

HOUSE BILL No. 4534

April 29, 2015, Introduced by Rep. Kesto and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80152 (MCL 324.80152), as amended by 2012 PA
58.

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
3 while ~~towing or otherwise assisting a person being towed~~ **IN TOW**
4 unless ~~both~~ **ALL** of the following conditions are met:

5 (a) A person capable of communicating to the vessel operator
6 the condition and needs of the person ~~being towed or assisted~~ **IN**
7 **TOW** is ~~on board~~ **ONBOARD** the vessel and positioned to observe the
8 person ~~being towed or assisted~~ **IN TOW**.

9 (b) The person ~~being towed~~ **IN TOW** is wearing the proper type

1 I, type II, or type III personal flotation device, as applicable.
2 The wearing of an inflatable personal flotation device does not
3 satisfy this requirement.

4 (C) A BRIGHT OR BRILLIANT ORANGE OR RED FLAG NO SMALLER THAN
5 12 INCHES BY 12 INCHES, MOUNTED ON A HANDLE, AND VISIBLE FROM ALL
6 DIRECTIONS IS DISPLAYED AT ALL TIMES THAT A PERSON IS IN TOW.

7 (D) THE VESSEL IS DESIGNED BY THE MANUFACTURER TO CARRY THE
8 OPERATOR, THE OBSERVER REQUIRED UNDER SUBDIVISION (A), AND THE
9 PERSON IN TOW.

10 (2) A person who violates subsection (1) is responsible for a
11 state civil infraction and may be ordered to pay a civil fine of
12 not more than \$100.00.

13 (3) A person shall not permit himself or herself to be towed
14 ~~or otherwise assisted~~ **IN TOW** by a vessel on the waters of this
15 state unless he or she complies with the conditions listed in
16 subsection (1).

17 (4) A person who violates subsection (3) who is 16 years of
18 age or older is responsible for a state civil infraction and may be
19 ordered to pay a civil fine of not more than \$100.00.

20 (5) Subsections (1) and (3) do not apply to any of the
21 following:

22 (a) A person who operates or who is ~~towed by~~ **IN TOW BY** a
23 vessel used by a ski school in the giving of instructions or a
24 vessel used in sanctioned ski tournaments, competitions,
25 expositions, or trials if the vessel is equipped with a 170-degree
26 wide-angle rearview mirror affixed in a manner that ~~will permit~~
27 **PERMITS** the operator to observe the progress of the person ~~being~~

1 ~~towed~~. **IN TOW**.

2 (b) A person ~~being towed~~ **IN TOW** by a motorboat less than 16
3 feet in length that is actually operated by the person ~~being towed~~
4 **IN TOW**, if the vessel is constructed to be incapable of carrying
5 the operator in or on the motorboat.

6 (c) A vessel operator or the person ~~being towed~~ **IN TOW**, if the
7 vessel operator is towing a person preparing for a specific water
8 ski tournament and if all of the following conditions are met:

9 (i) The vessel operator is certified as provided in subsection
10 (6).

11 (ii) The person ~~being towed~~ **IN TOW** is certified as provided in
12 subsection (7).

13 (iii) Towing is conducted so that, on average, not more than 1
14 vessel approaches within 300 feet of the towing vessel during any
15 5-minute period.

16 (iv) The vessel is equipped with all of the following:

17 (A) A center-mounted tow pylon.

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

21 (C) Markings that identify the vessel as a vessel that is
22 being operated in conformance with this subdivision.

23 (6) The department shall adopt standards for water ski
24 tournament boat operation established by U.S.A. ~~water ski~~ **WATER SKI**
25 in "Trained Boat Driver Program", April 1997, and by the American
26 ~~water ski association~~ **WATER SKI ASSOCIATION** in "Drivers' Policy
27 Manual". However, the department may promulgate rules providing for

1 alternative standards under the administrative procedures act of
2 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall
3 certify each individual who satisfies the standards described in
4 this subsection as a tournament water ski vessel operator and issue
5 proof of that certification to the individual.

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

15 (8) The Michigan ~~water ski association~~ **WATER SKI ASSOCIATION**
16 shall provide annually to the department and the Michigan ~~sheriffs~~
17 ~~association~~ **SHERIFFS' ASSOCIATION** both of the following:

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

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

23 (9) The department shall specify the body or bodies of water
24 upon which a water skier may practice upon each certificate issued
25 under subsection (7).

26 (10) **AS USED IN THIS SECTION, "IN TOW" MEANS ANY OF THE**
27 **FOLLOWING:**

1 (A) A PERSON IS PARTICIPATING IN A WATER SPORT IN WHICH THE
2 PERSON OR A PIECE OF EQUIPMENT ON WHICH THE PERSON IS RIDING IS
3 ATTACHED TO A VESSEL BY A TOWLINE.

4 (B) A PERSON IS IN THE WATER PREPARING TO PARTICIPATE IN A
5 WATER SPORT DESCRIBED IN SUBDIVISION (A) .

6 (C) AN EXTENDED TOWLINE IS ATTACHED TO A VESSEL FOR THE
7 PURPOSE OF ENGAGING IN A WATER SPORT DESCRIBED IN SUBDIVISION (A) .

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted.