

**SUBSTITUTE FOR
HOUSE BILL NO. 6219**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80166 (MCL 324.80166), as added by 1995
PA 58, and by adding section 80166a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80166. (1) Upon the direction of a peace officer
2 ACTING IN THE LAWFUL PERFORMANCE OF HIS OR HER DUTY, the operator
3 of a vessel moving on the waters of this state shall immediately
4 bring the vessel to a stop or maneuver it in a manner that per-
5 mits the peace officer to come beside the vessel. The operator
6 of the vessel ~~and any person on the vessel~~ shall do the follow-
7 ing upon the request of the peace officer:
8 (a) Provide his or her correct name and address.
9 (b) Exhibit the certificate of number awarded for the
10 vessel.

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1 (c) If the vessel does not bear a decal described in
2 ~~subsection (3)~~ SECTION 80166A OR AN EQUIVALENT DECAL ISSUED BY
3 OR ON BEHALF OF ANOTHER STATE, submit to a reasonable inspection
4 of the vessel and to a reasonable inspection and test of the
5 equipment of the vessel.

6 ~~(2) Each police chief, the director of the law enforcement~~
7 ~~division of the department of natural resources, the director of~~
8 ~~the department of state police, and each sheriff shall issue a~~
9 ~~book containing both of the following to each peace officer in~~
10 ~~his or her department whose duties may include enforcement of~~
11 ~~marine law:~~

12 (a) ~~Adhesive copies of a uniform marine safety inspection~~
13 ~~decal described in subsection (3).~~

14 (b) ~~Receipts for each uniform inspection decal copy.~~

15 (3) ~~The department shall create and each calendar year make~~
16 ~~available to persons described in subsection (2) adhesive copies~~
17 ~~of a uniform marine safety inspection decal that is all of the~~
18 ~~following:~~

19 (a) ~~Effective for 1 calendar year.~~

20 (b) ~~Of a distinct color that is changed each calendar year.~~

21 (c) ~~Attachable to a vessel and bearing language that sub-~~
22 ~~stantially complies with the following: "This vessel has been~~
23 ~~inspected by _____ on _____ and is in compliance with the~~
24 ~~equipment and registration requirements of part 801 of the natu-~~
25 ~~ral resources and environmental protection act."~~

26 (4) ~~A peace officer who conducts an inspection of a vessel~~
27 ~~authorized under this section shall include in that inspection a~~

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1 ~~reasonable examination and test of the equipment on that vessel.~~
2 ~~If the peace officer does not find a violation of a marine law,~~
3 ~~he or she shall affix to the vessel an adhesive copy of the uni-~~
4 ~~form marine safety inspection decal described in subsection (3)~~
5 ~~and shall complete a receipt for that decal.~~

6 ~~(5) A completed receipt for a decal shall include all of the~~
7 ~~following:~~

8 ~~(a) The name of the peace officer.~~

9 ~~(b) The time, date, and place of the inspection.~~

10 ~~(c) The vessel's identifying number.~~

11 ~~(6) A peace officer shall deliver to his or her supervisor~~
12 ~~or person designated by that supervisor a receipt for a decal~~
13 ~~within 48 hours of affixing the decal to a vessel. The supervi-~~
14 ~~sor or person designated by the supervisor shall maintain~~
15 ~~receipts received under this section for a period of 1 year.~~

16 ~~(2) (7) Except for inspection of a vessel to determine the~~
17 ~~number and adequacy of personal flotation devices on that vessel,~~
18 ~~a peace officer shall not stop and inspect a vessel bearing the~~
19 ~~decal described in this section 80166A OR AN EQUIVALENT DECAL~~
20 ~~ISSUED BY OR ON BEHALF OF ANOTHER STATE during the period the~~
21 ~~decal remains in effect unless that peace officer has probably~~
22 ~~cause to believe A REASONABLE SUSPICION THAT the vessel or the~~
23 ~~vessel's operator is in violation of a marine law.~~

24 ~~(3) (8) A person who is detained for a violation of this~~
25 ~~part or of a local ordinance substantially corresponding to a~~
26 ~~provision of this part and who furnishes a peace officer false,~~
27 ~~forged, fictitious, or misleading verbal or written information~~

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1 identifying the person as another person is guilty of a
2 misdemeanor.

3 (4) ~~(9)~~ A peace officer who observes a marine law viola-
4 tion may immediately arrest the person without a warrant or issue
5 to the person a written or verbal warning.

6 SEC. 80166A. (1) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT
7 WITH THE UNITED STATES COAST GUARD, THE UNITED STATES COAST GUARD
8 AUXILIARY, OR AN ORGANIZATION SPONSORED BY THE UNITED STATES
9 COAST GUARD OR THE UNITED STATES COAST GUARD AUXILIARY TO PROVIDE
10 FOR VESSEL SAFETY CHECKS OF A VESSEL AND ITS EQUIPMENT. AN
11 AGREEMENT ENTERED INTO UNDER THIS SUBSECTION SHALL NOT PRECLUDE
12 THE DEPARTMENT, OR ANY PEACE OFFICER WITHIN HIS OR HER JURISDIC-
13 TION, FROM PERFORMING AN INSPECTION OF A VESSEL OR THE VESSEL'S
14 EQUIPMENT FOR ENFORCEMENT PURPOSES OR COURTESY PURPOSES.

15 (2) AN AGREEMENT ENTERED INTO UNDER THIS SECTION SHALL SPEC-
16 IFY THAT THE UNITED STATES COAST GUARD, THE UNITED STATES COAST
17 GUARD AUXILIARY, OR AN ORGANIZATION SPONSORED BY THE UNITED
18 STATES COAST GUARD OR THE UNITED STATES COAST GUARD AUXILIARY
19 SHALL PROVIDE THE DEPARTMENT WITH A SUFFICIENT NUMBER OF VESSEL
20 SAFETY CHECK DECALS FOR CONSERVATION OFFICERS AND THOSE COUNTIES
21 THAT PARTICIPATE IN THE MARINE SAFETY PROGRAM. IN ADDITION TO
22 ANY OTHER INFORMATION THAT IS INCLUDED ON A VESSEL SAFETY CHECK
23 DECAL, EACH VESSEL SAFETY CHECK DECAL SHALL BEAR THE LIKENESS OF
24 THE STATE SEAL OF MICHIGAN. THE VESSEL SAFETY CHECK DECAL SHALL
25 DISPLAY THE YEAR IN WHICH THE DECAL WAS ISSUED AND DURING WHICH
26 IT IS VALID.

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1 (3) UPON THE COMPLETION OF AN INSPECTION OF A VESSEL OR THE
2 VESSEL'S EQUIPMENT BY A PEACE OFFICER, THE UNITED STATES COAST
3 GUARD, THE UNITED STATES COAST GUARD AUXILIARY, OR AN ORGANIZA-
4 TION SPONSORED BY THE UNITED STATES COAST GUARD OR THE UNITED
5 STATES COAST GUARD AUXILIARY, THE PEACE OFFICER OR PERSON PER-
6 FORMING THE INSPECTION SHALL AFFIX TO THE VESSEL THE VESSEL
7 SAFETY CHECK DECAL PROVIDED FOR IN THIS SECTION.