

SAFETY REQUIREMENTS FOR OPERATION OF PERSONAL WATERCRAFT WITH A PERSON IN TOW

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House Bill 4534

Sponsor: Rep. Klint Kesto

Committee: Regulatory Reform

Complete to 9-29-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4534 would amend Section 80152 of the Natural Resources and Environmental Protection Act by requiring that a personal watercraft with an individual in tow display a flag of a certain size and color, and to define what "in tow" means for purposes of this section. The bill would take effect 90 days after the date it is enacted.

Specifically, the bill would require that a vessel with a person in tow must display a bright or brilliant orange or red flag sized at least 12 inches by 12 inches on a handle that is visible from all directions while a person is in tow.

"In tow" would be defined as any of the following:

- A person who is participating, or preparing to participate, in a water sport in which the person or a piece of equipment on which the person is riding is attached to a vessel by a towline.
- An extended towline is attached to a vessel for the purpose of engaging in a water sport as described above.

Presently, Section 80152 lists criteria that must be met in order for an individual to operate a vessel with a person in tow (although the phrase currently used in statute that the bill would replace is, "while towing or otherwise assisting a person being towed"). Those criteria include having an individual present on the vessel who is positioned to observe the person in tow and is capable of communicating to the vessel operator the condition and needs of the person in tow, as well as the person in tow wearing the proper type of type I, type II, or type III personal flotation device.

The Michigan Administrative Code [R 281.1234] addresses personal flotation devices and defines them as follows:

- Type I: An approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy.
- Type II: An approved device designed to turn an unconscious person in the water from a face down position to a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy.
- Type III: An approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy.

- Type IV: An approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16.5 pounds of buoyancy.

R 281.1234(2) also requires all required personal flotation devices to be:

- Approved by the United States Coast Guard.
- Legibly marked with the approval number issued by the United States coast guard.
- Of an appropriate size for the person for whom it is intended.
- Readily accessible and immediately available.
- In good and serviceable condition.

A person who violates these requirements is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100. A person 16 years of age or older who permits himself or herself to be in tow by a vessel without wearing a type I, type II, or type III personal flotation device also is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.

MCL 324.80152

FISCAL IMPACT:

House Bill 4534 would have no fiscal impact on the Department of Natural Resources nor local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.