

SENATE BILL No. 967

January 19, 2006, Introduced by Senators KUIPERS and McMANUS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80124 (MCL 324.80124), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80124. (1) Except as otherwise provided in this
2 section, the owner of a vessel required to be numbered and to
3 display a decal shall file an application for a certificate of
4 number with the secretary of state. The secretary of state shall
5 prescribe and furnish certificate of title application forms. If
6 a vessel requiring a certificate of title under part 803 is sold
7 by a dealer, that dealer shall combine the application for a
8 certificate of number that is signed by the vessel owner with the

1 application for a certificate of title. The dealer shall obtain
2 the certificate of number in the name of the owner. The owner of
3 the vessel shall sign the application. A person shall not file an
4 application for a certificate of number that contains false
5 information. A dealer who fails to submit an application as
6 required by this section is guilty of a misdemeanor, punishable
7 by imprisonment for not more than 90 days, or a fine of not more
8 than \$100.00, or both.

9 (2) A dealer who submits an application for a certificate of
10 number as provided in subsection (1) may issue to the owner of
11 the vessel a 15-day temporary permit, on forms prescribed by the
12 secretary of state, for the use of the vessel ~~while~~ **PENDING**
13 **ISSUANCE OF** the certificate of number. ~~is being issued.~~

14 (3) A dealer may issue a 15-day permit, on a form prescribed
15 by the secretary of state, for the use of a vessel purchased in
16 this state and delivered to the purchaser for removal to a place
17 outside of this state, if the purchaser certifies by his or her
18 signature that the vessel will be registered and primarily used
19 and stored outside of this state and will not be returned to this
20 state by the purchaser for use or storage. A certificate of
21 number shall not be issued for a vessel ~~holding a permit~~ **FOR**
22 **WHICH A PERMIT HAS BEEN ISSUED** under this subsection.

23 (4) A 15-day temporary permit issued under subsection (2) or
24 (3) shall not be renewed or extended.

25 (5) A person shall operate or permit the operation of a
26 vessel for which a 15-day temporary permit has been issued under
27 this section only if the temporary permit is valid and displayed

1 on the vessel as prescribed by rule promulgated by the department
2 under this part.

3 (6) Except as otherwise provided in this section **AND SECTION**
4 **80123**, an applicant shall pay the following **APPLICABLE** fee at the
5 time of application:

6	(a) A 15-day temporary permit issued		
7	under subsection (3).....	\$	10.00
8	(b) Nonpowered vessels, other than		
9	nonmotorized canoes or kayaks —, except as		
10	provided in section 80123.....		9.00
11	(c) Nonmotorized canoes or kayaks		
12	except as provided in section 80123.....		5.00
13	(d) Motorboats less than 12 feet in		
14	length.....		14.00
15	(e) Motorboats 12 feet or over but less		
16	than 16 feet in length.....		17.00
17	(f) Motorboats 16 feet or over but less		
18	than 21 feet in length.....		42.00
19	(g) Motorboats 21 feet or over but less		
20	than 28 feet in length.....		115.00
21	(h) Motorboats 28 feet or over but less		
22	than 35 feet in length.....		168.00
23	(i) Motorboats 35 feet or over but less		
24	than 42 feet in length.....		244.00
25	(j) Motorboats 42 feet or over but less		
26	than 50 feet in length.....		280.00
27	(k) Motorboats 50 feet in length or		
28	over.....		448.00
29	(l) Pontoon vessels regardless of size..		23.00

1	(m) Motorized canoes regardless of size.	14.00
2	(n) Vessels licensed under part 473.....	15.00
3	(o) Vessels carrying passengers for hire	
4	that are in compliance with part 445, or	
5	under federal law; and vessels carrying	
6	passengers and freight or freight only and	
7	owned within this state or hailing from a	
8	port within this state.....	45.00

9 (7) The length of a vessel is the distance from end to end
10 over the deck, excluding the longitudinal upward or downward
11 curve of the deck, fore and aft. A pontoon boat shall be measured
12 by the length of its deck, fore and aft.

