

HOUSE BILL No. 4854

May 29, 1997, Introduced by Reps. Kukuk, Perricone, Jelinek, DeVuyst and Walberg and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80142, 80143, and 80152 (MCL 324.80142, 324.80143, and 324.80152) section 80142 as amended by 1996 PA 174 and sections 80143 and 80152 as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80142. (1) Except as provided in subsection (3), a
2 person shall not operate a vessel on the waters of this state
3 unless each person in an open deck area on board the vessel who
4 is less than 6 years of age is wearing a type I, ~~or~~ type II, OR
5 TYPE III personal flotation device as described in R 281.1234 of
6 the Michigan administrative code.

7 (2) A parent or guardian of a child less than 6 years of age
8 who accompanies that child on board a vessel that is not a
9 charter boat described in subsection (3) shall ensure that the

1 child is wearing a personal flotation device that complies with
2 this section.

3 (3) This section does not apply to a charter boat bearing
4 either of the following:

5 (a) A valid certificate of inspection issued by the United
6 States coast guard that verifies the charter boat's compliance
7 with subchapter H or subchapter T OF TITLE 46 of the code of fed-
8 eral regulations, 46 C.F.R. 70.01-1 to 80.40 and 175.01-1 to
9 185.30-30.

10 (b) A valid certificate of inspection issued by the depart-
11 ment for a class C vessel that is greater than 45 feet in
12 length.

13 (4) As used in this section, "charter boat" and "class C
14 vessel" mean those terms as defined in section 44501.

15 (5) A person who violates this section is responsible for a
16 state civil infraction and may be ordered to pay a civil fine of
17 not more than \$100.00.

18 Sec. 80143. (1) A person shall not operate a personal
19 watercraft on the waters of the state unless each person riding
20 on or being towed behind the vessel is wearing a type I, type II,
21 or type III personal flotation device as described in R 281.1234
22 of the Michigan administrative code.

23 (2) While operating a personal watercraft equipped by the
24 manufacturer with a lanyard-type engine cutoff switch on the
25 waters of the state, a person shall have the lanyard attached to
26 his or her person, clothing, or personal flotation device as is
27 appropriate for the specific vessel.

1 (3) A person shall not operate a personal watercraft on the
2 waters of the state between the hours from 2 HOURS BEFORE sunset
3 to 2 HOURS AFTER sunrise.

4 (4) A personal watercraft shall at all times be operated in
5 a reasonable and prudent manner. Maneuvers that unreasonably or
6 unnecessarily endanger life, limb, or property, including, but
7 not limited to, weaving through congested vessel traffic, jumping
8 the wake of another vessel unreasonably or unnecessarily close to
9 the other vessel or when visibility around the other vessel is
10 obstructed, and swerving at the last possible moment to avoid a
11 collision, constitute reckless operation of a vessel, as provided
12 in section 80147.

13 (5) A person shall not operate a personal watercraft on the
14 waters of the state carrying more persons than the vessel is
15 designed to carry. Carrying more persons than the vessel is
16 designed to carry is prima facie evidence of reckless operation
17 of a watercraft under section 80147.

18 (6) A person operating a personal watercraft on the waters
19 of the state shall maintain a distance of 100 feet from any dock,
20 raft or buoyed or occupied bathing area or shall not cross within
21 150 feet behind another vessel, other than a personal watercraft,
22 that is traveling at a speed greater than slow--no wake speed.

23 (7) A person under the age of 12 shall not operate a per-
24 sonal watercraft on the waters of the state. A person 12 through
25 15 years of age may operate a personal watercraft on the waters
26 of the state only when accompanied by a person 16 years of age or

1 older or without adult supervision when in possession of a
2 boating safety certificate in compliance with section 80141.

3 (8) The owner of a personal watercraft or a person having
4 charge over or control of a personal watercraft shall not autho-
5 rize or knowingly permit the personal watercraft to be operated
6 in violation of subsection (7).

7 (9) This section does not apply to a performer engaged in a
8 professional exhibition or a person preparing to participate or
9 participating in a regatta, race, marine parade, tournament, or
10 exhibition held in compliance with this part.

11 Sec. 80152. (1) A person shall not operate a vessel on the
12 waters of this state if he or she is towing or otherwise assist-
13 ing a person on water skis or on a water sled, aquaplane, surf-
14 board, or other similar contrivance unless a person capable of
15 communicating to the vessel operator the condition and needs of
16 the person being towed or assisted is on board the vessel and
17 positioned to observe the person being towed or assisted.

18 (2) A PERSON SHALL NOT OPERATE A VESSEL ON THE WATERS OF
19 THIS STATE IF HE OR SHE IS TOWING OR OTHERWISE ASSISTING A PERSON
20 ON WATER SKIS OR ON A WATER SLED, AQUAPLANE, SURFBOARD, OR OTHER
21 SIMILAR CONTRIVANCE UNLESS A SKI FLAG THAT IS VISIBLE FROM EVERY
22 DIRECTION IS MOUNTED OR DISPLAYED ON THE VESSEL. AS USED IN THIS
23 SUBSECTION, "SKI FLAG" MEANS A RED OR ORANGE FLAG IN THE SHAPE OF
24 A SQUARE OR RECTANGLE MEASURING NO LESS THAN 12 INCHES ON EACH
25 SIDE.

26 (3) ~~-(2)-~~ Subsection (1) does not apply to vessels used by
27 duly constituted ski schools in the giving of instructions or to

1 vessels used in sanctioned ski tournaments, competitions,
2 expositions, or trials. Vessels described in this subsection
3 shall be equipped with a 170-degree wide-angle rearview mirror
4 affixed in a manner that will permit the operator to observe the
5 progress of the person being towed.

6 (4) ~~(3)~~ This section does not apply to motorboats less
7 than 16 feet in length actually operated by the person being
8 towed and so constructed as to be incapable of carrying the oper-
9 ator in or on the motorboat.