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BILL ANALYSIS



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Senate Bill 645 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Doug Carl
Committee: Transportation and Tourism

Date Completed: 3-14-96

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to:

- Require a person to maintain a slow--no wake speed when operating a personal watercraft in a Great Lake within 150 feet of the shoreline, or when operating a personal watercraft on a canal, river, or stream less than 200 feet wide.
- Require a person operating a personal watercraft or a person being towed on water skis or similar equipment to maintain a distance of at least 100 feet from any dock, raft, or buoyed or occupied bathing or swimming area, a person in or on the water in a personal flotation device, or a moored or anchored vessel, unless the watercraft or the person was proceeding at a slow--no wake speed or the vessel operator was picking up or dropping off a water skier.
- Require a person, age 12 through 15 years, who was operating a personal watercraft to present a boating safety certificate upon the demand of a police officer.
- Require personal watercraft dealers to offer each buyer a brief boating safety presentation; establish civil infraction fines for dealers; and prohibit dealers from issuing a title, registration, manufacturer's statement of origin, or temporary permit to a purchaser who refused to take the safety information.
- Require the Department of Natural Resources (DNR) to create and make available to dealers a summary of the marine safety laws pertaining to personal watercraft and a summary of the safety features of personal watercraft.
- Permit a court to impose on a person convicted of recklessly operating a personal watercraft a fine of up to \$100 and/or imprisonment of up to 90 days; and require the person to participate in and complete a nationally certified boating basics class or a State-approved personal watercraft safety course.
- Repeal, as of March 1, 1999, the bill's provisions concerning the required dealer personal watercraft safety presentation and the required DNR safety documents.

The bill contains a March 1, 1996, effective date.

(The Act defines "personal watercraft" as a vessel that uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion; is designed without an open load carrying area that would retain water; and, is designed to be operated by one or more persons positioned on, rather than within, the confines of the hull.)

Operation

Currently, a person may not operate a personal watercraft on the State's waters "between the hours from sunset to sunrise". The bill would revise this provision to specify that a person could not operate a personal watercraft during the period that began one-half hour before "sunset" and ended one-half hour after "sunrise". The bill would define sunset and sunrise to mean those times as determined by the National Weather Service.

Under the Act, a person operating a personal watercraft must maintain a distance of 100 feet from a dock, raft, or buoyed or occupied bathing area and may not cross within 150 feet behind another vessel, other than a personal watercraft, that is traveling at a speed greater than slow--no wake speed. The bill would delete the requirement to maintain a distance of 100 feet from a dock, raft, or bathing area.

Under the bill, a person who operated a personal watercraft in a Great Lake would have to maintain a distance of 150 feet from the shoreline. A person who operated a personal watercraft on a canal, river, or stream course that was less than 200 feet wide would have to maintain a slow--no wake speed.

Except as provided above, a person who operated a personal watercraft on the State's waters or a person who was being towed on water skis, a water sled, kite, surfboard, parachute, tube, or similar equipment would have to maintain a distance of at least 100 feet from any dock, raft, or buoyed or occupied bathing or swimming area, a person in the water or on the water in a personal flotation device, and a vessel moored or anchored, unless the vessel being operated or the person being towed was proceeding at a slow--no wake speed or the vessel operator was picking up or dropping off a water skier.

Currently, a person under the age of 12 may not operate a personal watercraft on the State's waters. A person 12 through 15 years of age may operate a personal watercraft only when accompanied by a person who is 16 years of age or older or without adult supervision when in possession of a boat safety certificate that complies with the Act. Under the bill, a person age 12 through 15 years operating a personal watercraft pursuant to these provisions would have to present a boating safety certificate issued to him or her upon the demand of a police officer.

Boating Safety Presentation

A dealer of new or used personal watercraft would have to offer to each buyer of a personal watercraft a brief boating safety presentation consisting of the following: the owner's liability under the Act; a summary of the marine safety laws that pertain exclusively to personal watercraft contained in a document that was prepared by the DNR pursuant to the bill; a summary of the safety features of the personal watercraft developed by the DNR pursuant to the bill; and, a summary of available boating safety education opportunities. This information could be presented in any of the following formats: video, written material, or computer program.

The dealer would have to prepare a form to be signed by the purchaser that indicated either that the purchaser received the required information or that the purchaser refused to receive this information. The dealer would have to keep a copy of this form in his or her files for three years. If the purchaser refused to receive the information offered by the dealer, the dealer could not issue to the purchaser a title, registration, manufacturer's statement of origin, or 15-day temporary permit.

The bill specifies that these provisions would not apply to sales of personal watercraft between individuals. A purchaser who presented to the dealer a valid certificate of successful completion of the DNR introduction to personal watercraft education class would be exempt from complying with these provisions.

The DNR would have to create and make available to personal watercraft dealers both of the following: a document that summarized the marine safety laws that pertain exclusively to personal watercraft, and a document that summarized the safety features of personal watercraft. The second document could be a generic document and would not have to represent the safety features of a particular style or brand of personal watercraft.

The bill specifies that evidence that a personal watercraft dealer complied with the bill's boating safety information provisions would not be admissible in action alleging damages that resulted from the use or misuse of a personal watercraft.

Violations

If a personal watercraft dealer failed to comply with the bill's boating safety information provisions, he or she would be responsible for a State civil infraction and could be fined up to \$250 for the first offense, \$500 for a second offense, and \$1,000 for each subsequent offense.

Upon conviction of a person for reckless operation of a personal watercraft, the court could impose a fine of not more than \$100 and/or imprisonment for up to 90 days; require the offender to participate in and complete a Michigan boating basics class as certified by the National Association of State Boating Law Administrators; or require the offender to participate in and complete a State approved personal watercraft safety course.

MCL 324.80143 et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill could generate an indeterminate amount of potential revenue for public libraries from the establishment of fines for dealers who did not comply with buyer education requirements.

There would be an indeterminate increase in State and local enforcement costs associated with the establishment of new restrictions on personal watercraft operation.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.