

HOUSE BILL No. 6232

September 22, 2004, Introduced by Rep. Wenke and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80151, 80152, and 80215 (MCL 324.80151,
324.80152, and 324.80215), section 80151 as added by 1995 PA 58,
section 80152 as amended by 1999 PA 19, and section 80215 as
added by 2000 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80151. **(1)** An operator of any vessel shall not have in
2 tow or otherwise ~~be assisting~~ **assist** in the propulsion of a
3 person on water skis or on a water sled, surfboard, or other
4 similar contrivance during the period ~~of~~ **that begins** 1 hour
5 ~~after~~ **before** sunset to ~~1 hour prior to sunrise.~~ **8 a.m.** Any
6 person permitting himself or herself to be towed on water skis or
7 on a water sled, surfboard, or similar contrivance in violation
8 of this part is guilty of a misdemeanor **punishable by**

1 imprisonment for 90 days or a fine of \$100.00, or both. As used
2 in this subsection, "sunset" means that time as determined by the
3 national weather service.

4 (2) While operating a vessel equipped by the manufacturer
5 with a lanyard-type engine cutoff switch on the waters of this
6 state, the operator shall have the lanyard attached to his or her
7 person, clothing, or flotation device as appropriate for the
8 vessel.

9 Sec. 80152. (1) Except as otherwise provided in this
10 section, a person shall not operate a vessel on the waters of
11 this state if he or she is towing or otherwise assisting a person
12 on water skis or on a water sled, aquaplane, surfboard, or other
13 similar contrivance unless ~~a~~ all of the following circumstances
14 exist:

15 (a) A person capable of communicating to the vessel operator
16 the condition and needs of the person being towed or assisted is
17 on board the vessel and positioned to observe the person being
18 towed or assisted.

19 (b) Each person 12 years of age or older riding on or being
20 towed behind the vessel is wearing a type I, type II, or type III
21 personal flotation device as described in R 281.1234 of the
22 Michigan administrative code.

23 (c) Each person on board or being towed by the vessel who is
24 less than 12 years of age is wearing a type I or type II personal
25 flotation device as described in R 281.1234 of the Michigan
26 administrative code.

27 (2) Subsection (1) does not apply to vessels used by duly

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

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

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

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

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

18 (c) Towing is conducted so that, on average, not more than 1
19 vessel approaches within 300 feet of the towing vessel during any
20 5-minute period.

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

22 (i) A center-mounted tow pylon.

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

26 (iii) Markings that identify the vessel as a vessel that is
27 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
6 standards under the administrative procedures act of 1969, 1969
7 PA 306, MCL 24.201 to 24.328. The department shall certify each
8 individual who satisfies the standards described in this
9 subsection as a tournament water ski vessel operator and issue
10 proof of that certification to the individual.

11 (6) The department shall adopt standards for tournament water
12 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
15 providing for alternative standards under the administrative
16 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The
17 department shall certify each individual who satisfies the
18 standards described in this subsection as a tournament water
19 skier and issue proof of that certification to the individual.

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

23 (a) A list of the individuals whom the organization considers
24 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).

4 Sec. 80215. (1) Except as provided in subsections (2) and
5 (3), a person ~~under the age of~~ **less than 14 years of age** shall
6 not use a personal watercraft on the waters of this state.

7 ~~(2) A person who is 12 or more and less than 14 years of age~~
8 ~~before January 1, 1999 may use a personal watercraft on the~~
9 ~~waters of this state if before January 1, 1999 he or she obtained~~
10 ~~a boating safety certificate.~~

11 **(2) —(3)—** A person who is 12 ~~or more and~~ **years of age or**
12 **older but** less than 14 years of age may ~~use~~ **operate** a personal
13 watercraft on the waters of this state if all of the following
14 circumstances exist:

15 (a) The person is accompanied solely by the person's parent
16 or legal guardian.

17 (b) Both the person and the parent or legal guardian have
18 obtained a boating safety certificate.

19 (c) The personal watercraft is equipped by the manufacturer
20 with a lanyard-type engine cutoff switch, and the parent or legal
21 guardian has the lanyard attached to his or her person, clothing,
22 or personal flotation device.

23 (d) The personal watercraft is designed to carry not less
24 than 2 persons.

25 **(3) —(4)—** A person ~~who was born after December 31, 1978~~
26 shall not operate a personal watercraft upon the waters of this
27 state unless he or she first obtains a boating safety

1 certificate.

2 ~~(5) Not later than March 23, 2004, the graduated age~~
3 ~~provisions of this section shall be reviewed by the appropriate~~
4 ~~committee of both houses of the legislature to ascertain the~~
5 ~~effect, if any, these provisions have had upon the safe operation~~
6 ~~of personal watercraft upon the waters of this state.~~

7 (4) ~~—(6)—~~ The owner of a personal watercraft or a person
8 having charge over or control of a personal watercraft shall not
9 authorize or knowingly permit the personal watercraft to be
10 operated in violation of this section.

11 (5) ~~—(7)—~~ This section does not apply to a performer engaged
12 in a professional exhibition or a person preparing to participate
13 or participating in a regatta, race, marine parade, tournament,
14 or exhibition held in compliance with section 80164 under a
15 permit issued by the department and at the time and place
16 specified in the permit.