



HOUSE BILL No. 5547

January 31, 1996, Introduced by Reps. Jersevic, Dalman, Cropsey, Lowe, Nye, Ryan, Bush and Galloway and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 80142 and 80180 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 58 of the Public Acts of 1995, being sections 324.80142 and 324.80180 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 80142 and 80180 of Act No. 451 of the
2 Public Acts of 1994, as added by Act No. 58 of the Public Acts of
3 1995, being sections 324.80142 and 324.80180 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 80142. (1) Except as provided in subsection (3), a
6 person shall not operate a vessel on the waters of this state
7 unless each person in an open deck area on board the vessel who
8 is less than 6 years of age is wearing a type I or type II

1 personal flotation device as described in R 281.1234 of the
2 Michigan administrative code.

3 (2) A parent or guardian of a child less than 6 years of age
4 who accompanies that child on board a vessel that is not a
5 charter boat described in subsection (3) shall ensure that the
6 child is wearing a personal flotation device that complies with
7 this section.

8 (3) This section does not apply to a charter boat bearing
9 either of the following:

10 (a) A valid certificate of inspection issued by the United
11 States coast guard that verifies the charter boat's compliance
12 with subchapter H or subchapter T of the code of federal regula-
13 tions, 46 C.F.R. 70.01-1 to 80.40 and 175.01-1 to 185.30-30.

14 (b) A valid certificate of inspection issued by the depart-
15 ment for a class C vessel that is greater than 45 feet in
16 length.

17 (4) As used in this section, "charter boat" and "class C
18 vessel" mean those terms as defined in section 44501.

19 (5) A person who violates this section is ~~subject to a~~
20 ~~civil~~ RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
21 ORDERED TO PAY A fine of not more than \$100.00.

22 Sec. 80180. (1) A peace officer, without a warrant, may
23 arrest a person if the peace officer has reasonable cause to
24 believe that the person was, at the time of an accident, the
25 operator of a vessel involved in the accident in this state while
26 in violation of section 80176(1), (3), (4), or (5) or a local

1 ordinance substantially corresponding to section 80176(1) or
2 (3).

3 (2) A peace officer who has reasonable cause to believe that
4 a person was operating a vessel on the waters of this state, and
5 that, by the consumption of intoxicating liquor, the person may
6 have affected his or her ability to operate a vessel, may require
7 the person to submit to a preliminary chemical breath analysis.
8 The following apply with respect to a preliminary chemical breath
9 analysis:

10 (a) Only a peace officer who has successfully completed a
11 training course taught by a state-certified instructor in the
12 administration of the preliminary chemical breath analysis may
13 administer that test.

14 (b) A peace officer may arrest a person based in whole or in
15 part upon the results of a preliminary chemical breath analysis.

16 (c) The results of a preliminary chemical breath analysis
17 are admissible in a criminal prosecution for a crime described in
18 section 80187(1) or in an administrative hearing solely to assist
19 the court or hearing officer in determining a challenge to the
20 validity of an arrest. This subdivision does not limit the
21 introduction of other competent evidence offered to establish the
22 validity of an arrest.

23 (d) A person who submits to a preliminary chemical breath
24 analysis remains subject to the requirements of sections 80187 to
25 80190 for the purposes of chemical tests described in those
26 sections.

1 (e) A person who refuses to submit to a preliminary chemical
2 breath analysis upon a lawful request by a peace officer is
3 responsible for a STATE civil infraction and ~~subject~~ MAY BE
4 ORDERED to PAY a civil fine of not more than \$100.00.

5 (3) A peace officer making an arrest under this part shall
6 take measures to assure that the vessel and its occupants are
7 safely returned to shore.

8 (4) If, within 60 days after the issuance of a citation for
9 a civil infraction under this section, the person to whom the
10 citation is issued is not charged with a violation of section
11 80176(1), (3), (4), or (5) or a local ordinance substantially
12 corresponding to section 80176(1) or (3), the citation issued for
13 the civil infraction is void. Upon application of the person to
14 whom the citation is issued, money paid by the person as a fine,
15 costs, or otherwise shall be immediately returned.