

SUBSTITUTE FOR
SENATE BILL NO. 830

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~~ EITHER OF THE FOLLOWING:
3 (A) A person who is under 16 years of age.
4 (B) A PERSON WHO DOES NOT DISPLAY A BOATER SAFETY CERTIFI-
5 CATE AS REQUIRED UNDER THE PERSONAL WATERCRAFT SAFETY ACT, UNLESS
6 THE PERSON OBTAINS TRAINING IN THE SAFE USE OF A PERSONAL WATER-
7 CRAFT FROM THE BOAT LIVERY PRIOR TO THE LEASE, HIRE, OR RENT OF
8 THE PERSONAL WATERCRAFT.
9 (2) A PERSON WHO LEASES, HIRES, OR RENTS A PERSONAL
10 WATERCRAFT FROM A BOAT LIVERY SHALL NOT PERMIT AN INDIVIDUAL TO

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1 OPERATE THE PERSONAL WATERCRAFT IF THE INDIVIDUAL HAS NOT
2 OBTAINED A BOATING SAFETY CERTIFICATE OR OTHER CERTIFICATION AS
3 REQUIRED UNDER THE PERSONAL WATERCRAFT SAFETY ACT.

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

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

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

12 (4) THE WRITTEN RENTAL AGREEMENT DESCRIBED UNDER SUBSECTION
13 (3) IS A VALID BOATING SAFETY CERTIFICATE UNDER THE PERSONAL
14 WATERCRAFT SAFETY ACT ONLY FOR THE PERSON NAMED IN THE CERTIFI-
15 CATE ON THE DATE OR DATES OF THE LEASE, HIRE, OR RENTAL OF THE
16 PERSONAL WATERCRAFT.

17 (5) A PERSON WHO LEASES, HIRES, OR RENTS A PERSONAL WATER-
18 CRAFT FROM A BOAT LIVERY IS LIABLE FOR ANY INJURY OCCASIONED BY
19 THE NEGLIGENT OPERATION OF THE PERSONAL WATERCRAFT, WHETHER THE
20 NEGLIGENCE CONSISTS OF A VIOLATION OF THE STATUTES OF THIS STATE,
21 OR IN THE FAILURE TO OBSERVE THE ORDINARY CARE IN THE OPERATION
22 THAT THE RULES OF THE COMMON LAW REQUIRE. THE PERSON IS NOT
23 LIABLE UNLESS THE PERSONAL WATERCRAFT IS BEING USED WITH HIS OR
24 HER EXPRESSED OR IMPLIED CONSENT. IT SHALL BE REBUTTABLY PRE-
25 SUMED THAT THE PERSONAL WATERCRAFT IS BEING OPERATED WITH THE
26 KNOWLEDGE AND CONSENT OF THE PERSON IF IT IS DRIVEN AT THE TIME
27 OF THE INJURY BY HIS OR HER SON, DAUGHTER, SPOUSE, FATHER,

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1 MOTHER, BROTHER, SISTER, OR OTHER IMMEDIATE MEMBER OF THE
2 PERSON'S FAMILY.

3 (6) A PERSON WHO VIOLATES SUBSECTION (1)(B) OR (2) IS GUILTY
4 OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
5 DAYS OR A FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00, OR
6 BOTH. A PERSON WHO VIOLATES SUBSECTION (1)(B) OR (2) TWICE
7 WITHIN A 3-YEAR PERIOD IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
8 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
9 \$1,000.00, OR BOTH. A PERSON WHO VIOLATES SUBSECTION (1)(B) OR
10 (2) 3 OR MORE TIMES WITHIN A 5-YEAR PERIOD IS GUILTY OF A MISDE-
11 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
12 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

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

13 Enacting section 1. This amendatory act does not take
14 effect unless Senate Bill No. 865 of the 89th Legislature is
15 enacted into law.