

SFA

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 763 (as enrolled)

Senate Bill 764 (as enrolled)

Sponsor: Senator Richard D. Fessler

Senate Committee: State Affairs, Tourism, and Transportation

House Committee: Marine Affairs and Port Development

Date Completed: 7-25-90

PUBLIC ACT 183 of 1990PUBLIC ACT 184 of 1990

RECEIVED

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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 the operator is 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

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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 motor-driven propeller 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.

The bills would not be enforced until after January 1, 1991. 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 as described in the administrative rules of the Department of Natural Resources. 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 between sunset and sunrise.

S.B. 763 & 764 (7-25-90)

The bill would require a personal watercraft at 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 and swerving at the last possible moment to avoid collision, would constitute reckless operation of a vessel, which under the Act is a misdemeanor. Further, carrying more persons than the vessel was designed to carry would be prima facie evidence of reckless operation.

A person operating a personal watercraft would have to maintain a distance of 100 feet from any dock, raft, buoyed or occupied bathing area, or could not cross within 150 feet behind another vessel, other than a personal watercraft, that was traveling at a speed greater than slow--no wake speed.

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.

Opposing Argument

The bill would unfairly infringe on the individual rights of personal watercraft operators by requiring them to wear personal flotation devices. Neither waterskiers nor boaters are required to wear such devices, yet their sports can be as dangerous as operating a personal watercraft.

Response: There is no practical place to store or carry personal flotation devices on personal watercraft as there is on most other types of watercraft so it is only sensible that the operators and passengers on personal watercraft be required to wear the devices. In the interests of safety for all concerned, perhaps it is time that waterskiers and boaters also be required to wear personal flotation devices.

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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.

SFA BILL ANALYSIS

Senate Bill S.B. 764

Analysis Summary

See S.B. 763

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill 764

Analysis First (6-20-90)

See SB 763

SENATE ANALYSIS SECTION

SENATE BILL 764

ANALYSIS Enrolled

SEE SB 763