

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 763 (as reported with amendment)  
Senate Bill 764 (as reported with amendment)  
Sponsor: Senator Richard D. Fessler  
Committee: State Affairs, Tourism, and Transportation

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**RATIONALE**

According to a booklet on personal watercraft furnished by the National Marine Manufacturers Association, 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". Reportedly gaining widespread popularity, personal watercraft are "smaller, agile boats which are powered by an inboard engine and a jet pump mechanism" (e.g., Jet Skis). Some are designed to be ridden while sitting down; others are ridden by operators who are either kneeling or standing. Generally, the booklet explains, the craft "provide an experience that is similar to a combination of boating and waterskiing". Indeed, personal watercraft apparently are considered by the U.S. Coast Guard to be "Class A Inboard Boats" and are subject to the same laws and requirements as larger, or more conventional boats. Many of the laws and requirements are established by the states, however, and Michigan does not yet provide specifically for the regulation of personal watercraft use. Although the Personal Watercraft Industry Association makes some recommendations concerning the safe and proper operation of personal watercraft in the absence of state regulations, some feel that the use of such craft is extensive enough and the potential for accidents and injuries is significant enough to merit statutory provisions to govern the operation of personal watercraft.

**CONTENT**

**Senate Bill 763 would amend the Marine Safety Act to regulate the operation of**

**personal watercraft and Senate Bill 764 would amend the Charter and Livery Boat Safety Act to prohibit a person who is under 16 years of age from leasing, hiring, or renting a personal watercraft. "Personal watercraft" would be defined in both bills as a vessel that:**

- Uses a propeller-driven motor or an internal combustion engine powering a water jet pump as its primary source of propulsion.
- Is designed to be operated by a person or persons positioned on, rather than within, the confines of the hull.
- Is designed with no open load carrying area that would retain water.

A more detailed description of Senate Bill 763 follows.

Specifically, the bill would prohibit a person from operating a personal watercraft on Michigan waters unless each person riding on or being towed behind the vessel were 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 from one-half hour after sunset to one-half hour before sunrise.

The bill would require a personal watercraft at

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all times to be operated in a reasonable and prudent manner. 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 were accompanied by a person 16 years of age or older. The bill would prohibit the owner of a personal watercraft, or a person having charge over or control of a personal watercraft from authorizing or knowingly permitting the personal 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 preparing to participate or participating in a regatta, race, marine parade, tournament, or exhibition held in compliance with the Act.

MCL 281.1008 et al. (Senate Bill 763)  
281.572 et al. (Senate Bill 764)

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

### **ARGUMENTS**

#### **Supporting Argument**

With the increasing use of personal watercraft for recreational boating purposes, it would be prudent of the State to adopt measures to ensure the safe and proper operation of such craft before many accidents and injuries occur.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.