

MARINE SAFETY VIOLATIONS

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House Bill 5266

Sponsor: Rep. Steve Bieda

Committee: Natural Resources, Great Lakes, Land Use, and Environment

Complete to 4-26-06

A SUMMARY OF HOUSE BILL 5266 AS INTRODUCED 10-6-05

House Bill 5266 would amend Parts 801 (Marine Safety) and 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to specify that certain violations of the two parts would be a state civil infraction punishable by a fine of up to \$500. (State civil infractions are administered and enforced under Chapter 88 of the Revised Judicature Act.)

Part 801 (MCL 324.80171) currently provides that unless otherwise specified, a violation of that part or related administrative rules is a misdemeanor. Under the Michigan Penal Code (MCL 750.504) unspecified misdemeanors are punishable by imprisonment of up to 90 days and/or a fine of up to \$500. Part 802 (MCL 324.80219) provides that unless otherwise specified, a violation of that part or related administrative rules is punishable by imprisonment of up to 90 days and/or a fine of up to \$100. Specifically, the bill would apply to the following violations:

- Operating a vessel without obtaining the necessary registration and paying the required fees. (MCL 324.80122)
- Operating a vessel in a manner that makes a collision imminent or likely (e.g., failing to give way). (MCL 324.80144)
- Failing to operate a vessel in a "careful and prudent manner" or at a rate of speed that does not unreasonably endanger persons or property. (MCL 324.80145)
- Failing to follow the established speed limits. However, the reckless operation of a motor boat would continue to be a misdemeanor. (MCL 324.80146)
- Failing to operate the boat in a counter clockwise direction in areas not marked by well defined channels, canals, rivers, or stream courses. (MCL 324.80147)
- Water skiing between one hour after sunset and one hour before sunrise (i.e. at night). (MCL 324.80151)
- Failing to have a second person in a vessel towing a water skier. (MCL 324.80152)
- For divers, failing to place a buoy or boat with a diver's flag at or near the point of submergence or failing to stay within 100 feet of the diver's flag. Also, failing to remain at least 200 feet away from a buoyed diver's flag. (MCL 324.80155)
- Failure to submit to a preliminary breath test when suspected of operating a vessel while intoxicated. The current penalty is a state civil infraction punishable by a fine of up to \$100. (MCL 324.80180)

- Failing to use buoys at bathing beaches to outline a safe bathing and swimming area, or swimming 100 feet beyond the buoyed bathing or swimming area. (MCL 324.80198b)
- Operating a personal watercraft within 150 feet behind another vessel other than a personal watercraft and not operating at a slow/no wake speed. (MCL 324.80205)
- Operating a personal watercraft in waters with a depth of less than two feet. (MCL 324.80205)
- Operating a personal watercraft (1) when traveling at a greater than no-wake speed, within 200 feet from the shore of the Great Lakes; (2) within 100 feet of other objects in the water, such as docks, rafts, swimming areas, people, or un-propelled vessels; or (3) within 200 feet of a submerged diver. (MCL 324.80209).

FISCAL IMPACT:

The bill would have no apparent fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.