

## **DEPARTMENT OF NATURAL RESOURCES**

### **LAW ENFORCEMENT DIVISION**

#### **MARINE COLLISIONS, ACCIDENTS, OR OTHER CASUALTIES**

(By authority conferred on the department of natural resources by section 80139 of 1994 PA 451, MCL 324.80139)

##### **R 281.1221 Definitions.**

Rule 1. "Act" means the natural resources and environmental protection act, 1994 PA 451, as amended. Terms defined in the act have the same meanings when used in these rules.

History: 1979 AC; 2013 AACS.

##### **R 281.1222 Applicability.**

Rule 2. (1) These rules apply to each vessel used on any waters within the territorial limits of this state, including those waters of the Great Lakes which are under the jurisdiction of this state, that is used by its operator for recreational purposes; or is required to be numbered under the act.

(2) These rules do not apply to a vessel required to have a certificate of inspection under chapter I of title 46, code of federal regulations.

History: 1979 AC.

##### **R 281.1223 Immediate notification of death or disappearance.**

Rule 3. (1) When, as a result of an occurrence that involves a vessel or its equipment a person dies or disappears from a vessel, the operator shall notify without delay, by the quickest means available, the sheriff of the county in which the collision, accident or other casualty occurred or the nearest peace officer or state police post of the following:

- (a) The date, time and exact location of the occurrence.
- (b) The name of each person who died or disappeared.
- (c) The number and name of the vessel.
- (d) The names and addresses of the owner and operator.

(2) When the operator of a vessel cannot give the notice required by subrule (1), each person on board the vessel shall give the required notice or determine that the notice has been given.

History: 1979 AC.

##### **R 281.1224 Report of collision, accident, or other casualty.**

Rule 4. (1) The report required by section 53 of the act shall be made by the operator of a vessel when, as a result of an occurrence that involves the vessel or its equipment, any of the following occur:

- (a) A person dies.
  - (b) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours.
  - (c) Damage to the vessel and other property damage totals \$2,000.00 or more.
  - (d) A person disappears from the vessel under circumstances that indicate death or injury.
- (2) A report required by section 53 of the act and this rule shall be made as follows:
- (a) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence.
  - (b) Within 48 hours of the occurrence if a person loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel.
  - (c) Within 5 days of the occurrence or death if an earlier report is not required by this rule.
- (3) If the operator of a vessel cannot make the report required by section 53 of the act and this rule, then the owner shall make the report.

History: 1979 AC; 2002 AACs.

**R 281.1225 Collision, accident, or other casualty report.**

Rule 5. Each report required by section 55 of the act shall be in writing dated upon completion and signed by the peace officer who prepared it and shall contain, if available, at least the following information about the collision, accident or other casualty:

- (a) The numbers and names of each vessel involved.
- (b) The name and address of each owner of each vessel involved.
- (c) The name of the nearest city or town, the county, the state and the body of water.
- (d) The time and date the collision, accident, or other casualty occurred.
- (e) The location on the water.
- (f) The visibility, weather, and water conditions.
- (g) The estimated air and water temperatures.
- (h) The name, address, age or date of birth, telephone number, vessel operating experience, and boating safety training of the operator involved in the occurrence.
- (i) The number of persons on board or towed on water skis, surfboard, or similar contrivance by each vessel.
- (j) The name, address, and date of birth of each person injured or killed, whether or not artificial respiration was used, if a physician was in attendance and where the person was treated.
- (k) The cause of each death.
- (l) Weather forecasts available to, and weather reports used by, the operators of the vessels involved before and during the use of the vessels.
- (m) The name and address of each owner of property involved.
- (n) The availability and use of personal flotation devices.

- (o) The type and amount of each fire extinguisher used.
- (p) The nature and extent of each injury.
- (q) A description of all property damage and vessel damage with an estimate of the cost of all repairs.
- (r) A description of each equipment failure that caused or contributed to the cause of the collision, accident, or other casualty.
- (s) A description of the occurrence.
- (t) The names of any persons arrested and the charge.
- (u) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire, explosion, or other).
- (v) The opinion of the peace officer making the report as to the cause of the occurrence.
- (w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other) and year built (model year), of the vessels involved.
- (x) The name, address, and telephone number of each witness.
- (y) The manufacturer's hull identification number, if any, of each vessel involved.
- (z) The name, address, department, and telephone number of the peace officer submitting the report.

History: 1979 AC.

#### **R 281.1226 Where to report.**

- Rule 6. (1) If the collision, accident, or other casualty occurred on waters of this state the report shall be made as required by sections 53 and 55 of the act.
- (2) If the collision, accident, or other casualty occurred outside this state the report shall be made to the authority having jurisdiction over the waters where the collision, accident, or other casualty occurred.

History: 1979 AC.