet or over but less than 28 feet in length	90.00
(h) Motorboats 28 feet or over but less than 35 feet in length	168.00
(i) Motorboats 35 feet or over but less than 42 feet in length	244.00
(j) Motorboats 42 feet or over but less than 50 feet in length	280.00
(k) Motorboats 50 feet in length or over	448.00
(l) Pontoon vessels regardless of size	22.50
(m) Motorized canoes regardless of size	14.00
(n) Vessels licensed under the commercial fishing law of 1929, Act No. 84 of the Public Acts of 1929, being sections 308.1 to 308.51 of the Michigan Compiled Laws	15.00
(o) Vessels carrying passengers for hire that are in compliance with the charter and livery boat safety act, Act No. 244 of the Public Acts of 1986, being sections 281.571 to 281.595 of the Michigan Compiled Laws, or under federal law; and vessels carrying passengers and freight or freight only and owned within this state or hailing from a port within this state	45.00
(p) Beginning January 1, 1991, motorboats 21 feet or over but less than 28 feet in length	115.00

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

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

(9) Upon receipt of an initial application for a certificate of number in approved form and payment of the required fee, the secretary of state shall enter the information upon the official records and issue to the applicant a certificate of number containing the number awarded to the vessel, the name and address of the owner, and other information that the secretary of state considers necessary. The secretary of state shall issue a certificate of number that is pocket size and legible. If the vessel is in use, the operator shall present the certificate of number for inspection upon demand of a law enforcement or conservation officer.

(10) If a check or draft in payment of a fee or tax payable to the secretary of state under this act is not paid on its first presentation, the fee or tax is delinquent as of the date the draft or check was tendered. The person tendering the check or draft remains liable for the payment of each fee or tax and a penalty.

(11) The secretary of state may suspend a certificate of number if the secretary of state determines that a fee or tax required by this act has not been paid and remains unpaid after reasonable notice and demand.

(12) If a fee or tax is delinquent 15 days after the secretary of state gives notice to the person tendering the check or draft, the secretary of state shall assess and collect, in addition to the fee or tax, a penalty that is \$5.00 or 20% of the check or draft, whichever is larger.

(13) The certificate of number for vessels less than 26 feet in length and leased or rented to another for the noncommercial use of that person for not more than 24 hours may be retained on shore by the vessel's owner or the owner's authorized representative at the place from which the vessel departs or returns to the possession of the owner

or the owner's representative, if a copy of the lease or rental agreement, signed by the owner or the owner's authorized representative and by the person leasing or renting the vessel, is on board. The lease or rental agreement shall contain both of the following:

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

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

(14) The owner of a vessel, other than a nonpowered vessel 12 feet or under in length, having been issued a certificate of number for the vessel shall paint on or attach in a permanent manner to each side of the forward half of the vessel the identifying number in the manner prescribed by rules promulgated by the commission. A person, partnership, corporation, or other entity that rents or leases vessels shall be assigned a block of numbers sufficient to number consecutively all the vessels that the person, partnership, corporation, or other entity rents or leases. The number shall be maintained in a legible condition. A vessel documented by the United States coast guard or a federal agency that is the successor to the United States coast guard is not required to display numbers under this act but is required to display a decal indicating payment of the fee prescribed in subsection (6), and is otherwise required to comply with this act.

(15) Upon receipt of an application for a certificate of number in an approved form, and payment of the fee required by this act, the secretary of state shall issue a decal that is color coded and dated to identify the year of its expiration, and indicates that the vessel is numbered in compliance with this act. The commission shall promulgate a rule or rules to establish the manner in which the decal is to be displayed.

(16) A decal is valid for a 3-year period that begins on April 1 and expires on March 31 of the third year. An original certificate of number may be issued up to 90 days prior to April 1. A numbering renewal decal or other renewal device may be issued up to 90 days prior to the expiration of a certificate. Each currently issued certificate that expires on December 31, 1989, 1990, or 1991 shall remain effective until March 31, 1990, 1991, or 1992 as provided in this section.

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

(18) The numbering system adopted pursuant to this act shall be in accordance with the standard system of numbering established by the secretary of the department in which the United States coast guard operates.

(19) An agency of this state, a political subdivision of this state, or a state supported college or university of this state shall register each vessel owned by it and required to be numbered under this act and do the following:

(a) Pay a fee of \$3.00 for each vessel that is not used for recreational, commercial, or rental purposes.

(b) Pay a fee as provided in subsection (6) for each vessel that is used for recreational, commercial, or rental purposes.

(20) The secretary of state shall, upon receipt of payment of the fee required under subsection (19), issue a certificate of number for each vessel subject to subsection (19).

(21) A vessel that is 30 years of age or older and maintained solely as a collector's item and not used other than in club activities, exhibitions, tours, parades, and other similar activities is an historic vessel. An historic vessel shall, upon application, be numbered as an historic vessel. An application form for a certificate of number for an historic vessel is available from the secretary of state. The fee for the numbering of an historic vessel is 1/3 of the fee specified in subsection (6).

(22) If the owner of a nonmotorized canoe or kayak registered that vessel under this act between January 1, 1989 and the effective date of this subsection, upon application to the secretary of state, that person shall receive a refund of a portion of the registration fee equal to the difference in the amount that owner paid and the fee amount provided in subsection (6)(c).

(23) The secretary of state shall refund to the owner of a vessel registered under this act all of the registration fee paid for that vessel pursuant to this section if all of the following conditions are met during the period for which the registration fee was paid:

(a) The owner transfers or assigns title or interest in the registered vessel before placing the decal issued under subsection (15) on the vessel.

(b) The owner surrenders the unused decal to the secretary of state within 30 days after the date of transfer or assignment.

(24) The secretary of state shall refund to the surviving spouse of a deceased vessel owner the registration fee paid pursuant to this act, prorated on a monthly basis, upon receipt of the decal issued under subsection (15) or evidence satisfactory to the secretary of state that the decal issued under subsection (15) has been destroyed or voided.

(25) If the secretary of state computes a fee under this act that results in a figure other than a whole dollar amount, the secretary of state shall round the figure to the nearest whole dollar.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.