

## **BOATING SAFETY**

### **House Bills 4248 and 4249**

**Sponsor: Rep. Jessie Dalman**

**Committee: Conservation, Environment  
and Recreation**

**Complete to 3-17-97**

### **A SUMMARY OF HOUSE BILLS 4248 AND 4249 AS INTRODUCED 2-6-97**

The bills would require that a boat operator successfully complete a boating safety course or equivalency exam in order to operate a boat, and that the secretary of state either issue a boating safety license sticker or validate a person's safety certificate or identification card when presented with an application for validation. House Bill 4248 is tie-barred to House Bill 4249.

House Bill 4248 would amend Part 801 (MCL 324.80101 et al.) of the Natural Resources and Environmental Protection Act (NREPA), which regulates watercraft and marine safety, to specify that a vessel owner would have to successfully complete a boating safety course and obtain a certification of completion in order to operate a boat; and that a boating safety certificate, identification card (defined under the bill to mean a document certifying that the individual had successfully completed a boating safety course or exam), or license sticker (defined to mean a sticker issued by the secretary of state to one who had successfully completed a boating safety course or equivalency exam) would have to be displayed upon the demand of a peace officer, although a peace officer could not stop a vessel solely for the purpose of determining whether he or she had this identification in his or her possession. Among other provisions, the bill would raise the age at which minors may operate certain boats; and would specify that an individual who violated Part 801 of the act would be required to participate in a boating safety education program, in addition to any other penalties imposed under Part 801. The following is a brief summary of the provisions of the bill:

Safety Certificates, ID Cards, and License Stickers. House Bill 4248 would specify that a person must have a boating safety certificate, identification card (ID), or license sticker in his or her immediate possession in order to operate a vessel on state waters; that a person would have to successfully complete a boating safety course or a boating safety equivalency examination in order to receive this identification; and that the certificate, ID, or sticker would be valid for the life of the person who earned it. However, the following persons and vessels would be exempt from these provisions:

- A person in the service of the U.S. Army, Navy, or Marine Corps who was operating an official U.S. vessel, unless that person were a civilian employee.
- A person who was not a state resident.
- A person who held a valid license for a charter boat, which is regulated under Part 445 of the act.

- A person who held a Michigan Boating Safety Certificate that had been issued by the U.S. Coast Guard or Power Squadron or a county sheriff department.
- Other vessels that were already exempt from registration under current provisions of the act.

Boating Safety Courses. Under the act, the Department of Natural Resources (DNR) is required to establish education programs designed to advance boating and general water safety. It must also establish, at no cost, a training program for youthful boat operators and issue a boating safety certificate to those who satisfactorily complete the program. The bill would specify, instead, that no fee would be charged to boat operators under 17 years of age.

For boat operators who were 17 years of age or older, the bill would specify that any person could offer a boating safety course that was approved by the department (i.e., that met or exceeded National Association of State Boating Law Administrators guidelines), and that complied with rules promulgated by the department. Individuals who participated would be charged the price of the boating safety course or boating safety equivalency exam materials, and could also be charged for instruction time during the boating safety course.

Boating Safety Equivalency Exams. Under the bill, the DNR could offer a video or home study boating safety course. An individual taking this course would also have to complete a boating safety equivalency exam. The DNR could also offer a boating safety equivalency exam that could be taken in lieu of a boating safety course. After successful completion of this, an individual would receive a boating safety certificate or ID.

Penalties. Under the bill, a parent who had custody of a minor who violated the provisions of Part 801 of the act (watercraft and marine safety provisions) would be responsible for a state civil infraction, and could be ordered to pay a civil fine of up to \$100 if the parent knew that the minor would violate the provisions of Part 801, or the parent acted to further the violation.

Administrative Rules. The bill would require that the DNR promulgate rules under the Administrative Procedures Act that would provide for the examination of an applicant's physical and mental qualifications to operate a vessel in a manner that didn't jeopardize the safety of persons or property, and to ascertain whether facts existed that would bar a boating safety certificate, ID, or license sticker from being issued. The bill would specify that a person conducting an examination could not investigate facts other than those directly pertaining to the applicant's ability to safely operate a vessel, or those declared by the DNR to be prerequisite to the issuance of a boating safety certificate, ID, or license sticker.

Minors. Currently, under the act, certain restrictions apply to minors who operate motorboats. The act specifies that a person under 12 years of age may operate a motorboat powered by a motor of up to 35 horsepower only if he or she is under the supervision of a person on board who is at least 16 years of age. The bill would specify, instead, that a boat operator would have to be 14 years of age, and under the supervision of a person of at least 17 years of age, and would add that the minor would have to possess a boating safety certificate or ID issued

in accordance with the provisions of the bill. The act also specifies that a person age 12 through 15 may operate a motorboat powered by a motor of 6 horsepower or higher only if he or she is accompanied by at least one person 16 years of age or older or has a boating safety certificate. The bill would increase the age requirement, so that the provision would apply to youths ages 14 through 16, and only if they possessed a boating safety certificate or ID. (The bill would delete the provision allowing this age group to operate a boat if accompanied by a person 16 years or older without a safety certificate).

The bill would similarly increase, from 12 to 14 years, the age at which a person may operate a personal watercraft. In addition, the bill would require that youth ages 14 to 16 (rather than 12 to 15) possess a valid boating safety certificate or ID. (The bill would delete language allowing this age group to operate a personal watercraft if accompanied by someone 16 years or older without a safety certificate.)

Distress Signals. The bill would specify that a person could not operate a vessel on state waters unless it was equipped with three pyrotechnic visual distresses signals that were suitable for both day and night use.

Maximum Speed Limits. In addition to existing restrictions on speed, the bill would add that a person could not operate a motorboat at a speed greater than "Slow--No Wake" speed or the minimum speed necessary for the motorboat to maintain forward movement when within 100 feet of another motorboat.

Personal watercraft, flotation devices. The act currently specifies that a person may not operate a personal watercraft unless each person riding on or being towed behind the vessel wears a type I, type II, or type III personal flotation device, as described in the Administrative Code. The bill would require that a person wear a type III personal flotation device.

House Bill 4249 would amend the Michigan Vehicle Code (MCL 257.307b) to specify that, when an individual applied to have a boating safety certificate, ID, or boating safety license sticker validated, then the secretary of state would have to issue a boating safety license sticker, which would be applied to the individual's driver license if the person were a licensed driver of the state. If the individual was not a licensed driver, then the secretary of state would have to validate the person's safety certificate or ID. An application for validation would have to be made upon a form furnished by the secretary of state that contain the applicant's full name, date of birth, and address, as well as the name and address of the individual, organization, agency, or other entity from which the applicant took an approved boating safety course or boating safety equivalency exam. Further, the applicant would have to provide proof that he or she had successfully completed a boating safety course or equivalency exam.

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