

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6014

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 80205 and 80215 (MCL 324.80205 and 324.80215),  
section 80205 as amended by 2007 PA 8 and section 80215 as added by  
2000 PA 229; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 80205. (1) Until March 16, 2009, except as otherwise  
2 provided in this section, a person shall not operate a personal  
3 watercraft on the waters of this state unless each person riding on  
4 or being towed behind the personal watercraft is wearing a type I,  
5 type II, or type III personal flotation device as described in R  
6 281.1234 of the Michigan administrative code.

7           (2) Beginning March 16, 2009, except as otherwise provided in  
8 this section, a person shall not operate a personal watercraft on

1 the waters of this state unless each person 12 years of age or  
2 older riding on or being towed behind the personal watercraft is  
3 wearing a type I, type II, or type III personal flotation device as  
4 described in R 281.1234 of the Michigan administrative code.

5 (3) Beginning March 16, 2009, a person shall not operate a  
6 personal watercraft on the waters of this state unless each person  
7 on board or being towed by the personal watercraft who is less than  
8 12 years of age is wearing a type I or type II personal flotation  
9 device as described in R 281.1234 of the Michigan administrative  
10 code.

11 (4) A person shall not operate a personal watercraft on the  
12 waters of this state unless each person on board the personal  
13 watercraft is wearing a personal flotation device that is not  
14 inflatable.

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

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

25 (7) A person shall not operate a personal watercraft on the  
26 waters of this state during the period that begins ~~1 hour before~~ **AT**  
27 sunset and ends at 8 a.m. As used in this subsection, "sunset"

1 means that time as determined by the national weather service.

2 (8) A person operating a personal watercraft on the waters of  
3 this state shall not cross within 150 feet behind another vessel,  
4 other than a personal watercraft, unless the person is operating  
5 the personal watercraft at slow-no wake speed. A person who  
6 violates this subsection is responsible for a state civil  
7 infraction and may be ordered to pay a civil fine of not more than  
8 \$500.00.

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

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

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

16 (10) A person who violates subsection (9) is responsible for a  
17 state civil infraction and may be ordered to pay a civil fine of  
18 not more than \$500.00.

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

24 (a) Weaving through congested vessel traffic.

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

1 (c) Waiting until the last possible moment before swerving to  
2 avoid a collision.

3 (12) A person shall not operate a personal watercraft on the  
4 waters of this state carrying more persons than the personal  
5 watercraft is designed to carry.

6 (13) A violation of subsection (12) is prima facie evidence of  
7 reckless operation of a watercraft under section 80208.

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

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

17 (16) The department shall annually prepare and submit to the  
18 standing committees of the senate and house of representatives with  
19 primary jurisdiction over marine safety issues an accident report  
20 related to the use of personal watercraft, the types of personal  
21 flotation devices that were being used, and the injuries that  
22 resulted.

23 Sec. 80215. (1) ~~Except~~ **UNTIL OCTOBER 1, 2011, EXCEPT** as  
24 provided in ~~subsections (2) and (3)~~ **SUBSECTION (2)**, a person under  
25 the age of 14 shall not ~~use~~ **OPERATE** a personal watercraft on the  
26 waters of this state.

27 ~~(2) A person who is 12 or more and less than 14 years of age~~

1 ~~before January 1, 1999 may use a personal watercraft on the waters~~  
2 ~~of this state if before January 1, 1999 he or she obtained a~~  
3 ~~boating safety certificate.~~

4 (2) ~~(3) A~~ **UNTIL OCTOBER 1, 2011, A** person who is 12 or more  
5 and less than 14 years of age may ~~use~~ **OPERATE** a personal watercraft  
6 on the waters of this state if all of the following circumstances  
7 exist:

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

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

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

16 (d) The personal watercraft is designed to carry not less than  
17 2 persons.

18 (3) ~~(4)~~ A person who was born after December 31, 1978 shall  
19 not operate a personal watercraft upon the waters of this state  
20 unless he or she first obtains a boating safety certificate.

21 (4) ~~(5) Not later than March 23, 2004, the graduated age~~  
22 ~~provisions of this section shall be reviewed by the appropriate~~  
23 ~~committee of both houses of the legislature to ascertain the~~  
24 ~~effect, if any, these provisions have had upon the safe operation~~  
25 ~~of personal watercraft upon the waters of this state. BEGINNING~~  
26 **OCTOBER 1, 2011, A PERSON UNDER THE AGE OF 16 SHALL NOT OPERATE A**  
27 **PERSONAL WATERCRAFT ON THE WATERS OF THIS STATE UNLESS THE PERSON**

House Bill No. 6014 as amended June 19, 2008

1 IS NOT LESS THAN 14 YEARS OF AGE AND 1 OF THE FOLLOWING  
2 CIRCUMSTANCES APPLIES:

3 (A) THE PERSON IS RIDING THE PERSONAL WATERCRAFT WITH HIS OR  
4 HER PARENT OR GUARDIAN OR AN INDIVIDUAL 21 YEARS OF AGE OR OLDER  
5 DESIGNATED BY THE PARENT OR GUARDIAN.

6 (B) THE PERSON IS OPERATING OR RIDING A PERSONAL WATERCRAFT AT  
7 A DISTANCE OF NOT MORE THAN 100 FEET FROM HIS OR HER PARENT OR  
8 GUARDIAN OR AN INDIVIDUAL 21 YEARS OF AGE OR OLDER DESIGNATED BY  
9 THE PARENT OR GUARDIAN.

10 (5) ~~(6)~~—The owner of a personal watercraft or a person having  
11 charge over or control of a personal watercraft shall not authorize  
12 or knowingly permit the personal watercraft to be operated in  
13 violation of this section.

14 (6) ~~(7)~~—This section does not apply to a performer engaged in  
15 a professional exhibition or a person preparing to participate or  
16 participating in a regatta, race, marine parade, tournament, or  
17 exhibition held in compliance with section 80164 under a permit  
18 issued by the department and at the time and place specified in the  
19 permit.

**<<(7) THE AMENDATORY ACT THAT ADDED SUBDIVISIONS (4) (A) AND (B)  
SHALL BE KNOWN AND MAY BE CITED AS "ASHLEIGH ISERMAN'S LAW".>>**

20 Enacting section 1. Enacting section 2 of 2004 PA 27 is  
21 repealed.