

SUBSTITUTE FOR
HOUSE BILL NO. 5401

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80146 (MCL 324.80146), as amended by 2007 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80146. (1) The department may promulgate rules to
2 establish maximum ~~motorboat~~-**vessel** speed limits or to allow
3 unlimited ~~motorboat~~-**vessel** speed on the waters of this state.

4 (2) On waters of this state for which a ~~motorboat~~-**vessel** speed
5 limit is not established under subsection (1), ~~on any waters~~ for
6 which the department has not established an unlimited ~~motorboat~~
7 **vessel** speed limit, ~~or on any waters~~ **and** for which stricter speed
8 restrictions are not established pursuant to ~~an~~-**another** act, ~~a~~-**the**
9 maximum speed limit ~~of~~-**is** 55 miles per hour, ~~is established,~~ except



1 ~~in~~ as follows:

2 (a) In an emergency as determined by local government
3 authority. ~~and except for authorized peace and~~

4 (b) For conservation officers and other peace officers when
5 engaged in official duties. ~~The maximum speed limit of 55 miles per~~
6 ~~hour does not apply to the~~

7 (c) In the Great Lakes and Lake St. Clair, except for an area
8 within 1 mile of the shoreline measured at a right angle from the
9 shoreline.

10 (3) Upon receipt of a resolution by the governing body of a
11 local unit of government having jurisdiction over waters of this
12 state requesting a reduction in the maximum speed limit on those
13 waters, the department, pursuant to sections 80108 and 80109 to
14 80113, may establish a maximum speed limit not to exceed 40 miles
15 per hour on those waters.

16 (4) Upon receipt of a resolution of the governing body of a
17 county or municipality requesting a reduction in the maximum vessel
18 speed limit to protect life and property during emergency
19 conditions, the department, the county emergency management
20 coordinator, or the county sheriff may establish a temporary
21 maximum vessel speed limit on waters of this state located in the
22 county or municipality. The use of any type of vessel shall not be
23 prohibited under this subsection. The department, emergency
24 management coordinator, or sheriff, respectively shall specify a
25 maximum fine for violating the speed limit. The maximum fine shall
26 not be greater than \$100.00 for a first violation of a speed limit
27 established by that authority or \$500.00 for a second or subsequent
28 violation. Speed limits under this subsection shall only be in
29 effect during the period from September 1 to June 20. Furthermore,



1 a speed limit shall remain in effect for not more than 14 days. A
2 speed limit may be reissued once per calendar year. The department,
3 county emergency management coordinator, or county sheriff, as
4 applicable, shall do both of the following:

5 (a) Post the speed limit, the maximum fine, and a description
6 of the affected waters on its website.

7 (b) Place buoys sufficient to advise vessel operators of the
8 speed limit. An emergency management coordinator or sheriff shall
9 consult with the department before placing buoys under this
10 subdivision. The requirement for a permit under section 80159 does
11 not apply to buoys placed under this subdivision, and the
12 department shall not order removal of the buoys because a permit
13 has not been issued.

14 (5) A person who violates a speed limit established by the
15 department under subsection (4) is responsible for a state civil
16 infraction and subject to a civil fine as specified pursuant to
17 subsection (4). A person who violates a temporary vessel speed
18 limit established by an emergency management coordinator or sheriff
19 under subsection (4) is responsible for a municipal civil
20 infraction and subject to a civil fine as specified pursuant to
21 subsection (4).

22 (6) ~~(3)~~—A person shall not operate a ~~motorboat~~**vessel** on the
23 waters of this state at a speed greater than slow-no wake speed or
24 the minimum speed necessary for the ~~motorboat~~**vessel** to maintain
25 forward movement when within 100 feet of the shoreline where the
26 water depth is less than 3 feet, as determined by vertical
27 measurement, except in navigable channels not otherwise posted.

28 (7) ~~(4)~~—A person who violates subsection (2) or (3) is
29 responsible for a state civil infraction and may be ordered to pay



1 a civil fine of not more than \$500.00, unless 1 of the following
2 conditions exists:

3 (a) The requirements of this section have been waived as
4 described under subsection ~~(5)~~. **(8)**.

5 (b) The person violates this section in a manner that
6 constitutes reckless operation of a ~~motorboat~~ **vessel** as described
7 in section 80147.

8 **(8)** ~~(5)~~—The department may waive the requirements of this
9 section and section 80156 for marine events authorized by the
10 department under section 80164.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 100th Legislature are
13 enacted into law:

14 (a) House Bill No. 5402.

15 (b) House Bill No. 5463.

