



**House
Legislative
Analysis
Section**

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LIFE PRESERVERS IN CANOES

House Bill 5068 with committee amendments
First Analysis (11-6-89)

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DEC 19 1989

Sponsor: Rep. Kirk A. Profit

Committee: Marine Affairs & Ports

Michigan State Law Library

THE APPARENT PROBLEM:

Michigan has more registered boats than any other state, yet with an average of 50 boating accident fatalities per year, it is well below the national average for boating accident fatalities. However, each year there are boating fatalities which many believe could have been avoided if safety precautions had been observed. Currently there is a national trend to require children under the age of twelve to wear life jackets (personal flotation devices Types 1, 2 and 3) in any type of boat. Since canoeing is one of the state's most popular watercraft pastimes and is also a sport in which people are frequently "tipped" from their boat, legislation has been introduced to institute more stringent safety requirements for children.

THE CONTENT OF THE BILL:

The bill would amend the Marine Safety Act to require children under the age of 13 to wear a type 1, 2, or 3 life preserver when operating or being carried by a canoe. Children between the ages of 13 and 15 would be required to have a type 1, 2 or 3 lifepreserver in their possession when operating or being carried by a canoe.

MCL 281.1019

BACKGROUND INFORMATION:

Under the Administrative Code, canoes and kayaks are required to be equipped with a life jacket or some other type of personal flotation device (such as an approved seat cushion) for each person aboard.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have no fiscal implications for the state. (11-1-89)

ARGUMENTS:

For:

According to the Department of Natural Resources, at least 80 percent of all people who drown are not injured or incapacitated when they fall into the water. They are usually uncomfortable in the water because they have clothes on, and this uncomfortableness can cause them to panic and drown. However, the department states that it is highly unlikely that these fatalities would have occurred had the persons worn life jackets. The department estimates that approximately six people die each year in canoe accidents; it is felt that the bill will help decrease the fatality rate.

For:

Many livery owners currently require children to wear life jackets because of the liability that they would incur if they did not. In addition, many insurers of livery owners require

the owners to equip children with life jackets. However, it is felt by those in the livery business that the bill would help put "teeth" into their rules and help to address complaints from customers who refuse to use life jackets and opt for seat cushion flotation devices instead.

POSITIONS:

The Michigan Sheriff's Association supports the bill. (11-2-89)

The Recreational Canoeing Association, an association composed mostly of canoe livery owners, supports the bill. (11-2-89)

The Michigan Boating Industries Association supports the bill. (11-2-89)

The secretary of state's office supports the bill. (11-1-89)

The Department of Natural Resources supports the concept of the bill. (11-1-89)

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