

# HOUSE BILL No. 6014

April 24, 2008, Introduced by Reps. Hammon, Sheltroun, Constan, Hammel, Johnson, Robert Jones, Jackson, Meadows, Coulouris, Polidori, Gonzales, Vagnozzi and Miller 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 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

1 this section, a person shall not operate a personal watercraft on  
2 the waters of this state unless each person 12 years of age or  
3 older riding on or being towed behind the personal watercraft is  
4 wearing a type I, type II, or type III personal flotation device as  
5 described in R 281.1234 of the Michigan administrative code.

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

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

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

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

26 (7) A person shall not operate a personal watercraft on the  
27 waters of this state during the period that begins ~~1 hour before~~ **AT**

1 sunset and ends at 8 a.m. As used in this subsection, "sunset"  
2 means that time as determined by the national weather service.

3 (8) A person operating a personal watercraft on the waters of  
4 this state shall not cross within 150 feet behind another vessel,  
5 other than a personal watercraft, unless the person is operating  
6 the personal watercraft at slow-no wake speed. A person who  
7 violates this subsection is responsible for a state civil  
8 infraction and may be ordered to pay a civil fine of not more than  
9 \$500.00.

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

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

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

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

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

25 (a) Weaving through congested vessel traffic.

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

1 the other vessel is obstructed.

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

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

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

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

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

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

24 Sec. 80215. (1) ~~Except~~ **UNTIL OCTOBER 1, 2010, EXCEPT** as  
25 provided in subsections (2) and (3), a person under the age of 14  
26 shall not ~~use~~ **OPERATE** a personal watercraft on the waters of this  
27 state.

1           (2) ~~A-UNTIL OCTOBER 1, 2010, A~~ person who is 12 or more and  
2 less than 14 years of age before January 1, 1999 may ~~use-OPERATE~~ a  
3 personal watercraft on the waters of this state if before January  
4 1, 1999 he or she obtained a boating safety certificate.

5           (3) ~~A-UNTIL OCTOBER 1, 2010, A~~ person who is 12 or more and  
6 less than 14 years of age may ~~use-OPERATE~~ a personal watercraft on  
7 the waters of this state if all of the following circumstances  
8 exist:

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

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

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

17           (d) The personal watercraft is designed to carry not less than  
18 2 persons.

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

22           (5) ~~Not later than March 23, 2004, the graduated age~~  
23 ~~provisions of this section shall be reviewed by the appropriate~~  
24 ~~committee of both houses of the legislature to ascertain the~~  
25 ~~effect, if any, these provisions have had upon the safe operation~~  
26 ~~of personal watercraft upon the waters of this state. BEGINNING~~  
27 **OCTOBER 1, 2010, A PERSON UNDER THE AGE OF 16 SHALL NOT OPERATE A**

1 **PERSONAL WATERCRAFT ON THE WATERS OF THIS STATE.**

2 (6) The owner of a personal watercraft or a person having  
3 charge over or control of a personal watercraft shall not authorize  
4 or knowingly permit the personal watercraft to be operated in  
5 violation of this section.

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

12 Enacting section 1. Enacting section 2 of 2004 PA 27 is  
13 repealed.