

Act No. 19
Public Acts of 1999
Approved by the Governor
April 29, 1999
Filed with the Secretary of State
April 30, 1999
EFFECTIVE DATE: April 30, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Reps. Middaugh, Garcia, DeVuyst, Green, Sanborn and Birkholz

ENROLLED HOUSE BILL No. 4060

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 80152 (MCL 324.80152), as added by 1995 PA 58.

The People of the State of Michigan enact:

Sec. 80152. (1) Except as otherwise provided in this section, a person shall not operate a vessel on the waters of this state if he or she is towing or otherwise assisting a person on water skis or on a water sled, aquaplane, surfboard, or other similar contrivance unless a person capable of communicating to the vessel operator the condition and needs of the person being towed or assisted is on board the vessel and positioned to observe the person being towed or assisted.

(2) Subsection (1) does not apply to vessels used by duly constituted ski schools in the giving of instructions or to vessels used in sanctioned ski tournaments, competitions, expositions, or trials. Vessels described in this subsection shall be equipped with a 170-degree wide-angle rearview mirror affixed in a manner that will permit the operator to observe the progress of the person being towed.

(3) This section does not apply to motorboats less than 16 feet in length actually operated by the person being towed and so constructed as to be incapable of carrying the operator in or on the motorboat.

(4) Subsection (1) does not apply to a vessel operator who is towing a person preparing for a specific water ski tournament if all of the following conditions are met:

(a) The vessel operator is certified as provided in subsection (5).

(b) The person being towed is certified as provided in subsection (6).

(c) Towing is conducted so that, on average, not more than 1 vessel approaches within 300 feet of the towing vessel during any 5-minute period.

(d) The vessel is equipped with all of the following:

(i) A center-mounted tow pylon.

(ii) A large clear rearview mirror capable of allowing the vessel operator to distinguish hand signals at a distance of 75 feet.

(iii) Markings that identify the vessel as a vessel that is being operated in conformance with this subsection.

(5) The department shall adopt standards for water ski tournament boat operation established by U.S.A. water ski in "Trained Boat Driver Program", April 1997, and by the American water ski association in "Drivers' Policy Manual". However, the department may promulgate rules providing for alternative standards under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall certify each individual who satisfies the standards described in this subsection as a tournament water ski vessel operator and issue proof of that certification to the individual.

(6) The department shall adopt standards for tournament water skiers established by the Michigan water ski association in "Guidelines for Training Permit Eligibility", proposed revision 125 of 1996. However, the department may promulgate rules providing for alternative standards under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall certify each individual who satisfies the standards described in this subsection as a tournament water skier and issue proof of that certification to the individual.

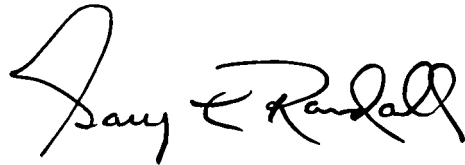
(7) The Michigan water ski association shall provide annually to the department and the Michigan sheriffs association both of the following:

(a) A list of the individuals whom the organization considers qualified for tournament water skiing.

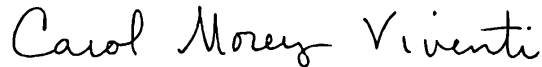
(b) The names of not more than 3 bodies of water on which each of those individuals may be authorized to practice for tournament water skiing.

(8) The department shall specify the body or bodies of water upon which a water skier may practice upon each certificate issued under subsection (6).

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.