



**House  
Legislative  
Analysis  
Section**

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PERSONAL WATERCRAFT SAFETY **RECEIVED**

House Bill 5452 (Substitute H-2) MAR 21 1990  
First Analysis (3-5-90)

Mich. State Law Library

Sponsor: Philip E. Hoffman  
Committee: Tourism, Fisheries, & Wildlife

**THE APPARENT PROBLEM:**

Boating is increasingly becoming one of Michigan's most popular pastimes, evidenced in part by the fact that Michigan has the largest number of boat registrations in the U.S. The state has also been one of the leaders in implementing boating safety provisions and currently has one of the country's best boating safety records. However, as the waters of the state continue to become more crowded, there is concern about the safety of children operating boats. In addition, an increasing number of safety issues have arisen concerning jet skis (personalized watercraft that hold the operator of the craft and one other person) and the increasing number of collisions between jet skis and other vessels. Accidents have occurred after jet skis have jumped the wake of a vessel and collided with a watercraft or waterskier on the opposite side of the wake. Legislation has been introduced to address these safety concerns.

**THE CONTENT OF THE BILL:**

Currently, the Marine Safety Act allows children under the age of 12 to operate a motorboat when accompanied by person at least 16 years of age, and children between the ages of 12 and 16 may operate a motorboat when accompanied by another person at least 16 years of age, or without adult supervision when in possession of a boating safety certificate. However, these provisions do not apply to motorboats that are powered by a motor with less than 6 horsepower. The bill would amend the act to prohibit children under the age of twelve from operating boats powered by motors of more than ten horsepower. The bill would retain the current requirements for children ages 12-16 with regard to boats of more than ten horsepower (instead of six horsepower). In addition, the bill would prohibit a person who was operating a motorboat from crossing within 150 feet behind another vessel that was travelling at a speed that produced a wake. However, the bill would exempt persons operating a motorboat in a boat race or a marine parade from this provision.

MCL 281.1062 and 281.1072b

**FISCAL IMPLICATIONS:**

According to the Department of Natural Resources, the bill would have a negligible fiscal impact upon the state. (3-2-90)

**ARGUMENTS:**

**For:**

Michigan has been one of the leaders in boating safety. Due to the increasing numbers of boats registered in the state, it must remain proactive regarding boating safety legislation in order to maintain its great safety record and ensure the safety of its citizens. Therefore, it is only logical that the state prohibit youngsters from operating motorboats capable of high speeds on state waters in order to ensure their safety.

**Response:** The purpose of the legislation is to prevent and prohibit young people from operating powered vessels capable of high speeds. The ten horsepower exemption defeats this purpose and should revert back to the current six horsepower exemption. There are ten foot boats with five horsepower motors that can reach speeds of 20 to 30 mph and create quite a wake. Therefore, increasing the horsepower exemption to a ten horsepower motor would appear to put children that operate these vessels in danger.

**Rebuttal:** Some argue that there are not many six horsepower motors in use at this time. Increasing the exemption to include ten horsepower motors is an attempt to modernize the act and have it address the types of boats that are actually in use on state waters.

**For:**

The Marine Safety Act prohibits reckless operation of a watercraft but does not expressly prohibit the jumping of another ship's wake. It is assumed that the jumping of a ship's wake is not necessarily always reckless. However, there has been at least one incidence in Michigan when a jet ski jumped another watercraft's wake and collided with a water skier. The bill will help decrease the potential for these types of accidents to occur by requiring watercraft to maintain a safe distance behind other craft.

**POSITIONS:**

The Michigan Boating Industries Association supports the bill. (3-2-90)

The National Marine Manufacturers Association supports the bill. (3-2-90)

The Department of Natural Resources supports the concept of the bill. (3-2-90)

H.B. 5452 (3-5-90)