13 (8) Payment of the fee specified in this section exempts the
14 vessel from the tax imposed by the general property tax act, ~~Act~~
15 ~~No. 206 of the Public Acts of 1893, being sections 211.1 to~~
16 ~~211.157 of the Michigan Compiled Laws 1893 PA 206, MCL 211.1 TO~~
17 ~~211.157.~~

18 (9) Upon receipt of an initial application for a certificate
19 of number in approved form and payment of the required fee, the
20 secretary of state shall enter the information upon the official
21 records and issue to the applicant a certificate of number
22 containing the number awarded to the vessel, the name and address
23 of the owner, and other information that the secretary of state
24 determines necessary. The secretary of state shall issue a
25 certificate of number that is pocket size and legible. Except as
26 provided in subsection (13), a person operating a vessel shall

1 present that vessel's certificate of number to a peace officer
2 upon the peace officer's request.

3 (10) If a check or draft payable to the secretary of state
4 under this part is not paid on its first presentation, the fee or
5 tax is delinquent as of the date the draft or check was tendered.
6 The person tendering the check or draft remains liable for the
7 payment of each fee or tax and a penalty.

8 (11) Upon determining that a fee or tax required by this
9 part has not been paid and remains unpaid after reasonable notice
10 and demand, the secretary of state may suspend a certificate of
11 number.

12 (12) If a person who tenders a check or draft described in
13 subsection (10) fails to pay a fee or tax within 15 days after
14 the secretary of state gives him or her notice that the check or
15 draft described in subsection (10) was not paid on its first
16 presentation, the secretary of state shall assess and collect a
17 penalty of \$5.00 or 20% of the **AMOUNT OF THE** check or draft,
18 whichever is larger, in addition to the fee or tax.

19 (13) The owner or authorized agent of the owner of a vessel
20 less than 26 feet in length that is leased or rented to a person
21 for noncommercial use for not more than 24 hours may retain, at
22 the place from which the vessel departs or returns to the
23 possession of the owner or the owner's representative, the
24 certificate of number for that vessel if a copy of the lease or
25 rental agreement is on the vessel. Upon the demand of a peace
26 officer, the operator shall produce for inspection either the
27 certificate of number or a copy of the lease or rental agreement

1 for that vessel. The lease or rental agreement shall contain each
2 of the following:

3 (a) The vessel number that appears on the certificate of
4 number.

5 (b) The period of time for which the vessel is leased or
6 rented.

7 (c) The signature of the vessel's owner or that person's
8 authorized agent.

9 (d) The signature of the person leasing or renting the
10 vessel.

11 (14) Upon receipt of a certificate of number for a vessel,
12 the owner of that vessel shall paint on or attach in a permanent
13 manner to each side of the forward half of the vessel the number
14 identified in the certificate of number, in the manner prescribed
15 by rules promulgated by the department. The secretary of state
16 shall assign to the owner of vessels for rent or lease a block of
17 numbers sufficient to number consecutively all of that owner's
18 rental or lease vessels. The owner shall maintain the numbers in
19 a legible condition. A vessel documented by the United States
20 coast guard or a federal agency that is the successor to the
21 United States coast guard is not required to display numbers
22 under this part but shall display a decal indicating payment of
23 the fee prescribed in subsection (6), and shall otherwise be in
24 compliance with this part. This subsection does not apply to a
25 nonpowered vessel 12 feet or less in length.

26 (15) Upon receipt of an application for a certificate of
27 number in an approved form and payment of the fee required by

1 this part, the secretary of state shall issue a decal that is
2 color-coded and dated to identify the year of its expiration, and
3 that indicates that the vessel is numbered in compliance with
4 this part. The department shall promulgate a rule or rules to
5 establish the manner in which the decal is to be displayed.

6 (16) A decal is valid for a 3-year period that begins on
7 April 1 and expires on March 31 of the third year. An original
8 certificate of number may be issued up to 90 days prior to April
9 1. A numbering renewal decal or other renewal device may be
10 issued up to 90 days prior to the expiration of a certificate.

