

SENATE BILL NO. 830

December 3, 1997, Introduced by Senators NORTH, MC MANUS
and CISKY and referred to the Committee on
Transportation and Tourism.

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 IS LIABLE FOR ANY INJURY OCCASIONED

1 BY THE NEGLIGENT OPERATION OF THE PERSONAL WATERCRAFT, WHETHER
2 THE NEGLIGENCE CONSISTS OF A VIOLATION OF THE STATUTES OF THIS
3 STATE, OR IN THE FAILURE TO OBSERVE THE ORDINARY CARE IN THE
4 OPERATION THAT THE RULES OF THE COMMON LAW REQUIRE. THE PERSON
5 IS NOT LIABLE UNLESS THE PERSONAL WATERCRAFT IS BEING USED WITH
6 HIS OR HER EXPRESSED OR IMPLIED CONSENT. IT SHALL BE PRESUMED
7 THAT THE PERSONAL WATERCRAFT IS BEING OPERATED WITH THE KNOWLEDGE
8 AND CONSENT OF THE PERSON IF IT IS DRIVEN AT THE TIME OF THE
9 INJURY BY HIS OR HER SON, DAUGHTER, SPOUSE, FATHER, MOTHER,
10 BROTHER, SISTER, OR OTHER IMMEDIATE MEMBER OF THE PERSON'S
11 FAMILY.

12 (3) A PERSON WHO LEASES, HIRES, OR RENTS A PERSONAL WATER-
13 CRAFT FROM A BOAT LIVERY SHALL NOT PERMIT AN INDIVIDUAL TO OPER-
14 ATE THE PERSONAL WATERCRAFT IF THE INDIVIDUAL HAS NOT OBTAINED A
15 BOATER SAFETY CERTIFICATE AS REQUIRED UNDER THE PERSONAL WATER-
16 CRAFT SAFETY ACT.

17 (4) A PERSON WHO VIOLATES SUBSECTION (1)(B) OR (3) IS GUILTY
18 OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
19 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. 100 of the 89th Legislature is
22 enacted into law.