

HOUSE BILL No. 5141

October 5, 1989, Introduced by Reps. Hoekman, Alley, Profit, Stacey, Joe Young, Jr., Brown, London, Trim, Bartnik, Gnodtke, Weeks, Spaniola, Rocca, Leland, Porreca, Muxlow, Giese, Bankes, Krause and DeLange and referred to the Committee on Marine Affairs and Port Development.

A bill to amend sections 8 and 62 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

being sections 281.1008 and 281.1062 of the Michigan Compiled Laws; and to add section 63.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 8 and 62 of Act No. 303 of the Public
2 Acts of 1967, being sections 281.1008 and 281.1062 of the
3 Michigan Compiled Laws, are amended and section 63 is added to
4 read as follows:

5 Sec. 8. As used in this act:

6 (a) "Operate" means to navigate or otherwise use a vessel.

7 (b) "Slow--no wake speed" means a very slow speed whereby
8 the wake or wash created by the vessel would be minimal.

1 (c) "High speed boating" means a speed at or above which a
2 motorboat reaches a planing condition.

3 (d) "Regatta", "boat race", "marine parade", "tournament",
4 or "exhibition" each mean an organized water event of limited
5 duration which is conducted according to a prearranged schedule.

6 (e) "Anchored rafts" means all types of nonpowered rafts
7 used for recreational purposes which are anchored seasonally on
8 waters of this state.

9 (f) "Starboard" means right and reference is to the star-
10 board side of a vessel or to the right side of the vessel.

11 (G) "PERSONAL WATERCRAFT" MEANS A MOTORIZED VESSEL THAT HAS
12 THE CAPACITY TO CARRY NOT MORE THAN THE OPERATOR AND 1 OTHER
13 PERSON AND THAT IS DESIGNED TO BE OPERATED BY A PERSON SITTING,
14 STANDING, OR KNEELING ON, OR BEING TOWED BEHIND THE VESSEL,
15 RATHER THAN IN THE CONVENTIONAL MANNER OF SITTING OR STANDING
16 INSIDE THE VESSEL.

17 (H) ~~(g)~~ "Port" means left and reference is to the port
18 side of a vessel or to the left side of the vessel.

19 Sec. 62. ~~(1) Children~~ EXCEPT AS OTHERWISE PROVIDED IN
20 SECTION 63, CHILDREN less than 12 years of age may be permitted
21 to operate motorboats on the waters of this state only when
22 accompanied by at least one person 16 years of age or older.
23 Children between the ages of 12 and 16 may be permitted to oper-
24 ate motorboats on the waters of this state only when accompanied
25 by at least one person 16 years of age or older, or without such
26 adult supervision when in possession of a boating safety
27 certificate issued subsequent to satisfactorily completing a

1 department approved course in boating safety. When so operating,
2 the boating safety certificate shall be in the possession of the
3 minor operator and shall be presented upon demand of any peace
4 officer. The provisions of this section shall not be applicable
5 to any motorboat powered by less than 6 horsepower motors.

6 SEC. 63. (1) A PERSON MAY NOT OPERATE A PERSONAL WATERCRAFT
7 ON THE WATERS OF THE STATE UNLESS EACH PERSON RIDING ON OR BEING
8 TOWED BEHIND THE VESSEL IS WEARING A TYPE I, TYPE II, OR TYPE III
9 PERSONAL FLOTATION DEVICE AS DESCRIBED IN R 281.1234 OF THE
10 MICHIGAN ADMINISTRATIVE CODE.

11 (2) IF A PERSONAL WATERCRAFT IS EQUIPPED WITH A LANYARD TYPE
12 ENGINE CUTOFF SWITCH, A PERSON SHALL NOT OPERATE THAT VESSEL
13 UNLESS THE LANYARD IS ATTACHED TO THE PERSON, CLOTHING, OR PER-
14 SONAL FLOTATION DEVICE OF THE OPERATOR AS APPROPRIATE FOR THE
15 VESSEL BEING OPERATED.

16 (3) A PERSON MAY ONLY OPERATE A PERSONAL WATERCRAFT ON THE
17 WATERS OF THE STATE BETWEEN THE HOURS FROM SUNRISE TO SUNSET.

18 (4) A PERSONAL WATERCRAFT MUST AT ALL TIMES BE OPERATED IN A
19 REASONABLE AND PRUDENT MANNER. MANEUVERS THAT UNREASONABLY OR
20 UNNECESSARILY ENDANGER LIFE, LIMB, OR PROPERTY, INCLUDING, BUT
21 NOT LIMITED TO, WEAVING THROUGH CONGESTED VESSEL TRAFFIC, JUMPING
22 THE WAKE OF ANOTHER VESSEL UNREASONABLY OR UNNECESSARILY CLOSE TO
23 SUCH OTHER VESSEL OR WHEN VISIBILITY AROUND THE OTHER VESSEL IS
24 OBSTRUCTED, AND SWERVING AT THE LAST POSSIBLE MOMENT TO AVOID
25 COLLISION CONSTITUTES RECKLESS OPERATION OF A VESSEL, AS PROVIDED
26 IN SECTION 74.

1 (5) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT
2 CARRYING MORE THAN 1 OTHER PERSON. CARRYING 2 OR MORE PERSONS IN
3 ADDITION TO THE OPERATOR ON A PERSONAL WATERCRAFT IS PRIMA FACIE
4 EVIDENCE OF RECKLESS OPERATION OF A WATERCRAFT.

5 (6) A PERSON UNDER THE AGE OF 16 SHALL NOT OPERATE A PER-
6 SONAL WATERCRAFT ON THE WATERS OF THE STATE. A PERSON BETWEEN
7 THE AGES OF 12 AND 16 MAY OPERATE A PERSONAL WATERCRAFT ONLY WHEN
8 ACCOMPANIED BY A PERSON 16 YEARS OF AGE OR OLDER OR WITHOUT ADULT
9 SUPERVISION WHEN IN POSSESSION OF A BOATING SAFETY CERTIFICATE IN
10 COMPLIANCE WITH SECTION 62.

11 (7) THE OWNER OF A PERSONAL WATERCRAFT OR A PERSON HAVING
12 CHARGE OVER OR CONTROL OF A PERSONAL WATERCRAFT SHALL NOT AUTHO-
13 RIZE OR KNOWINGLY PERMIT THE PERSONAL WATERCRAFT TO BE OPERATED
14 IN VIOLATION OF SUBSECTION (6).

15 (8) THIS SECTION DOES NOT APPLY TO A PERFORMER ENGAGED IN A
16 PROFESSIONAL EXHIBITION OR A PERSON PREPARING TO PARTICIPATE OR
17 PARTICIPATING IN A REGATTA, RACE, MARINE PARADE, TOURNAMENT, OR
18 EXHIBITION HELD IN COMPLIANCE WITH THIS ACT.