

HOUSE BILL No. 4830

May 24, 2007, Introduced by Reps. Agema, Steil, LeBlanc, Green, Robertson, Johnson, Young, Bennett, Espinoza, Kathleen Law, Meadows, Hammel, Hammon, Rocca, Hoogendyk, Emmons, LaJoy, Sheen, Stahl, Acciavatti, Rick Jones, Garfield, Palmer, Calley, David Law, Nitz, Dean, Stakoe, Casperson, Huizenga, Brandenburg, Pastor, Meekhof, Hansen, Nofs, Moolenaar, Knollenberg, Hune, Ward, Pearce, Wenke, Virgil Smith, Ball, Gonzales, Brown and Polidori and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80205 (MCL 324.80205), as amended by 2007 PA 8.

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
9 the waters of this state unless each person 12 years of age or

1 older riding on or being towed behind the personal watercraft is
2 wearing a type I, type II, or type III personal flotation device as
3 described in R 281.1234 of the Michigan administrative code.

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

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

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

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

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

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

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

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

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

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

18 (11) 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 not
21 limited to, all of the following, constitutes reckless operation of
22 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 (12) A person shall not operate a personal watercraft on the
3 waters of this state carrying more persons than the personal
4 watercraft is designed to carry.

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

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

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

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