

SENATE BILL No. 703

September 17, 2003, Introduced by Senators McMANUS, CROPSEY, BIRKHOLZ,
GARCIA, HARDIMAN, ALLEN, JELINEK and CASSIS and referred to the Committee
on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80205 (MCL 324.80205), as added by 2000 PA
229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80205. (1) Except as otherwise provided in this
2 section, a person shall not operate a personal watercraft on the
3 waters of this state unless each person riding on or being towed
4 behind the personal watercraft is wearing a type I, type II, or
5 type III personal flotation device as described in R 281.1234 of
6 the Michigan administrative code. This subsection applies before
7 5 years after the effective date of the 2003 amendatory act that
8 amended this section.

9 (2) ~~(1)~~ Except as otherwise provided in this section, a
10 person shall not operate a personal watercraft on the waters of

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1 this state unless each person 12 years of age or older riding on
2 or being towed behind the personal watercraft is wearing a type
3 I, type II, or type III personal flotation device as described in
4 R 281.1234 of the Michigan administrative code. **This subsection**
5 **applies beginning 5 years after the effective date of the 2003**
6 **amendatory act that amended this section.**

7 (3) ~~—(2)—~~ A person shall not operate a personal watercraft on
8 the waters of this state unless each person on board or being
9 towed by the personal watercraft who is less than 12 years of age
10 is wearing a type I or type II personal flotation device as
11 described in R 281.1234 of the Michigan administrative code.
12 **This subsection applies beginning 5 years after the effective**
13 **date of the 2003 amendatory act that amended this section.**

14 (4) ~~—(3)—~~ A person shall not operate a personal watercraft on
15 the waters of this state unless each person on board the personal
16 watercraft is wearing a personal flotation device that is not
17 inflatable.

18 (5) ~~—(4)—~~ A person shall not operate a personal watercraft on
19 the waters of this state if a child who is under 7 years of age
20 is on board or being towed behind the personal watercraft unless
21 the child is in the company of his or her parent or guardian or a
22 designee of the parent or guardian.

23 (6) ~~—(5)—~~ While operating a personal watercraft equipped by
24 the manufacturer with a lanyard-type engine cutoff switch on the
25 waters of this state, a person shall have the lanyard attached to
26 his or her person, clothing, or personal flotation device as is
27 appropriate for the personal watercraft.

1 (7) ~~—(6)—~~ A person shall not operate a personal watercraft on
2 the waters of this state during the period that begins 1 hour
3 before sunset and ends at 8 a.m. As used in this subsection,
4 "sunset" means that time as determined by the national weather
5 service.

6 (8) ~~—(7)—~~ A person operating a personal watercraft on the
7 waters of this state shall not cross within 150 feet behind
8 another vessel, other than a personal watercraft, unless the
9 person is operating the personal watercraft at slow--no wake
10 speed.

11 (9) ~~—(8)—~~ A person shall not operate a personal watercraft on
12 the waters of this state where the water depth is less than 2
13 feet, as determined by vertical measurement, unless 1 or both of
14 the following circumstances exist:

15 (a) The personal watercraft is being operated at slow--no
16 wake speed.

17 (b) The personal watercraft is being docked or launched.

18 (10) ~~—(9)—~~ A person shall operate a personal watercraft in a
19 reasonable and prudent manner. A maneuver that unreasonably or
20 unnecessarily endangers life, limb, or property, including, but
21 not limited to, all of the following, constitutes reckless
22 operation of a personal watercraft under section 80208:

23 (a) Weaving through congested vessel traffic.

24 (b) Jumping the wake of another vessel unreasonably or
25 unnecessarily close to the other vessel or when visibility around
26 the other vessel is obstructed.

27 (c) Waiting until the last possible moment before swerving to

1 avoid a collision.

2 **(11)** ~~—(10)—~~ A person shall not operate a personal watercraft
3 on the waters of this state carrying more persons than the
4 personal watercraft is designed to carry.

5 **(12)** ~~—(11)—~~ A violation of subsection ~~—(10)—~~ **(11)** is prima
6 facie evidence of reckless operation of a watercraft under
7 section 80208.

8 **(13)** ~~—(12)—~~ A person operating a personal watercraft in
9 excess of the speeds established under part 801 is guilty of
10 reckless operation of a personal watercraft under section 80208.

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