

Legislative Analysis



CREW EVENT: FLOTATION DEVICE

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Senate Bill 1482 (Substitute S-1)

Sponsor: Sen. Michael Switalski

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

First Analysis (11-30-10)

BRIEF SUMMARY: The bill would create an exception from requirements regarding flotation devices for a "crew event," under certain circumstances. The term "crew event" is defined to mean a competitive rowing event between members of two or more teams using rowing shells or sculls for transportation on water.

FISCAL IMPACT: Senate Bill 1482 would have no fiscal impact on the state or on local units of government.

THE APPARENT PROBLEM:

Administrative rules promulgated by the Department of Natural Resources and Environment (DNRE) require that various vessels have flotation devices onboard, in order to ensure boater safety. Those flotation devices must be readily accessible to passengers, in the event of a marine mishap. The requirements for flotation devices vary, according to the type and size of the vessel.

Legislation has been introduced to amend the Natural Resources and Environmental Protection Act, in order to specify that these requirements would not apply in the case of a "crew event"--a term defined to mean a competitive rowing event between members of two or more teams using rowing shells or sculls for transportation on water.

THE CONTENT OF THE BILL:

Senate Bill 1482 (S-1) would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to create an exception for a crew event to requirements regarding flotation devices, under certain circumstances.

Specifically, the requirements for having a personal flotation device and a throwable flotation device in a vessel would not apply to a person in a rowing shell or rowing scull who was competing as a team member in a crew event or who was practicing with team members for a crew event if another vessel were located within 100 yards, and that vessel had a sufficient number of personal flotation devices on board for use by the team members. In addition, the other vessel would need to have at least one throwable flotation device on board.

("Crew event" would mean a competitive rowing event between members of two or more teams using rowing shells or sculls for transportation on water.) A rule waiver under Section 80164 would not be required for a person in a rowing shell or scull to operate in compliance with the bill. (Under that section, the DNRE may authorize the holding of specified marine events on any of the State's waters. The DNRE must promulgate and may amend rules concerning the conduct of such events.)

MCL 324.80164a

HOUSE COMMITTEE ACTION:

The members of the House Committee on Tourism, Outdoor Recreation, and Natural Resources reported out the Senate-passed version of the bill without amendments. Some of the information in this analysis is based on the analysis of the Senate Fiscal Agency dated 11-4-10.

ARGUMENTS:

For:

Flotation device rules issued by the Department of Natural Resources and Environment's include requirements for rowboats, canoes, and kayaks. Rowing sculls or shells, however, have no room to store such devices on board, and crew members could not row effectively while wearing them. Applying the flotation device requirements to crew events could interfere with the sport of competitive rowing.

While the DNRE has not enforced these rules in the case of crew events, it makes sense to recognize in statute that the nature of the sport precludes the use of onboard flotation devices. The bill maintains safety precautions for crew members by requiring alternative means of access to the devices.

POSITIONS:

The Michigan Boating Industries Association supports the bill. (11-30-10)

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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.