

# HOUSE BILL No. 4060

January 28, 1999, Introduced by Reps. Middaugh, Garcia, DeVuyst, Green, Sanborn and Birkholz and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 80152 (MCL 324.80152), as added by 1995 PA  
58.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 80152. (1) ~~—A—~~ EXCEPT AS OTHERWISE PROVIDED IN THIS  
2 SECTION, A person shall not operate a vessel on the waters of  
3 this state if he or she is towing or otherwise assisting a person  
4 on water skis or on a water sled, aquaplane, surfboard, or other  
5 similar contrivance unless a person capable of communicating to  
6 the vessel operator the condition and needs of the person being  
7 towed or assisted is on board the vessel and positioned to  
8 observe the person being towed or assisted.  
9       (2) Subsection (1) does not apply to vessels used by duly  
10 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 (3) This section does not apply to motorboats less than 16  
7 feet in length actually operated by the person being towed and so  
8 constructed as to be incapable of carrying the operator in or on  
9 the motorboat.

10 (4) SUBSECTION (1) DOES NOT APPLY TO A VESSEL OPERATOR WHO  
11 IS TOWING A PERSON PREPARING FOR A SPECIFIC WATER SKI TOURNAMENT  
12 IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

13 (A) THE VESSEL OPERATOR IS CERTIFIED AS PROVIDED IN SUBSEC-  
14 TION (5).

15 (B) THE PERSON BEING TOWED IS CERTIFIED AS PROVIDED IN SUB-  
16 SECTION (6).

17 (C) TOWING IS CONDUCTED SO THAT, ON AVERAGE, NOT MORE THAN 1  
18 VESSEL APPROACHES WITHIN 300 FEET OF THE TOWING VESSEL DURING ANY  
19 5-MINUTE PERIOD.

20 (D) THE VESSEL IS EQUIPPED WITH ALL OF THE FOLLOWING:

21 (i) A CENTER MOUNTED TOW PYLON.

22 (ii) A LARGE CLEAR REARVIEW MIRROR CAPABLE OF ALLOWING THE  
23 VESSEL OPERATOR TO DISTINGUISH HAND SIGNALS AT A DISTANCE OF 75  
24 FEET.

25 (iii) MARKINGS THAT IDENTIFY THE VESSEL AS A VESSEL THAT IS  
26 BEING OPERATED IN CONFORMANCE WITH THIS SUBSECTION.

1       (5) THE DEPARTMENT SHALL ADOPT STANDARDS FOR WATER SKI  
2 TOURNAMENT BOAT OPERATION ESTABLISHED BY U.S.A. WATER SKI IN  
3 "TRAINED BOAT DRIVER PROGRAM", APRIL 1997, AND BY THE AMERICAN  
4 WATER SKI ASSOCIATION IN "DRIVERS' POLICY MANUAL". HOWEVER, THE  
5 DEPARTMENT MAY PROMULGATE RULES PROVIDING FOR ALTERNATIVE STAN-  
6 DARDS UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA  
7 306, MCL 24.201 TO 24.328. THE DEPARTMENT SHALL CERTIFY EACH  
8 INDIVIDUAL WHO SATISFIES THE STANDARDS DESCRIBED IN THIS SUBSEC-  
9 TION AS A TOURNAMENT WATER SKI VESSEL OPERATOR AND ISSUE PROOF OF  
10 THAT CERTIFICATION TO THE INDIVIDUAL.

11       (6) THE DEPARTMENT SHALL ADOPT STANDARDS FOR TOURNAMENT  
12 WATER SKIERS ESTABLISHED BY THE MICHIGAN WATER SKI ASSOCIATION IN  
13 "GUIDELINES FOR TRAINING PERMIT ELIGIBILITY", PROPOSED REVISION  
14 125 OF 1996. HOWEVER, THE DEPARTMENT MAY PROMULGATE RULES PRO-  
15 VIDING FOR ALTERNATIVE STANDARDS UNDER THE ADMINISTRATIVE PROCE-  
16 DURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE  
17 DEPARTMENT SHALL CERTIFY EACH INDIVIDUAL WHO SATISFIES THE STAN-  
18 DARDS DESCRIBED IN THIS SUBSECTION AS A TOURNAMENT WATER SKIER  
19 AND ISSUE PROOF OF THAT CERTIFICATION TO THE INDIVIDUAL.

20       (7) THE MICHIGAN WATER SKI ASSOCIATION SHALL PROVIDE ANNU-  
21 ALLY TO THE DEPARTMENT AND THE MICHIGAN SHERIFFS ASSOCIATION BOTH  
22 OF THE FOLLOWING:

23       (A) A LIST OF THE INDIVIDUALS WHOM THE ORGANIZATION CONSID-  
24 ERS QUALIFIED FOR TOURNAMENT WATER SKIING.

25       (B) THE NAMES OF NOT MORE THAN 3 BODIES OF WATER ON WHICH  
26 EACH OF THOSE INDIVIDUALS MAY BE AUTHORIZED TO PRACTICE FOR  
27 TOURNAMENT WATER SKIING.

1           (8) THE DEPARTMENT SHALL SPECIFY THE BODY OR BODIES OF WATER  
2 UPON WHICH A WATER SKIER MAY PRACTICE UPON EACH CERTIFICATE  
3 ISSUED UNDER SUBSECTION (6).