

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 830

(As amended June 23, 1998)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 44522 (MCL 324.44522), as added by 1995 PA
57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 44522. (1) A boat livery shall not lease, hire, or
2 rent a personal watercraft to ~~a~~ ANY OF THE FOLLOWING:
3 (A) A person who is under [~~16~~ 14] years of age.
4 (B) A PERSON WHO DOES NOT DISPLAY A BOATER SAFETY CERTIFI-
5 CATE THAT IS ISSUED BY THE DEPARTMENT AS REQUIRED UNDER THE PER-
6 SONAL WATERCRAFT SAFETY ACT [, 1998 PA 116, MCL 281.1401 TO
281.1445].
7 (C) A PERSON WHO IS NOT REQUIRED TO OBTAIN A BOATER SAFETY
8 CERTIFICATE ISSUED BY THE DEPARTMENT UNDER THE PERSONAL
9 WATERCRAFT SAFETY ACT [, 1998 PA 116, MCL 281.1401 TO 281.1445,]
BEFORE OPERATING A PERSONAL WATERCRAFT,
10 UNLESS THE PERSON OBTAINS TRAINING IN THE SAFE USE OF A PERSONAL

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1 WATERCRAFT FROM THE BOAT LIVERY PRIOR TO THE LEASE, HIRE, OR RENT
2 OF THE PERSONAL WATERCRAFT. THE DEPARTMENT SHALL PROVIDE TO BOAT
3 LIVERIES GUIDELINES FOR THE TRAINING REQUIRED UNDER THIS
4 SUBDIVISION.

5 (2) A PERSON WHO LEASES, HIRES, OR RENTS A PERSONAL WATER-
6 CRAFT FROM A BOAT LIVERY SHALL NOT PERMIT AN INDIVIDUAL TO OPER-
7 ATE THE PERSONAL WATERCRAFT IF THE INDIVIDUAL HAS NOT OBTAINED A
8 BOATING SAFETY CERTIFICATE OR OTHER CERTIFICATION AS REQUIRED
9 UNDER THE PERSONAL WATERCRAFT SAFETY ACT [, 1998 PA 116, MCL
281.1401 TO 281.1445].

10 (3) A BOAT LIVERY SHALL PROVIDE A COPY OF THE WRITTEN RENTAL
11 AGREEMENT TO EACH INDIVIDUAL WHO LEASES, HIRES, OR RENTS A PER-
12 SONAL WATERCRAFT FROM THE BOAT LIVERY AND WHO HAS OBTAINED THE
13 TRAINING REQUIRED UNDER SUBSECTION (1). THE WRITTEN RENTAL
14 AGREEMENT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

15 (A) THE NAME OF THE PERSON WHO LEASES, HIRES, OR RENTS A
16 PERSONAL WATERCRAFT FROM THE BOAT LIVERY.

17 (B) THE DATE OR DATES OF THE LEASE, HIRE, OR RENTAL.

18 (4) THE WRITTEN RENTAL AGREEMENT DESCRIBED UNDER SUBSECTION
19 (3) IS A VALID BOATING SAFETY CERTIFICATE UNDER THE PERSONAL
20 WATERCRAFT SAFETY ACT [, 1998 PA 116, MCL 281.1401 TO 281.1445,]
21 ONLY FOR THE PERSON NAMED IN THE CERTIFI-
22 CATE ON THE DATE OR DATES OF THE LEASE, HIRE, OR RENTAL OF THE
23 PERSONAL WATERCRAFT.

24 (5) A PERSON WHO LEASES, HIRES, OR RENTS A PERSONAL WATER-
25 CRAFT FROM A BOAT LIVERY IS LIABLE FOR ANY INJURY OCCASIONED BY
26 THE NEGLIGENT OPERATION OF THE PERSONAL WATERCRAFT, WHETHER THE
27 NEGLIGENCE CONSISTS OF A VIOLATION OF THE STATUTES OF THIS STATE,
OR IN THE FAILURE TO OBSERVE THE ORDINARY CARE IN THE OPERATION

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1 THAT THE RULES OF THE COMMON LAW REQUIRE. THE PERSON IS NOT
2 LIABLE UNLESS THE PERSONAL WATERCRAFT IS BEING USED WITH HIS OR
3 HER EXPRESSED OR IMPLIED CONSENT. IT SHALL BE REBUTTABLY PRE-
4 SUMED THAT THE PERSONAL WATERCRAFT IS BEING OPERATED WITH THE
5 KNOWLEDGE AND CONSENT OF THE PERSON IF IT IS DRIVEN AT THE TIME
6 OF THE INJURY BY HIS OR HER SON, DAUGHTER, SPOUSE, FATHER,
7 MOTHER, BROTHER, SISTER, OR OTHER IMMEDIATE MEMBER OF THE
8 PERSON'S FAMILY.

9 (6) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF
10 A 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. A PERSON WHO VIOLATES SUBSECTION (1) OR (2) TWICE WITHIN A
13 3-YEAR PERIOD IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
14 MENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
15 \$1,000.00, OR BOTH. A PERSON WHO VIOLATES SUBSECTION (1) OR (2)
16 3 OR MORE TIMES WITHIN A 5-YEAR PERIOD IS GUILTY OF A MISDEMEANOR
17 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
18 NOT MORE THAN \$2,000.00, OR BOTH.

19 (7) IN ADDITION TO ANY PENALTY IMPOSED UNDER SUBSECTION (6),
20 UPON A PERSON'S SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1),
21 THE COURT MAY ISSUE AN ORDER IMPOUNDING THE PERSONAL WATERCRAFT
22 THAT WAS LEASED, HIRED, OR RENTED IN VIOLATION OF SUBSECTION (1)
23 FOR A PERIOD OF NOT MORE THAN 1 YEAR. THE COST OF STORAGE FOR AN
24 IMPOUNDMENT ORDERED UNDER THIS SUBSECTION SHALL BE PAID BY THE
25 OWNER OF THE PERSONAL WATERCRAFT.