

Act No. 139  
Public Acts of 1994  
Approved by the Governor  
May 26, 1994  
Filed with the Secretary of State  
May 26, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Reps Stille Hammerstrom Fitzgerald Brackenridge Pitoniak Gernaat and Voorhees

# **ENROLLED HOUSE BILL No. 5428**

AN ACT to amend section 8 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 271 of the Public Acts of 1993 being section 281 1008 of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Section 8 of Act No 303 of the Public Acts of 1967 as amended by Act No 271 of the Public Acts of 1993 being section 281 1008 of the Michigan Compiled Laws is amended to read as follows

Sec 8 As used in this act

(a) Passenger means a person carried on board a vessel other than any of the following

(i) The owner or his or her representative

(ii) The operator

(b) Peace officer means any of the following

(i) A sheriff

(ii) A sheriff's deputy

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

(iv) A village or township marshal

(v) An officer of the police department of any city village or township

(vi) An officer of the Michigan state police

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

(c) Person means an individual partnership firm corporation company association or governmental entity and includes a trustee receiver assignee or similar representative of any of them

(d) Personal watercraft means a vessel that meets all of the following requirements

(i) Uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion

(n) Is designed without an open load carrying area that would retain water

(nn) Is designed to be operated by 1 or more persons positioned on rather than within the confines of the hull

(e) Political subdivision means any county metropolitan authority city village township or combination thereof in this state Whenever a body of water is located in more than 1 political subdivision all of the subdivisions shall act individually in order to comply with the provisions of this act except if the problem is confined to a specific area of the body of water only the political subdivision in which the problem waters lie shall act

(f) Port means left and reference is to the port side of a vessel or to the left side of the vessel

(g) Probate court disposition means the entry of a probate court order of disposition for a child found to be within the provisions of chapter XIIA of Act No 288 of the Public Acts of 1939 being sections 712A 1 to 712A 31 of the Michigan Compiled Laws

(h) Prosecuting attorney except as the context otherwise requires means the attorney general the prosecuting attorney of a county or the attorney representing a political subdivision of government

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

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

(k) Starboard means right and reference is to the starboard side of a vessel or to the right side of the vessel

(l) State aid means payment made by the state to a county for the conduct of a marine safety program

(m) Undocumented vessel means a vessel that does not have and is not required to have a valid marine document issued by the United States coast guard or federal agency successor to the United States coast guard

(n) Uniform inspection decal means an adhesive backed sticker created by the department pursuant to section 161 that is color coded to indicate the year that it expires and is attached to a vessel in the manner prescribed for decals in section 31 when a peace officer inspects and determines that the vessel complies with this act

(o) Use means operate navigate or employ

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

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

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor