



HOUSE BILL No. 4738

May 11, 1993, Introduced by Reps. Yokich, Profit, Voorhees, Jamian, Rivers, Pitoniak, Dalman, Shepich, DeMars, Gire, Freeman and Bodem and referred to the Committee on Tourism and Recreation.

A bill to amend section 78 of Act No. 303 of the Public Acts of 1967, entitled as amended "Marine safety act," being section 281.1078 of the Michigan Compiled Laws; and to add section 62a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Section 78 of Act No. 303 of the Public Acts of 1967, being section 281.1078 of the Michigan Compiled Laws, is amended and section 62a is added to read as follows:

SEC. 62A. (1) A PERSON SHALL NOT OPERATE A VESSEL ON THE WATERS OF THIS STATE UNLESS EACH PERSON ON BOARD THE VESSEL WHO IS LESS THAN 7 YEARS OF AGE IS WEARING A TYPE I, TYPE II, OR TYPE III PERSONAL FLOTATION DEVICE AS DESCRIBED IN R 281.1234 OF THE MICHIGAN ADMINISTRATIVE CODE.

1 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
2 MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
3 DAYS, OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00, OR
4 BOTH, PLUS THE COSTS OF PROSECUTION.

5 Sec. 78. (1) A person shall not operate on the waters of
6 this state a vessel having in tow or otherwise assisting a person
7 on water skis, water sled, aquaplane, surfboard, or other similar
8 contrivance, unless ~~there is in the vessel, in~~ EACH OF THE FOL-
9 LOWING CONDITIONS IS MET:

10 (A) IN addition to the operator, at least 1 ~~competent~~
11 person ~~in a position~~ CAPABLE OF RENDERING ASSISTANCE IS IN THE
12 VESSEL AND POSITIONED to observe the progress of the person being
13 towed OR ASSISTED. ~~An observer shall be considered competent if~~
14 ~~he can, in fact, render assistance if necessary.~~

15 ~~All motorboats engaged in the propulsion of a person on~~
16 ~~water skis, water sled, aquaplane, surfboard or similar contriv-~~
17 ~~ance, shall be~~

18 (B) THE PERSON BEING TOWED OR ASSISTED IS WEARING A TYPE I,
19 TYPE II, OR TYPE III PERSONAL FLOTATION DEVICE AS DESCRIBED IN
20 R 281.1234 OF THE MICHIGAN ADMINISTRATIVE CODE.

21 (C) THE TOWING OR ASSISTING VESSEL IS equipped with a 170
22 degree wide angle rear view mirror affixed in a manner ~~as will~~
23 ~~permit~~ THAT PERMITS the VESSEL operator to observe the progress
24 of the person being towed.

25 (2) ~~The provisions of this section shall~~ SUBSECTION (1)(A)
26 AND (C) DO not apply to ~~vessels~~ ANY OF THE FOLLOWING:

1 (A) A VESSEL used by ~~duly constituted ski schools in the~~
2 ~~giving of instructions, or to vessels used in sanctioned~~ A SKI
3 SCHOOL.

4 (B) A VESSEL USED FOR ski tournaments, competitions,
5 expositions, or trials. ~~therefor, or to motorboats~~

6 (C) A MOTORBOAT less than 16 feet in length actually oper-
7 ated by the person being towed and ~~so constructed as to be~~
8 incapable of carrying the operator in or on the motorboat.

9 (3) A PERSON WHO VIOLATES SUBSECTION (1)(B) IS GUILTY OF A
10 MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
11 DAYS, OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00, OR
12 BOTH, PLUS THE COSTS OF PROSECUTION.