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## BILL ANALYSIS



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Senate Bill 645  
Sponsor: Senator Doug Carl  
Committee: Transportation and Tourism

Date Completed: 9-13-95

**SUMMARY OF SENATE BILL 645 as introduced 9-13-95:**

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

- Increase from \$14 to \$28 the registration fee for personal watercraft.
- Require that 50% of the fee increase be distributed to the Department of Natural Resources (DNR) for education on and law enforcement of personal watercraft safety laws and 50% be distributed to county sheriffs' departments for enforcement of those safety laws.
- Require a person operating a personal watercraft to be at least 100 feet from a shoreline of a lake, river, or confined channel, and an anchored vessel, except when traveling at a slow--no wake speed.
- Require a person, age 12 through 15 years, who was operating a motorboat 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, as specified in the bill; establish civil infraction fines for dealers who did not comply with this requirement; 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 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.

(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.)

Registration Fee

The bill would establish a \$28 fee for personal watercraft, which would have to be paid at the time a person applied to register the watercraft with the Secretary of State. (The Act currently does not specify a separate fee for personal watercraft, but owners of these craft are required to pay a \$14 registration fee established for motorboats less than 12 feet in length.)

The bill specifies that 50% of the total fee increase would have to be distributed to the Department of Natural Resources for education on and enforcement of personal watercraft safety laws, and the remaining 50% of the fee increase would have to be distributed to county sheriffs' departments for enforcement of personal watercraft safety laws.

### 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. The bill would add that except when traveling at slow--no wake speed to maintain control of a personal watercraft, a person operating the craft would have to maintain a distance of at least 100 feet from a shoreline of lake, river, or confined channel when measured at a vertical distance, and a vessel anchored or moored by a person.

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 motorboat 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.

MCL 324.80124 et al.

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill could generate \$672,000 in additional fee revenue over a three-year period, or approximately \$224,000 annually. This is based on an estimated 48,000 registered personal watercraft in Michigan. One half of the revenue would be distributed to the Department of Natural Resources for education and law enforcement activities, and one half to local county sheriffs departments for enforcement activities.

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.