11 (17) Upon receipt of a request for renewal of a decal and
12 payment of the fee prescribed in subsection (6), the secretary of
13 state shall issue to the applicant a decal as provided in
14 subsection (15).

15 (18) The numbering system adopted pursuant to this part
16 shall be in accordance with the standard system of numbering
17 established by the secretary of the department in which the
18 United States coast guard operates.

19 (19) An agency of this state, a political subdivision of
20 this state, or a state-supported college or university of this
21 state that owns a vessel that is required to be numbered under
22 this part shall register that vessel and upon payment of either
23 of the following shall receive from the secretary of state a
24 certificate of number for that vessel:

25 (a) A fee of \$3.00 for a vessel that is not used for
26 recreational, commercial, or rental purposes.

27 (b) The fee required under subsection (6) for a vessel that

1 is used for recreational, commercial, or rental purposes.

2 (20) The secretary of state shall, upon receipt of payment
3 of the fee required under subsection (19), issue a certificate of
4 number for each vessel subject to subsection (19).

5 (21) A vessel that is 30 years of age or older and not used
6 other than in club activities, exhibitions, tours, parades, and
7 other similar activities is a historic vessel. The secretary of
8 state shall make available to the public application forms for
9 certificates of number for historic vessels and, upon receipt of
10 a completed application form and fee, shall number a historic
11 vessel as a historic vessel. The fee for the numbering of a
12 historic vessel is 1/3 of the otherwise applicable fee specified
13 in subsection (6).

14 ~~—— (22) Upon application to the secretary of state, the owner~~
15 ~~of a nonmotorized canoe or kayak who registered that vessel under~~
16 ~~former Act No. 303 of the Public Acts of 1967 between January 1,~~
17 ~~1989 and April 17, 1990 shall receive a refund of a portion of~~
18 ~~the registration fee equal to the difference in the amount that~~
19 ~~owner paid and the fee amount provided in subsection (6)(c).~~

20 (22) ~~—(23)—~~ The secretary of state shall refund to the owner
21 of a vessel registered under this part ~~or former Act No. 303 of~~
22 ~~the Public Acts of 1967~~ all of the registration fee paid for
23 that vessel pursuant to this section ~~or section 33 of former Act~~
24 ~~No. 303 of the Public Acts of 1967~~ if all of the following
25 conditions are met during the period for which the registration
26 fee was paid:

27 (a) The owner transfers or assigns title or interest in the

1 registered vessel before placing the decal issued under
2 subsection (15) on the vessel.

3 (b) The owner surrenders the unused decal to the secretary
4 of state within 30 days after the date of transfer or assignment.

5 (23) ~~—(24)—~~ The secretary of state shall refund to the
6 surviving spouse of a deceased vessel owner the registration fee
7 paid pursuant to this part, prorated on a monthly basis, upon
8 receipt of the decal issued under subsection (15) or evidence
9 satisfactory to the secretary of state that the decal issued
10 under subsection (15) has been destroyed or voided.

11 (24) THE SECRETARY OF STATE SHALL ISSUE A REPLACEMENT FOR A
12 DECAL UNDER SUBSECTION (15) UPON RECEIPT OF EVIDENCE SATISFACTORY
13 TO THE SECRETARY OF STATE THAT THE ORIGINAL DECAL HAS BEEN
14 DESTROYED OR IS LOST OR ILLEGIBLE AND THAT THE PERSON SEEKING THE
15 REPLACEMENT DECAL IS THE PERSON TO WHOM THE ORIGINAL DECAL WAS
16 ISSUED OR HIS OR HER SUCCESSOR IN INTEREST IN THE VESSEL FOR
17 WHICH THE ORIGINAL DECAL WAS ISSUED.

18 (25) If the secretary of state computes a fee under this
19 part that results in a figure other than a whole dollar amount,
20 the secretary of state shall round the figure to the nearest
21 whole dollar.