

# SENATE BILL No. 967

June 2, 2014, Introduced by Senators HILDENBRAND, HUNE, EMMONS and MOOLENAAR and referred to the Committee on Veterans, Military Affairs and Homeland Security.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80124 (MCL 324.80124), as amended by 2012 PA 294.

**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, pursuant to sections  
3 80122 and 80123, to be numbered and to display a decal shall file  
4 an application for a certificate of number with the secretary of  
5 state. The secretary of state shall prescribe and furnish  
6 **CERTIFICATE OF NUMBER AND** certificate of title application forms.  
7 If a vessel requiring a certificate of title under part 803 is  
8 sold by a dealer, that dealer shall combine the application for a  
9 certificate of number that is signed by the vessel owner with the  
10 application for a certificate of title. The dealer shall obtain

1 the certificate of number in the name of the owner. The  
2 application for a certificate of number shall include a  
3 certification. The owner of the vessel shall sign the application  
4 or, if the application is filed electronically, provide  
5 information requested by the secretary of state to verify the  
6 owner's identity. A person shall not file an application for a  
7 certificate of number that contains false information. A dealer  
8 who fails to submit an application as required by this section is  
9 guilty of a misdemeanor, punishable by imprisonment for not more  
10 than 90 days, or a fine of not more than \$100.00, or both.

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

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

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

27 (5) A person shall operate or ~~permit~~ **ALLOW** the operation of

1 a vessel for which a 15-day permit has been issued under ~~this~~  
2 ~~section~~**SUBSECTION (2) OR (3)** only if the permit is valid and  
3 displayed on the vessel as prescribed by rule promulgated by the  
4 department under this part.

5 (6) Except as otherwise provided in this section, an  
6 ~~applicant shall pay the following fee at the time of application~~  
7 **FOR A CERTIFICATE OF NUMBER UNDER SUBSECTION (1) OR FOR RENEWAL**  
8 **OF A DECAL UNDER SUBSECTION (17) SHALL BE ACCOMPANIED BY PAYMENT**  
9 **OF THE FOLLOWING APPLICABLE FEE:**

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

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

7 (7) As used in this section, ~~the~~ **"FEET IN** length" of a  
8 vessel ~~means~~ **REFERS TO** the distance from end to end over the  
9 deck, excluding the longitudinal upward or downward curve of the  
10 deck, fore and aft. For a pontoon boat, **FEET IN** length of a  
11 vessel means the length of its deck, fore and aft.

12 (8) Payment of the fee specified in this section exempts the  
13 vessel from the tax imposed under the general property tax act,  
14 1893 PA 206, MCL 211.1 to 211.155.

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

26 (10) If a check or draft payable to the secretary of state  
27 under this part is not paid on its first presentation, the fee or

1 tax is delinquent as of the date the draft or check was tendered.  
2 The person tendering the check or draft ~~remains~~**IS** liable for the  
3 payment of the fee or tax and a penalty.

4 (11) ~~Upon determining that~~**IF** a fee or tax required by this  
5 part has not been paid and remains unpaid after reasonable notice  
6 and demand, the secretary of state may suspend a certificate of  
7 number.

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

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

27 (a) The vessel number that appears on the certificate of

1 number.

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

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

6 (d) The signature of the person leasing or renting the  
7 vessel.

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

23 (15) Upon receipt of an application for a certificate of  
24 number in an approved form and payment of the fee required by  
25 this part, the secretary of state shall issue a decal that  
26 indicates that the vessel is numbered in compliance with this  
27 part. The decal shall be color-coded and dated to identify the

1 year of its expiration. The department shall ~~promulgate a rule or~~  
2 ~~rules to establish~~ **PRESCRIBE BY RULE** the manner in which the  
3 decal is to be displayed. A person who operates a vessel in  
4 violation of a rule promulgated to implement this subsection is  
5 responsible for a state civil infraction and may be ordered to  
6 pay a civil fine of not more than \$500.00.

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

12 (17) Upon receipt of ~~a request~~ **AN APPLICATION** for renewal of  
13 a decal and payment of the fee prescribed in subsection (6), the  
14 secretary of state shall issue to the applicant a decal as  
15 provided in subsection (15). A person who operates a vessel for  
16 which ~~no decal was issued as required under~~ **A DECAL REQUIRED BY**  
17 this section **HAS NOT BEEN ISSUED** or for which ~~a~~ **THE MOST RECENT**  
18 decal has expired is responsible for a state civil infraction and  
19 may be ordered to pay a civil fine of not more than \$500.00.

20 (18) The numbering system adopted under this part shall ~~be~~  
21 ~~in accordance~~ **COMPLY** with the standard system of numbering  
22 established by the secretary of the department in which the  
23 United States coast guard operates.

24 (19) An agency of this state, a political subdivision of  
25 this state, or a state supported college or university of this  
26 state that owns a vessel that is required to be numbered under  
27 this part shall register that vessel and upon payment of either

1 of the following shall receive from the secretary of state a  
2 certificate of number for that vessel:

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

5 (b) The fee ~~required under~~ **SPECIFIED IN** subsection (6) for a  
6 vessel that is used for recreational, commercial, or rental  
7 purposes.

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

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

20 **(22) AN INDIVIDUAL WHO APPLIES FOR A CERTIFICATE OF NUMBER**  
21 **UNDER SUBSECTION (1) OR RENEWAL OF A DECAL UNDER SUBSECTION (17)**  
22 **IS EXEMPT FROM THE FEE SPECIFIED IN SUBSECTION (6) IF THE**  
23 **APPLICATION IS ACCOMPANIED BY PROOF THAT THE APPLICANT WAS**  
24 **HONORABLY DISCHARGED FROM THE ARMED SERVICES AND THAT ANY OF THE**  
25 **FOLLOWING APPLY:**

26 **(A) THE APPLICANT HAS BEEN DETERMINED BY THE VETERANS'**  
27 **ADMINISTRATION OF THE FEDERAL GOVERNMENT TO HAVE A SERVICE-**



1 CONNECTED TOTAL OR PERMANENT TOTAL DISABILITY RATING FOR  
2 COMPENSATION.

3 (B) THE APPLICANT HAS BEEN DETERMINED TO HAVE A SERVICE-  
4 CONNECTED TOTAL OR PERMANENT TOTAL DISABILITY RATING AND IS  
5 RECEIVING DISABILITY RETIREMENT PAY FROM A BRANCH OF THE ARMED  
6 SERVICES.

7 (23) ~~(22)~~—The secretary of state shall refund to the owner  
8 of a vessel registered under this part all of the registration  
9 fee paid for that vessel under this section if all of the  
10 following conditions are met during the period for which the  
11 registration fee was paid:

12 (a) The owner transfers or assigns title or interest in the  
13 registered vessel before placing the decal issued under  
14 subsection (15) on the vessel.

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

17 (24) ~~(23)~~—The secretary of state shall refund to the  
18 surviving spouse of a deceased vessel owner the registration fee  
19 paid under this part, prorated on a monthly basis, upon receipt  
20 of the decal issued under subsection (15) or evidence  
21 satisfactory to the secretary of state that the decal issued  
22 under subsection (15) has been destroyed or voided.

23 (25) ~~(24)~~—If the secretary of state computes a fee under  
24 this part that results in a figure other than a whole dollar  
25 amount, the secretary of state shall round the figure to the  
26 nearest whole dollar.