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PERSONAL WATERCRAFT



House
Legislative
Analysis
Section

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Senate Bills 763 (Substitute H-2) and 764
(Substitute H-1)
First Analysis (6-20-90)

Sponsor: Sen. Richard D. Fessler
Senate Committee: State Affairs, Tourism, and
Transportation
House Committee: Marine Affairs & Port Development

THE APPARENT PROBLEM:

According to manufacturer representatives, there are approximately 15 million recreational boats on U.S. waters, more than one-half of which are crafts under 16 feet in length, the category that includes personal watercraft (jet skis). Jet skis are small boats powered by an inboard engine and a jet pump mechanism, and are reportedly gaining in popularity. Some are designed to be ridden while sitting down, and others are designed for operators who are either kneeling or standing. Since the jet skis are considered by the U.S. Coast Guard to be "Class A Inboard Boats," they are deemed to be subject to the same laws and requirements as larger, or more conventional boats. However, according to testimony before the House Marine Affairs and Port Development Committee, at least eight states are considering providing specifically for the regulation of jet skis and at least three have enacted regulations. Although testimony suggested that local ordinances could be enacted to address regulation of jet skis, it is felt that the use of jet skis is extensive enough and the potential for accidents and injuries is significant enough to merit statutory provisions to govern the operation of personal watercraft.

THE CONTENT OF THE BILLS:

Senate Bill 763 would amend the Marine Safety Act to regulate the operation of jet skis and Senate Bill 764 would amend the Charter and Livery Boat Safety Act to prohibit a person who was under 16 years of age from leasing, hiring or renting a personal watercraft. The term "personal watercraft" would be defined in both bills as a vessel that used a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion, was designed to be operated by a person or persons positioned on, rather than within, the confines of the hull, and was designed with no open load carrying area that would retain water.

Senate Bill 763 would prohibit a person from operating a personal watercraft on Michigan waters unless each person riding on or being towed behind the vessel was wearing a Type I, Type II, or Type III personal flotation device approved by the United States Coast Guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch would be required to attach the lanyard to his or her person, clothing, or personal flotation device, as was appropriate for the specific vessel. No personal watercraft could be operated on Michigan waters during the hours from sunset to sunrise.

The bill would require a personal watercraft to be operated in a reasonable and prudent manner at all times. Maneuvers that unreasonably or unnecessarily endangered life, limb, or property, including, but not limited to,

weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel was obstructed within 100 feet of another vessel, and swerving at the last possible moment to avoid collision, would constitute reckless operation of a vessel, which under the act is a misdemeanor.

The bill also would prohibit a person under the age of 12 from operating a personal watercraft on state waters. A person 12 through 15 years of age could operate a personal watercraft only if he or she had a boating safety certificate or was accompanied by a person 16 years of age or older. The bill would prohibit the owner of a jet ski, or a person having charge over or control of a jet ski, from authorizing or knowingly permitting the watercraft to be operated in violation of the minimum age and supervision requirements.

The bill would not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with the act.

The bill would not be enforced until after January 1, 1991.

MCL 281.1008 et al.

Senate Bill 764 would amend the Charter and Livery Boat Safety Act to prohibit a boat livery from leasing, hiring or renting a jet ski to a person who was under 16 years of age.

The bill would not be enforced until after January 1, 1991.

MCL 281.572 and 281.591a

HOUSE COMMITTEE ACTION:

The House Marine Affairs and Port Development Committee adopted a substitute for Senate Bill 763 to specify that operation of jet skis would be prohibited between sunset and sunrise, rather than from one half hour after sunset until one half hour before sunrise, as in the Senate-passed version. Also, the House substitutes for both bills would delay enforcement of the jet ski regulations until January 1, 1991.

FISCAL IMPLICATIONS:

According to the secretary of state's office, the bills have no fiscal implications. (6-18-90)

According to an analysis by the Department of Natural Resources, the bills have no fiscal implications for the state. (4-23-90)

OVER

ARGUMENTS:

For:

Due to the increasing recreational use of jet skis, there may be a potential for accidents and injuries unless laws to regulate the use of jet skis are enacted. The bills will help ensure consistent and safe operation of jet skis on state waters. In addition, the bills would allow operation of jet skis only between sunrise and sunset because the majority of jet skis are not equipped with lights. Further, by providing for an enforcement date later than the effective date of the bills, the bills will allow livery owners and operators and jet ski owners and operators to become familiar with the new regulations, thus helping to ensure smooth implementation of the bills.

POSITIONS:

The Michigan Boating Industries Association supports the bills. (6-18-90)

The Michigan Sheriffs Association supports the bills. (6-19-90)

The National Marine Manufacturers Association supports the bills. (6-18-90)

The secretary of state's office supports the bills. (6-18-90)

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