

Act No. 70
Public Acts of 2020
Approved by the Governor
April 2, 2020
Filed with the Secretary of State
April 2, 2020
EFFECTIVE DATE: April 2, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Eisen, Lower, Wozniak, Marino, Hertel, Tate and Hornberger

ENROLLED HOUSE BILL No. 5401

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 80146 (MCL 324.80146), as amended by 2007 PA 8.

The People of the State of Michigan enact:

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

(2) On waters of this state for which a vessel speed limit is not established under subsection (1), for which the department has not established an unlimited vessel speed limit, and for which stricter speed restrictions are not established pursuant to another act, the maximum speed limit is 55 miles per hour, except as follows:

(a) In an emergency as determined by local government authority.

(b) For conservation officers and other peace officers when engaged in official duties.

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

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

(4) Upon receipt of a resolution of the governing body of a county or municipality requesting a reduction in the maximum vessel speed limit to protect life and property during emergency conditions, the department, the county emergency management coordinator, or the county sheriff may establish a temporary reduced maximum vessel speed limit on waters of this state located in the county or municipality. In that case, the department, emergency management coordinator, or sheriff, respectively, shall do all of the following:

(a) Specify a maximum fine for violating the temporary speed limit. The maximum fine shall not be greater than \$100.00 for a first violation of a temporary speed limit established by that authority or \$500.00 for a second or subsequent violation.

(b) Notify the other authorities authorized to issue temporary speed limits under this subsection of the temporary speed limit.

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

(d) Subject to section 80159, place buoys sufficient to advise vessel operators of the temporary speed limit.

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

(6) A temporary speed limit under subsection (4) shall remain in effect for not more than 14 days. A temporary speed limit may be reissued once per calendar year. However, a temporary speed limit may be reissued twice per calendar year if, before adopting the resolution requesting the second reissuance, the county or municipality submitted to the department an application and resolution for a temporary ordinance under section 80112a in lieu of the temporary speed limit under subsection (4). Temporary speed limits under subsection (4) shall only be in effect during the period from September 1 to June 20. However, a temporary speed limit may be in effect during the period from June 21 to June 30 if it is the first or second reissuance of a temporary speed limit and if, before adopting the resolution requesting that reissuance, the county or municipality submitted to the department an application and resolution for a temporary ordinance under section 80112a in lieu of the temporary speed limit under subsection (4).

(7) A temporary speed limit under subsection (4) shall not prohibit the use of any type of vessel.

(8) During a state of emergency or disaster declared by the governor pursuant to law, the governor may establish restricted wake zones if necessary and appropriate to address emergency or disaster conditions.

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

(10) A person who violates subsection (2) or (3) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00, unless 1 of the following conditions exists:

(a) The requirements of this section have been waived as described under subsection (11).

(b) The person violates this section in a manner that constitutes reckless operation of a vessel as described in section 80147.

(11) The department may waive the requirements of this section and section 80156 for marine events authorized by the department under section 80164.

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

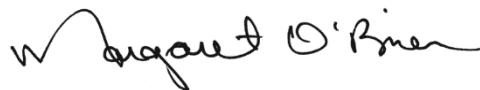
(a) House Bill No. 5402.

(b) House Bill No. 5463.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor