

# HOUSE BILL No. 6219

June 18, 2002, Introduced by Reps. Basham and Phillips and referred to the Committee on Transportation.

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.

1 (c) If the vessel does not bear a decal described in  
2 ~~subsection (3)~~ SECTION 80166A, submit to a reasonable inspec-  
3 tion of the vessel and to a reasonable inspection and test of the  
4 equipment of the vessel.

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

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

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

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

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

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

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

25 ~~(4) A peace officer who conducts an inspection of a vessel~~  
26 ~~authorized under this section shall include in that inspection a~~  
27 ~~reasonable examination and test of the equipment on that vessel.~~

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

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

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

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

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

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

15 ~~(7) Except for inspection of a vessel to determine the~~  
16 ~~number and adequacy of personal flotation devices on that vessel,~~  
17 ~~a peace officer shall not stop and inspect a vessel bearing the~~  
18 ~~decal described in this section during the period the decal~~  
19 ~~remains in effect unless that peace officer has probable cause to~~  
20 ~~believe the vessel or the vessel's operator is in violation of a~~  
21 ~~marine law.~~

22 (2) A PEACE OFFICER SHALL NOT STOP A VESSEL MOVING ON THE  
23 WATERS OF THIS STATE FOR ENFORCEMENT PURPOSES UNLESS HE OR SHE  
24 HAS A REASONABLE SUSPICION THAT A VIOLATION OF THIS PART, A LOCAL  
25 ORDINANCE SUBSTANTIALLY CORRESPONDING TO A PROVISION OF THIS  
26 PART, OR ANOTHER LAW OF THIS STATE HAS BEEN OR IS ABOUT TO BE  
27 COMMITTED.

1           (3) ~~-(8)-~~ A person who is detained for a violation of this  
2 part or of a local ordinance substantially corresponding to a  
3 provision of this part and who furnishes a peace officer false,  
4 forged, fictitious, or misleading verbal or written information  
5 identifying the person as another person is guilty of a  
6 misdemeanor.

7           (4) ~~-(9)-~~ A peace officer who observes a marine law viola-  
8 tion may immediately arrest the person without a warrant or issue  
9 to the person a written or verbal warning.

10           SEC. 80166A. (1) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT  
11 WITH THE UNITED STATES COAST GUARD, THE UNITED STATES COAST GUARD  
12 AUXILIARY, OR AN ORGANIZATION SPONSORED BY THE UNITED STATES  
13 COAST GUARD OR THE UNITED STATES COAST GUARD AUXILIARY TO PROVIDE  
14 FOR COURTESY MARINE EXAMINATIONS OF A VESSEL AND ITS EQUIPMENT.  
15 AN AGREEMENT ENTERED INTO UNDER THIS SUBSECTION SHALL NOT PRE-  
16 CLUDE THE DEPARTMENT, OR ANY PEACE OFFICER WITHIN HIS OR HER  
17 JURISDICTION, FROM PERFORMING AN INSPECTION OF A VESSEL OR THE  
18 VESSEL'S EQUIPMENT FOR ENFORCEMENT PURPOSES OR COURTESY  
19 PURPOSES.

20           (2) AN AGREEMENT ENTERED INTO UNDER THIS SECTION SHALL SPEC-  
21 IFY THAT THE UNITED STATES COAST GUARD, THE UNITED STATES COAST  
22 GUARD AUXILIARY, OR AN ORGANIZATION SPONSORED BY THE UNITED  
23 STATES COAST GUARD OR THE UNITED STATES COAST GUARD AUXILIARY  
24 SHALL PROVIDE THE DEPARTMENT WITH A SUFFICIENT NUMBER OF VESSEL  
25 SAFETY CHECK DECALS FOR CONSERVATION OFFICERS AND THOSE COUNTIES  
26 THAT PARTICIPATE IN THE MARINE SAFETY PROGRAM. IN ADDITION TO  
27 ANY OTHER INFORMATION THAT IS INCLUDED ON A VESSEL SAFETY CHECK

1 DECAL, EACH VESSEL SAFETY CHECK DECAL SHALL BEAR THE LIKENESS OF  
2 THE STATE SEAL OF MICHIGAN. THE VESSEL SAFETY CHECK DECAL SHALL  
3 DISPLAY THE YEAR IN WHICH THE DECAL WAS ISSUED AND DURING WHICH  
4 IT IS VALID.

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

12 (4) THE APPEARANCE OF A VALID VESSEL SAFETY CHECK DECAL,  
13 ISSUED IN THIS STATE OR ANOTHER STATE, ON A VESSEL IS PRIMA FACIE  
14 EVIDENCE THAT THE VESSEL IS PROPERLY EQUIPPED.