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BILL ANALYSIS

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House Bill 6014 (Substitute S-2)

Sponsor: Representative Ted Hammon

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 6-9-08

CONTENT

The bill would amend Part 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to do the following:

- Prohibit the operation of personal watercraft beginning at sunset, rather than one hour before sunset.**
- Raise the minimum age to operate a personal watercraft from 14 to 16, subject to certain exceptions.**
- Revise the exceptions to the minimum age requirement, and raise the minimum age of a person to whom the exceptions apply from 12 to 14.**
- Repeal the March 23, 2012, sunset on Part 802.**

Nighttime Ban

Currently, a person is prohibited from operating a personal watercraft during the period that begins one hour before sunset and ends at 8 a.m. Under the bill, the period would begin at sunset.

Operator Age

Currently, except as otherwise provided, a person under the age of 14 may not operate a personal watercraft on the waters of this State. A person who is at least 12 but younger than 14 may operate a personal watercraft if all of the following circumstances exist:

- The person is accompanied solely by his or her parent or legal guardian.
- Both the person and the parent or legal guardian have obtained a boating safety certificate.
- The personal watercraft is equipped by the manufacturer with a lanyard-type engine cutoff switch, and the parent or legal guardian has the lanyard attached to his or her person, clothing, or personal flotation device.
- The personal watercraft is designed to carry at least two people.

Under the bill, these provisions would apply until October 1, 2011. Beginning on that date, a person younger than 16 could not operate a personal watercraft on Michigan waters unless he or she were at least 14 years old and one of the following circumstances applied:

- The person was riding the personal watercraft with his or her parent or legal guardian, or an individual who was at least 21 years old designated by the parent or guardian.
- The person was operating or riding a personal watercraft within 100 feet of the parent, legal guardian, or designated individual.

Under Part 802, the age restrictions do not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition authorized by a permit from the Department of Natural Resources. The bill would retain this exception.

Sunset Repeal

Public Act 27 of 2004 established an expiration date of March 23, 2012, for Part 802. The bill would eliminate the sunset.

MCL 324.80205 & 324.80215

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of violating the new restrictions on people under the age of 16 operating a personal watercraft, or how many individuals will be convicted of operating a personal watercraft in the hour before sunset absent the bill. As a rule, a violation of Part 802 is a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$100. To the extent that the bill would result in increased or decreased convictions, local governments would incur or save the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Public libraries would receive increased or decreased penal fine revenue.

Fiscal Analyst: Lindsay Hollander

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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.