



SENATE BILL No. 685

June 8, 1993, Introduced by Senators DUNASKISS, DI NELLO, HART, O'BRIEN and PRIDNIA and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to amend sections 36, 74, 78, and 114 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

section 36 as amended by Act No. 56 of the Public Acts of 1988 and section 114 as amended by Act No. 289 of the Public Acts of 1990, being sections 281.1036, 281.1074, 281.1078, and 281.1114 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 36, 74, 78, and 114 of Act No. 303 of
2 the Public Acts of 1967, section 36 as amended by Act No. 56 of
3 the Public Acts of 1988 and section 114 as amended by Act No. 289
4 of the Public Acts of 1990, being sections 281.1036, 281.1074,
5 281.1078, and 281.1114 of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 36. (1) A dealer shall apply for and obtain from the
 2 secretary of state dealer certificates of number and dealer
 3 decals for each vessel of the dealer that is tested, demon-
 4 strated, or otherwise operated. Upon receipt of an application
 5 in approved form and payment of \$30.00 for each set of dealer
 6 certificates of number and dealer decals, the secretary of state
 7 shall issue to the applicant the dealer certificates of number
 8 and dealer decals. A single dealer certificate of number and
 9 dealer decal issued pursuant to this section may be used on only
 10 1 vessel at any given time.

11 (2) When a vessel is operated pursuant to this section, the
 12 dealer certificate of number shall be on board the vessel and
 13 shall be displayed upon demand of a law enforcement or conserva-
 14 tion officer. In addition, an identifying number and dealer
 15 decal shall be PERMANENTLY OR temporarily displayed on the vessel
 16 in accordance with rules promulgated by the commission.

17 (3) A vessel numbered under this section shall not be oper-
 18 ated unless the dealer is on board the vessel or the user has the
 19 written authorization of the dealer to operate the vessel. A
 20 vessel numbered under this section shall not be used for commer-
 21 cial purposes including rental of the vessel or the carrying of
 22 passengers for hire on the vessel.

23 Sec. 74. (1) ~~A person who operates any vessel, upon any~~
 24 ~~of~~ IF A PERSON CARELESSLY AND HEEDLESSLY OPERATES A VESSEL UPON
 25 the waters of this state ~~, carelessly and heedlessly~~ in disre-
 26 gard of the rights or safety of others, or without due caution
 27 and circumspection, ~~and~~ OR at a RATE OF speed or in a manner

1 ~~so as to endanger or be~~ THAT ENDANGERS OR IS likely to endanger
2 ~~any~~ A person or property, THAT PERSON is guilty of reckless
3 operation of a vessel and ~~shall be punished as provided in sec-~~
4 ~~tion 166~~ IS SUBJECT TO THE PENALTIES DESCRIBED IN
5 SUBSECTION (3).

6 (2) ~~A~~ IF A person who, ~~navigates, steers or controls~~
7 ~~himself~~ while being towed on water skis, water sled, surfboard,
8 or A similar ~~contrivances,~~ CONTRIVANCE upon ~~any of~~ the waters
9 of this state, carelessly and heedlessly NAVIGATES, STEERS, OR
10 CONTROLS HIMSELF OR HERSELF in disregard of the rights or safety
11 of others, or without due caution and circumspection and in a
12 manner ~~so as to endanger or be~~ THAT ENDANGERS OR IS likely to
13 endanger ~~any~~ A person or property, THAT PERSON is guilty of
14 reckless operation of ~~water skis, water sleds, surfboards or~~
15 ~~similar contrivances~~ THE CONTRIVANCE THAT HE OR SHE CONTROLS,
16 AND IS SUBJECT TO THE PENALTIES DESCRIBED IN SUBSECTION (3).

17 (3) UPON A PERSON'S CONVICTION UNDER THIS SECTION, THE COURT
18 MAY ISSUE AN ORDER PROHIBITING THAT PERSON FROM OPERATING A
19 VESSEL ON THE WATERS OF THIS STATE FOR A PERIOD OF NOT MORE THAN
20 2 YEARS. UPON A PERSON'S SUBSEQUENT CONVICTION UNDER THIS SEC-
21 TION, THE COURT SHALL ORDER THAT PERSON TO PARTICIPATE IN AND
22 COMPLETE A MARINE SAFETY EDUCATIONAL PROGRAM APPROVED BY THE
23 DEPARTMENT. AN ORDER ISSUED PURSUANT TO THIS SUBSECTION IS IN
24 ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS ACT.

