

HOUSE BILL NO. 6412

September 22, 2022, Introduced by Rep. Paquette and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80159, 80162, and 80198b (MCL 324.80159,
324.80162, and 324.80198b), section 80159 as amended by 2004 PA
325, section 80162 as added by 1995 PA 58, and section 80198b as
amended by 2007 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80159. **(1)** A person shall not place a beacon, **floating**
2 **swim barrier**, or buoy, other than a mooring buoy, in the waters of

1 this state except as authorized by a permit issued by the
2 department pursuant to part 13. ~~The~~ **If it will promote safety or**
3 **navigation, the** department may issue a permit ~~for the placing of~~
4 ~~buoys or beacons to place~~ in the waters of this state **any of the**
5 **following:**

6 (a) **Buoys or beacons** to mark ~~obstruction~~ **obstructions** to
7 navigation, ~~to designate bathing areas,~~ to designate vessel
8 anchorages, or for any other purpose. ~~if it will promote safety or~~
9 ~~navigation.~~

10 ~~An application for a permit shall contain information required~~
11 ~~by the department.~~

12 (b) **Buoys or floating swim barriers to designate bathing**
13 **areas.**

14 (2) If buoys, **floating swim barriers**, or beacons are placed in
15 the waters of this state without a permit, ~~having been issued,~~ the
16 department may order their removal. If, in the judgment of the
17 department, buoys, **floating swim barriers**, or beacons authorized by
18 the department are ~~found to be~~ improperly placed, the reason for
19 their placement no longer exists, or ~~the buoys or beacons~~ **they** do
20 not conform to the uniform system of marking established by state
21 regulation, the department may revoke the permit authorizing their
22 placement and may order their removal. Revocation of permits and
23 orders of removal shall be by written notice to the person placing
24 the buoys, **floating swim barriers**, or beacons or to the person to
25 whom the permit was issued at ~~his or her~~ **the person's** last known
26 address, directing the removal within a specified time. The person
27 to whom the notice is directed shall remove the buoys, **floating**
28 **swim barriers**, or beacons ~~in accordance with the instructions.~~ **as**
29 **instructed.** If the person fails to remove the buoys, **floating swim**

barriers, or beacons within the specified time, the department may cause their removal, and ~~the cost and expense of the removal shall be charged against the person authorized to place the buoys or beacons or, where authorization has not been granted, the person placing such buoys or beacons and shall be recoverable through any court of competent jurisdiction.~~ **the person is liable for the cost of removal.**

Sec. 80162. A person shall not ~~moor~~ **do either of the following:**

(a) ~~Moor~~ or fasten a vessel to a lawfully placed ~~buoy or beacon, floating swim barrier, or buoy, except a mooring buoys, or willfully buoy.~~

(b) ~~Willfully~~ move, remove, or damage ~~such a buoy or a lawfully placed beacon, floating swim barrier, or buoy.~~

Sec. 80198b. (1) The owner or person in charge of a bathing beach maintained primarily for public use shall not knowingly permit ~~a person~~ **an individual** to bathe or swim from the bathing beach unless buoys **or floating swim barriers** outlining a safe bathing or swimming area are ~~established in accordance with~~ **placed in compliance with** section 80159.

(2) ~~A person~~ **An individual** who is bathing or swimming from a bathing beach maintained primarily for public use shall not bathe or swim in waters that are within 100 feet beyond the ~~buoyed bathing or swimming area~~ **as outlined by buoys or floating swim barriers.** This subsection does not apply to ~~persons~~ **an individual** swimming from **an** adjacent privately owned ~~beaches that are beach that is~~ not open to the general public.

(3) A person who violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of

1 not more than \$500.00.