



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 703 (as enrolled)
Sponsor: Senator Michelle A. McManus
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Great Lakes and Tourism

PUBLIC ACT 27 of 2004

Date Completed: 8-25-04

RATIONALE

Part 802 of the Natural Resources and Environmental Protection Act regulates the operation of "personal watercraft", commonly called jet skis. The Act prohibits someone from operating a personal watercraft unless the people riding on, or being towed behind, it are wearing a personal flotation device (e.g., a life jacket or safety vest). Previously, the Act mandated that children under the age of 12 years wear a Type I or II personal flotation device, while people over 12 had to wear a Type I, II, or III device. Some parents apparently found it difficult to locate Type I or II devices that fit their children. Other parents claimed that they were cited for having their children in Type III vests after retailers told them that the less buoyant vests were adequate for use on personal watercraft. It was suggested that children under 12 should be allowed to use Type III devices while on or being towed behind a personal watercraft.

or being towed behind it were wearing a Type I or Type II PFD. The bill prohibits a person from operating a personal watercraft unless all people riding on or being towed behind it are wearing a Type I, Type II, or Type III PFD, until five years after the bill's effective date. After five years, children under 12 again will have to wear a Type I or II PFD, and others will have to wear a Type I, II, or III device.

The bill requires the Department of Natural Resources to prepare an annual accident report related to the use of personal watercraft, the types of personal flotation devices that were being used, and the injuries that resulted, and submit it to the standing committees of the Senate and House of Representatives with primary jurisdiction over marine safety issues.

(The Administrative Code (R 281.1234) defines Type I and Type II personal flotation devices as those designed to turn an unconscious person in the water from a face-down position to a vertical or slightly backward position. A Type I PFD has more than 20 pounds of buoyancy; a Type II, at least 15.5 pounds of buoyancy. A Type III PFD is designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy.)

CONTENT

The bill amended Part 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to permit, for five years, children under 12 to wear a Type III personal flotation device (PFD) when riding on or being towed behind a personal watercraft. Also, the bill delayed the scheduled repeal of Part 802 from March 23, 2004, to March 23, 2012. The bill took effect on March 16, 2004.

MCL 324.80205

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate)

Previously, a person was not allowed to operate a personal watercraft in Michigan unless children under 12 who were riding on

Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

When the Act required that all children under 12 wear Type I or II PFDs, parents complained that were unable to find such vests for children who were too big to wear a child's PFD yet too small for the adult-sized device. Since most stores carrying PFDs offer Type III devices in a variety of sizes, parents are more likely to find a Type III vest that properly fits their child. By allowing children under 12 to wear a Type III device, the bill makes it more likely that children will be wearing the proper-sized vest while they are riding on or being towed behind a jet ski. The bill also should end confusion for parents and retailers as to which types of Coast Guard-approved flotation devices are acceptable for children under 12. According to the U.S. Coast Guard, Type III devices are preferred for children participating in high-speed water sports.

Additionally, Type I and II devices keep the child's face above the surface should he or she be in the water and unconscious for a long period of time. The Act, however, does not permit children under the age of 14 to operate a personal watercraft without a parent or legal guardian present. Thus, an adult should be on hand to help rescue any child thrown from the vessel.

Supporting Argument

Type III PFDs are acceptable for children participating in high-speed water sports, according to the U.S. Coast Guard. Most Type I and II PFDs are not required to be dynamically strength tested, which demonstrates whether a device can withstand the rigors of high-speed water entry. Until recently, only Type III PFDs were designed for approval as water-skiing devices meeting the requirement that they have multiple closures, which enhance the probability that the PFD will stay on during high-speed water entry. Also, it is possible that the loosely-fitting nature of many Type I and II devices might increase the potential for injury from falls during high-speed water sports.

By allowing Type III devices to be used by children under 12 for five years only, the bill ensures that the issue will be revisited when data should be available to determine

whether the devices do indeed provide adequate protection.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.