



**House
Legislative
Analysis
Section**

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**MODIFY WATERCRAFT
INSPECTION PROGRAM**

**House Bill 6219 with committee
amendment
First Analysis (9-24-02)**

**Sponsor: Rep. Raymond Basham
Committee: Transportation**

THE APPARENT PROBLEM:

Michigan, the Great Lakes State, has nearly one million registered watercraft, the most of any state in the nation. There are, then, many operators of registered recreational watercraft using the state's lakes and rivers. The state's system for recreational watercraft safety inspections--the Marine Safety Program--is operated by the Law Enforcement Division of Department of Natural Resources. In addition, boating education and safety programs are sometimes available from scores of local U.S. Coast Guard Auxiliary organizations (called flotillas), county sheriff's departments, or members of the state's 25 local chapters of the U.S. Power Squadron. Generally, each program issues a decal that is attached to the boat, after a safety inspection has been completed. However, many boaters do not have access to safety inspection or training programs, since most of the programs are voluntary, and some counties do not offer boater education and safety inspection services.

Two states, Ohio and Maryland, have recently entered into a memorandum of understanding with the U.S. Coast Guard Auxiliary to establish a jointly sponsored Vessel Safety Check program. The new national program is free, and it utilizes a unified set of vessel safety check standards. Each state that participates honors the safety check standards, and also recognizes the new safety check program decal. Some of the items checked by vessel examiners include proper display of numbers, registration and documentation, personal flotation devices, visual distress signals, fire extinguishers, ventilation, backfire flame control (in power boats of a certain size), sound producing devices, navigation lights, compliance with state requirements, and overall vessel condition. See *BACKGROUND INFORMATION* below.

The systemic and uniform vessel inspection program that is advanced by the U.S. Coast Guard allows for some variation in implementation, in order to take

advantage of each state's personnel and financial resources, as well as its existing inspection services. For example, according to the Winter 2001 issue of the periodical *Navigator*, Maryland trains volunteers to conduct vessel safety inspections, while Ohio uses its state watercraft officers in addition to local marine patrol units for vessel safety inspections. However, the purpose of the program in both Maryland and Ohio is the same: to improve boating safety by increasing the number of inspections and safety training classes.

Legislation has been introduced to enable Michigan to work with the U.S. Coast Guard Auxiliary and establish a uniform marine vessel inspection program, in addition to its existing marine safety and inspection services.

THE CONTENT OF THE BILL:

House Bill 6219 would amend the Natural Resources and Environmental Protection Act to modify the state marine vessel inspection program.

Currently under the law, the operator of a marine vessel on waters of this state must stop the watercraft for an inspection at the request of a peace officer. All peace officers are equipped with adhesive copies of a uniform marine safety inspection decal (differently colored each year), and a receipt book. If a peace officer finds no violation of a marine law, the inspection decal is placed on the vessel, and the receipt (including the officer's name, the time, date, and place of the inspection, and the vessel's identification number) is delivered to a program supervisor, who maintains all of the receipts for one year. During the period during which the inspection decal remains in effect, a peace officer can inspect a vessel only to determine the number and adequacy of personal flotation devices, or if there is probable cause to believe the vessel's operator is in violation of

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a marine law. Under House Bill 6219, these provisions would be deleted.

The bill would provide, instead, that, except as otherwise provided by law, a peace officer could not stop a vessel moving on the waters of this state for enforcement purposes unless he or she has a reasonable suspicion that a violation of the law has occurred, or is about to be committed. Further, the bill specifies that the Department of Natural Resources could enter into an agreement with the United States Coast Guard, the Coast Guard Auxiliary, or an organization sponsored by the Coast Guard to provide for courtesy marine examinations of a vessel and its equipment. However, such an agreement would not preclude the department or any peace officer from performing an inspection of a vessel or the vessel's equipment for enforcement or courtesy purposes.

Under the bill, an agreement entered into would be required to specify that the United States Coast Guard, the auxiliary, or an organization sponsored by the Coast Guard or auxiliary would provide the department with a sufficient number of vessel safety check decals for conservation officers, and those counties that participate in the marine safety program. The decals issued would have to bear the likeness of the state seal of Michigan, and the year the decal was valid. Finally, upon the completion of an inspection of a vessel or its equipment by a peace officer, the decal would be affixed, and the bill specifies that the appearance of a valid decal issued in this state or in another state would be prima facie evidence that the vessel was properly equipped.

MCL 324.80166

BACKGROUND INFORMATION:

For more than 60 years, the U.S. Coast Guard Auxiliary has been recognized around the world as a safe boating organization. The auxiliary's original safe boating program, known as the Courtesy Marine Examination, began in 1947. A study group of boat manufacturers, marine vessel retailers, and other boating safety organizations recently updated the original courtesy examination protocol, and replaced it with the Vessel Safety Check program. The program offers a free check of a vessel's equipment for compliance with federal and state safety requirements. The vessel examiners performing the service have been trained by the U.S. Coast Guard Auxiliary or the U.S. Power Squadrons, and are able to identify common problems that can occur with equipment, and also discuss certain safety procedures

and practices. Some of the topics often discussed are accident reporting, charts and navigation aids, survival tips, fueling and fuel management, float plans, weather and sea conditions, and the availability of local boating safety classes.

For more information about the U.S. Coast Guard Auxiliary Vessel Safety Check program, visit www.cgaux.org or www.safetyseal.net.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Michigan has nearly one million registered watercraft, more than any other state in the nation. However, the state does not offer a marine vessel safety inspection program for recreational boaters. Instead, boat inspection programs are offered by sheriff's departments and conservation officers, and boating education is available from the members of the state's 25 local U.S. Power Squadrons, and the members of many local U.S. Coast Guard Auxiliaries. Despite these many volunteers, more boating education and marine inspection programs are needed to serve the state's many boat operators. This legislation will increase the number of trained vessel inspectors available to Michigan boaters, as well as spur the development of more marine safety education and training programs. Further, the legislation promotes a single set of safety standards for boaters across the nation, helping to improve boating safety when recreational boaters travel among the fifty states.

POSITIONS:

The Department of Natural Resources supports the bill. (9-24-02)

A representative of the Michigan Boating Association testified in support of the bill. (9-24-02)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.