

**SUBSTITUTE FOR
HOUSE BILL NO. 4845**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80101, 80141, and 80212 (MCL 324.80101,
324.80141, and 324.80212), section 80101 as amended by 2004 PA 547,
section 80141 as added by 1995 PA 58, and section 80212 as added by
2000 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80101. As used in this part:

2 (a) "Airboat" means a motorboat that is propelled, wholly or
3 in part, by a propeller projecting above the water surface.

4 (b) "Anchored rafts" means all types of nonpowered rafts used
5 for recreational purposes that are anchored seasonally on waters of

1 this state.

2 (c) "Associated equipment" means any of the following that are
3 not radio equipment:

4 (i) An original system, part, or component of a boat at the
5 time that boat was manufactured, or a similar part or component
6 manufactured or sold for replacement.

7 (ii) Repair or improvement of an original or replacement
8 system, part, or component.

9 (iii) An accessory or equipment for, or appurtenance to, a boat.

10 (iv) A marine safety article, accessory, or equipment intended
11 for use by a person on board a boat.

12 (d) "Boat" means a vessel.

13 (e) "Boat livery" means a business that holds a vessel for
14 renting, leasing, or chartering.

15 **(F) "BOATING SAFETY CERTIFICATE" MEANS ANY OF THE FOLLOWING:**

16 **(i) THE DOCUMENT ISSUED BY THE DEPARTMENT UNDER PART 802 THAT**
17 **CERTIFIES THAT THE INDIVIDUAL NAMED IN THE DOCUMENT HAS**
18 **SUCCESSFULLY COMPLETED A BOATING SAFETY COURSE AND PASSED AN**
19 **EXAMINATION APPROVED AND ADMINISTERED AS REQUIRED UNDER SECTION**
20 **80212.**

21 **(ii) A DOCUMENT ISSUED BY THE UNITED STATES COAST GUARD**
22 **AUXILIARY OR UNITED STATES POWER SQUADRON THAT CERTIFIES THAT THE**
23 **INDIVIDUAL NAMED IN THE DOCUMENT HAS SUCCESSFULLY COMPLETED A**
24 **UNITED STATES COAST GUARD AUXILIARY COURSE CONCERNING BOATING**
25 **SAFETY.**

26 **(iii) A WRITTEN RENTAL AGREEMENT PROVIDED TO AN INDIVIDUAL NAMED**
27 **IN THE RENTAL AGREEMENT ENTERED INTO UNDER SECTION 44522 ONLY ON**

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1 THE DATE OR DATES INDICATED ON THE RENTAL AGREEMENT WHILE THE NAMED
 2 INDIVIDUAL IS OPERATING A PERSONAL WATERCRAFT LEASED, HIRED, OR
 3 RENTED FROM A BOAT LIVERY.

4 (G) "BOATING SAFETY COURSE" MEANS A COURSE THAT MEETS BOTH OF
 5 THE FOLLOWING REQUIREMENTS:

6 (i) PROVIDES INSTRUCTION ON THE SAFE OPERATION OF A PERSONAL
 7 WATERCRAFT THAT MEETS OR EXCEEDS THE MINIMUM COURSE CONTENT FOR
 8 BOATING OR PERSONAL WATERCRAFT EDUCATION ESTABLISHED BY THE
 9 NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS EDUCATION
 10 COMMITTEE (OCTOBER 1996) [~~, A PROVINCE OF THE COMMONWEALTH OF CANADA, OR~~
~~ANOTHER COUNTRY~~].

11 (ii) IS APPROVED BY THE DEPARTMENT.

12 (H) ~~(f)~~—"Controlled substance" means that term as defined in
 13 section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

14 (I) ~~(g)~~—"Conviction" means a final conviction, the payment of
 15 a fine, a plea of guilty or nolo contendere if accepted by the
 16 court, a finding of guilt, or a probate court **OR FAMILY DIVISION**
 17 disposition on a violation of this part, regardless of whether the
 18 penalty is rebated or suspended.

19 Sec. 80141. (1) Except as otherwise provided in ~~subsection~~
 20 ~~(4)~~, **THIS SECTION**, a person less than 12 years of age shall not
 21 operate a motorboat on the waters of this state unless all of the
 22 following conditions are met:

23 (A) HE OR SHE HAS BEEN ISSUED AND IS IN POSSESSION OF A
 24 BOATING SAFETY CERTIFICATE.

25 (B) ~~(a)~~—He or she is under the direct supervision of a person
 26 on board the motorboat who is 16 years of age or older.

27 (C) ~~(b)~~—The motorboat he or she operates is powered by a motor

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1 or motors totaling no more than 35 horsepower.

2 (2) Except as otherwise provided in ~~subsection (4)~~, **THIS**
3 **SECTION**, a person 12 through 15 years of age may operate a
4 motorboat on the waters of this state only if that person complies
5 with either of the following:

6 (a) He or she is accompanied by at least 1 person 16 years of
7 age or older.

8 (b) He or she is in possession of a boating safety certificate
9 issued after he or she has satisfactorily completed a department
10 approved course in boating safety.

11 (3) A person ~~12 through 15 years of age~~ operating a motorboat
12 ~~pursuant to subsection (2) (b)~~ **AS DESCRIBED IN THIS SECTION** shall
13 present the boating safety certificate issued to him or her upon
14 the demand of any peace officer.

15 (4) This section does not apply to the operation of a
16 motorboat that is powered by a motor or motors totaling no more
17 than 6 horsepower.

18 (5) **BEGINNING JULY 1, 2012, A PERSON WHO IS BORN ON OR AFTER**
19 **JULY 1, 1996 SHALL NOT OPERATE A MOTORBOAT ON THE WATERS OF THIS**
20 **STATE UNLESS THE PERSON HAS BEEN ISSUED AND IS IN POSSESSION OF A**
21 **[BOATING] SAFETY CERTIFICATE.**

22 Sec. 80212. (1) The department shall issue a boating safety
23 certificate to each individual who successfully completes a boating
24 safety course as described in section 80211 and passes an
25 examination **PRESCRIBED BY THE DEPARTMENT**. ~~The examination shall be~~
26 ~~administered in person and proctored by the department or an agent~~
27 ~~of the department.~~

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1 (2) The department shall consider the number of examinations
2 that are administered ~~or proctored~~ under this section when
3 calculating the state aid to counties under section 80117.

4 (3) The department shall not issue a boating safety
5 certificate to an individual unless the individual has successfully
6 completed a boating safety course and passed an examination as
7 described in subsection (1). A boating safety certificate issued
8 under this section is valid, unless revoked, for the life of the
9 person who earned the certificate.

<<Enacting section 1. This amendatory act takes effect November 1,
2012.>>