



# HOUSE BILL No. 5428

March 22 1994 Introduced by Reps Stille Hammerstrom Fitzgerald Brackenridge Pitoniak Gernaat and Voorhees and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 8 of Act No 303 of the Public Acts of 1967, entitled as amended

'Marine safety act "

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

1 Section 1 Section 8 of Act No 303 of the Public Acts of  
2 1967 as amended by Act No 271 of the Public Acts of 1993, being  
3 section 281 1008 of the Michigan Compiled Laws, is amended to  
4 read as follows

5 Sec 8 As used in this act

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

8 (1) The owner or his or her representative

1 (11) The operator

2 (b) 'Peace officer means ~~every full or part time~~ ANY OF  
3 THE FOLLOWING

4 (1) A sheriff ~~or~~

5 (11) A sheriff's deputy — EMPOWERED TO ENFORCE THE GENERAL  
6 LAWS OF THIS STATE OR AUTHORIZED BY A SHERIFF TO ENFORCE THIS  
7 ACT

8 (111) A village or township marshal —

9 (1v) AN officer of the police department of any city vil-  
10 lage, or township ~~any~~

11 (v) AN officer of the Michigan state police ~~or any other~~  
12 ~~police officer or law enforcement officer who is trained and cer-~~  
13 ~~tified pursuant to the Michigan law enforcement officers training~~  
14 ~~council act of 1965, Act No 203 of the Public Acts of 1965~~  
15 ~~being sections 28 601 to 28 616 of the Michigan Compiled Laws,~~  
16 ~~and includes the~~

17 (vi) THE director of the department and conservation offi-  
18 cers employed by the department

19 (c) "Person means an individual partnership, firm corpo-  
20 ration, company, association, or governmental entity and  
21 includes a trustee, receiver assignee or similar representative  
22 of any of them

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

25 (1) Uses a motor-driven propeller or an internal combustion  
26 engine powering a water jet pump as its primary source of  
27 propulsion

1 (ii) Is designed without an open load carrying area that  
2 would retain water

3 (iii) Is designed to be operated by 1 or more persons posi-  
4 tioned on, rather than within, the confines of the hull

5 (e) "Political subdivision" means any county, metropolitan  
6 authority, city, village, township, or combination thereof in  
7 this state Whenever a body of water is located in more than 1  
8 political subdivision, all of the subdivisions shall act individ-  
9 ually in order to comply with the provisions of this act except  
10 if the problem is confined to a specific area of the body of  
11 water only the political subdivision in which the problem waters  
12 lie shall act

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

15 (g) 'Probate court disposition' means the entry of a probate  
16 court order of disposition for a child found to be within the  
17 provisions of chapter XIIA of Act No 288 of the Public Acts of  
18 1939, being sections 712A 1 to ~~712A 20~~ 712A 31 of the Michigan  
19 Compiled Laws

20 (h) 'Prosecuting attorney', except as the context otherwise  
21 requires, means the attorney general the prosecuting attorney of  
22 a county, or the attorney representing a political subdivision of  
23 government

24 (i) "Regatta", "boat race", "marine parade" 'tournament'  
25 or exhibition' means an organized water event of limited dura-  
26 tion that is conducted according to a prearranged schedule

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

3       (k) "Starboard" means right and reference is to the star-  
4 board side of a vessel or to the right side of the vessel

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

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

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

17       (o) 'Use means operate navigate or employ

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

20       (q) 'Waters of this state means any waters within the ter-  
21 ritorial limits of this state, and includes those waters of the  
22 Great Lakes that are under the jurisdiction of this state