25 Sec. 78. (1) A person shall not operate A VESSEL on the
26 waters of this state ~~a vessel having in tow~~ IF HE OR SHE IS
27 TOWING or otherwise assisting a person on water skis, water sled,

1 aquaplane, surfboard, or other similar contrivance ~~—, unless~~
2 ~~there is in the vessel, in addition to the operator, at least 1~~
3 WITHOUT HAVING ANOTHER competent person in THE VESSEL WHO IS IN a
4 position to observe the progress of the person being towed. ~~An~~
5 ~~observer shall be considered competent if he can, in fact, render~~
6 ~~assistance if necessary.~~ AS USED IN THIS SECTION, "COMPETENT
7 PERSON" MEANS EITHER OF THE FOLLOWING WHO IS CAPABLE OF RENDERING
8 ASSISTANCE IF NECESSARY:

9 (A) A PERSON 16 YEARS OF AGE OR OLDER.

10 (B) A PERSON 12 THROUGH 15 YEARS OF AGE WHO HAS BEEN ISSUED
11 A BOATING SAFETY CERTIFICATE.

12 ~~All motorboats engaged in the propulsion of a person on~~
13 ~~water skis, water sled, aquaplane, surfboard or similar contriv-~~
14 ~~ance, shall be equipped with a 170 degree wide angle rear view~~
15 ~~mirror affixed in a manner as will permit the operator to observe~~
16 ~~the progress of the person being towed.~~

17 (2) ~~The provisions of this~~ THIS section ~~shall~~ DOES not
18 apply to vessels used by duly constituted ski schools in the
19 giving of instructions, or to vessels used in sanctioned ski
20 tournaments, competitions, expositions, or trials, ~~therefor,~~ or
21 to motorboats less than 16 feet in length actually operated by
22 the person being towed and so constructed as to be incapable of
23 carrying the operator in or on the motorboat.

24 Sec. 114. (1) A person shall not operate a motorboat on the
25 waters of this state unless the motorboat is equipped and main-
26 tained with an effective muffler or underwater exhaust system
27 that does not produce sound levels in excess of 90 dB(A) when

1 subjected to a stationary sound level test as prescribed by SAE
2 J2005. THE OPERATOR OF A MOTORBOAT SHALL PRESENT THE MOTORBOAT
3 FOR A SOUND LEVEL TEST AS PRESCRIBED BY SAE J2005 UPON THE
4 REQUEST OF A PEACE OFFICER. If a motorboat is equipped with more
5 than 1 motor or engine, the test shall be performed with all
6 motors or engines operating.

7 (2) A person shall not manufacture, or sell, or offer for
8 sale, a new motorboat for use on the waters of this state if that
9 motorboat cannot be operated in ~~such~~ a manner ~~so as to comply~~
10 THAT COMPLIES with the sound levels prescribed in subsection
11 (1).

12 (3) Subsection (1) does not apply to any of the following:

13 (a) A motorboat tuning up, testing for or participating in
14 official trials for speed records or a sanctioned race conducted
15 pursuant to a permit issued by an appropriate unit of
16 government.

17 (b) A motorboat being operated by a boat or marine engine
18 manufacturer for the purpose of testing or development.

19 (c) A motorboat manufactured prior to 1955 that is an his-
20 toric or antique vessel.

21 (4) A person shall not operate on the waters of this state a
22 motorboat that is equipped with a cut-out, bypass, amplifier, or
23 other similar device.

24 (5) As used in this section, "dB(A)" means decibels on the
25 "A" scale on a sound meter having characteristics of a general
26 purpose sound meter as defined by American national standards
27 institute S1.4-1983.

1 (6) A person who violates this section is guilty of a
2 misdemeanor, punishable by imprisonment for not more than 90 days
3 and a fine of not less than \$100.00 or more than \$500.00.

4 Additionally, before putting the motorboat back in use, a person
5 who violates this section shall be required to install an effec-
6 tive muffler or underwater exhaust system that meets the require-
7 ments of this section on the motorboat in violation at his or her
8 expense.

9 Section 2. This amendatory act shall take effect April 1,
10 1994.

11 Section 3. This amendatory act shall not take effect unless
12 all of the following bills of the 87th Legislature are enacted
13 into law:

14 (a) Senate Bill No. 683.

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16 (b) Senate Bill No. 684.

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18 (c) Senate Bill No. 686.

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20 (d) Senate Bill No. 687.

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