

# HOUSE BILL NO. 5401

January 23, 2020, Introduced by Reps. Eisen, Lower, Wozniak, Marino, Hertel, Tate and Hornberger 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 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 speed limits or to allow unlimited  
3 motorboat speed on the waters of this state.

4           (2) On waters of this state for which a motorboat speed limit  
5 is not established under subsection (1), ~~on any waters for which~~



1 the department has not established an unlimited motorboat speed  
 2 limit, ~~or on any waters and~~ for which stricter speed restrictions  
 3 are not established pursuant to ~~an another~~ act, ~~a the~~ maximum speed  
 4 limit ~~of is~~ 55 miles per hour, ~~is established, except in as~~  
 5 **follows:**

6 (a) **In** an emergency. ~~and except for authorized peace and~~

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

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

13 (3) Upon receipt of a resolution by the governing body of a  
 14 local unit of government having jurisdiction over waters of this  
 15 state requesting a reduction in the maximum speed limit on those  
 16 waters, the department, pursuant to sections 80108 **and 80109** to  
 17 80113, may establish a maximum speed limit not to exceed 40 miles  
 18 per hour on those waters.

19 (4) **If requested by resolution of the governing body of a**  
 20 **county or municipality, to protect life and property during high**  
 21 **water conditions, the department or the county sheriff for the**  
 22 **county or municipality may establish by order a temporary maximum**  
 23 **motorboat speed limit on waters of this state located in or**  
 24 **adjacent to the county or municipality. The order shall specify a**  
 25 **maximum fine for violating the order. The maximum fine shall not be**  
 26 **greater than \$500.00. The order shall remain in effect for not more**  
 27 **than 14 days and may be reissued. The department or county sheriff,**  
 28 **as applicable, shall post the speed limit, the maximum fine, and a**  
 29 **description of the affected waters on its website. A person who**



1 violates an order of the department under this subsection is  
2 responsible for a state civil infraction and subject to a civil  
3 fine as specified in the department's order. A person who violates  
4 an order of a sheriff under this subsection is responsible for a  
5 municipal civil infraction and subject to a civil fine as specified  
6 in the sheriff's order.

7 (5) ~~(3)~~—A person shall not operate a motorboat on the waters  
8 of this state at a speed greater than slow-no wake speed or the  
9 minimum speed necessary for the motorboat to maintain forward  
10 movement when within 100 feet of the shoreline where the water  
11 depth is less than 3 feet, as determined by vertical measurement,  
12 except in navigable channels not otherwise posted.

13 (6) ~~(4)~~—A person who violates subsection (2) or (3) is  
14 responsible for a state civil infraction and may be ordered to pay  
15 a civil fine of not more than \$500.00, unless 1 of the following  
16 conditions exists:

17 (a) The requirements of this section have been waived as  
18 described under subsection ~~(5)~~ ~~(7)~~.

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

22 (7) ~~(5)~~—The department may waive the requirements of this  
23 section and section 80156 for marine events authorized by the  
24 department under section 80164.

25 Enacting section 1. This amendatory act does not take effect  
26 unless Senate Bill No. \_\_\_\_ or House Bill No. 5402 (request no.  
27 05434'19 a) of the 100th Legislature is enacted into law.

