

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

324.80176 Operation of or authorizing operation of motorboat while under influence of alcoholic liquor or controlled substance prohibited; visible impairment; violation as felony; penalty; "serious impairment of a body function" defined; operation by person less than 21 years of age; "any bodily alcohol content" defined; requirements; "operate" defined.

Sec. 80176.

(1) A person shall not operate a motorboat on the waters of this state if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance, or both.

(b) The person has a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(2) The owner of a motorboat or a person in charge or in control of a motorboat shall not authorize or knowingly permit the motorboat to be operated on the waters of this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance, or both.

(b) The person has a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motorboat is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(3) A person shall not operate a motorboat on the waters of this state when, due to the consumption of an alcoholic liquor or a controlled substance, or both, the person's ability to operate the motorboat is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person who operates a motorboat on the waters of this state in violation of subsection (1) or (3) and by the operation of that motorboat causes the death of another person is guilty of a felony, punishable by imprisonment for not more than 15 years, or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(5) A person who operates a motorboat on the waters of this state in violation of subsection (1) or (3) and by the operation of that motorboat causes a serious impairment of a body function of another person is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. As used in this subsection, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a motorboat on the waters of this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a motorboat in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the motorboat.

(b) He or she shall not operate a motorboat in violation of subsection (6) while another person who is less than 16 years of age is occupying the motorboat.

(8) As used in this section, "operate" means to be in control of a vessel propelled wholly or in part by machinery while the vessel is underway and is not docked, at anchor, idle, or otherwise secured.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 1996, Act 174, Imd. Eff. Apr. 18, 1996 ;-- Am. 2001, Act 12, Eff. July 1, 2001 ;-- Am. 2014, Act 402, Eff. Mar. 31, 2015

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