

HOUSE BILL No. 6318

July 1, 2010, Introduced by Rep. Nathan 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 80152 (MCL 324.80152), as amended by 1999 PA
19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80152. (1) Except as otherwise provided in this section,
2 a person shall not operate a vessel on the waters of this state if
3 he or she is towing or otherwise assisting a person ~~on water skis~~
4 ~~or on a water sled, aquaplane, surfboard, or other similar~~
5 ~~contrivance~~ **BEING TOWED** unless a **BOTH OF THE FOLLOWING CONDITIONS**

6 **ARE MET:**

7 **(A)** A person capable of communicating to the vessel operator
8 the condition and needs of the person being towed or assisted is on
9 board the vessel and positioned to observe the person being towed

1 or assisted.

2 (B) THE PERSON BEING TOWED IS WEARING THE PROPER TYPE I, TYPE
3 II, OR TYPE III PERSONAL FLOTATION DEVICE, AS APPLICABLE. THE
4 WEARING OF AN INFLATABLE PERSONAL FLOTATION DEVICE DOES NOT SATISFY
5 THIS REQUIREMENT.

6 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS RESPONSIBLE FOR A
7 STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF
8 NOT MORE THAN \$500.00.

9 (3) A PERSON SHALL NOT PERMIT HIMSELF OR HERSELF TO BE TOWED
10 OR OTHERWISE ASSISTED BY A VESSEL ON THE WATERS OF THIS STATE
11 UNLESS HE OR SHE COMPLIES WITH THE CONDITIONS LISTED IN SUBSECTION
12 (1).

13 (4) A PERSON WHO VIOLATES SUBSECTION (3) WHO IS 16 YEARS OF
14 AGE OR OLDER IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
15 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00.

16 (5) ~~(2) Subsection (1) does not apply to vessels used by duly~~
17 ~~constituted ski schools~~ SUBSECTIONS (1) AND (3) DO NOT APPLY TO ANY
18 OF THE FOLLOWING:

19 (A) A PERSON WHO OPERATES OR WHO IS TOWED BY A VESSEL USED BY
20 A SKI SCHOOL in the giving of instructions or ~~to vessels~~ A VESSEL
21 used in sanctioned ski tournaments, competitions, expositions, or
22 trials ~~. Vessels described in this subsection shall be~~ IF THE
23 VESSEL IS equipped with a 170-degree wide-angle rearview mirror
24 affixed in a manner that will permit the operator to observe the
25 progress of the person being towed.

26 (B) ~~(3) This section does not apply to motorboats~~ A PERSON
27 BEING TOWED BY A MOTORBOAT less than 16 feet in length THAT IS

1 actually operated by the person being towed ~~and so~~ **IF THE VESSEL IS**
2 constructed ~~as~~ to be incapable of carrying the operator in or on
3 the motorboat.

4 (C) ~~(4) Subsection (1) does not apply to a~~ **A** vessel operator
5 who is towing a person preparing for a specific water ski
6 tournament if all of the following conditions are met:

7 (i) ~~(a)~~ The vessel operator is certified as provided in
8 subsection ~~(5)~~ **(6)**.

9 (ii) ~~(b)~~ The person being towed is certified as provided in
10 subsection ~~(6)~~ **(7)**.

11 (iii) ~~(c)~~ Towing is conducted so that, on average, not more than
12 1 vessel approaches within 300 feet of the towing vessel during any
13 5-minute period.

14 (iv) ~~(d)~~ The vessel is equipped with all of the following:

15 (A) ~~(i)~~ A center-mounted tow pylon.

16 (B) ~~(ii)~~ A large clear rearview mirror capable of allowing the
17 vessel operator to distinguish hand signals at a distance of 75
18 feet.

19 (C) ~~(iii)~~ Markings that identify the vessel as a vessel that is
20 being operated in conformance with this ~~subsection~~ **SUBDIVISION**.

21 (6) ~~(5)~~ The department shall adopt standards for water ski
22 tournament boat operation established by U.S.A. water ski in
23 "Trained Boat Driver Program", April 1997, and by the American
24 water ski association in "Drivers' Policy Manual". However, the
25 department may promulgate rules providing for alternative standards
26 under the administrative procedures act of 1969, 1969 PA 306, MCL
27 24.201 to 24.328. The department shall certify each individual who

1 satisfies the standards described in this subsection as a
2 tournament water ski vessel operator and issue proof of that
3 certification to the individual.

4 (7) ~~(6)~~—The department shall adopt standards for tournament
5 water skiers established by the Michigan water ski association in
6 "Guidelines for Training Permit Eligibility", proposed revision 125
7 of 1996. However, the department may promulgate rules providing for
8 alternative standards under the administrative procedures act of
9 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall
10 certify each individual who satisfies the standards described in
11 this subsection as a tournament water skier and issue proof of that
12 certification to the individual.

13 (8) ~~(7)~~—The Michigan water ski association shall provide
14 annually to the department and the Michigan sheriffs association
15 both of the following:

16 (a) A list of the individuals whom the organization considers
17 qualified for tournament water skiing.

18 (b) The names of not more than 3 bodies of water on which each
19 of those individuals may be authorized to practice for tournament
20 water skiing.

21 (9) ~~(8)~~—The department shall specify the body or bodies of
22 water upon which a water skier may practice upon each certificate
23 issued under subsection ~~(6)~~—(7).