

HOUSE BILL No. 5687

March 23, 2004, Introduced by Reps. Farhat, Palsrok, Brandenburg, Hoogendyk, Pappageorge, DeRossett, Garfield and Richardville and referred to the Committee on Great Lakes and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 80141 and 80215 (MCL 324.80141 and
324.80215), section 80141 as added by 1995 PA 58 and section
80215 as added by 2000 PA 229.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 80141. (1) Except as otherwise provided in subsection
2 ~~—(4)—~~ (2), a person less than ~~12~~ 16 years of age shall not
3 operate a motorboat on the waters of this state. ~~unless all of~~
4 ~~the following conditions are met:~~
5 — (a) He or she is under the direct supervision of a person on
6 board the motorboat who is 16 years of age or older.
7 — (b) The motorboat he or she operates is powered by a motor or
8 motors totaling no more than 35 horsepower.
9 — (2) Except as otherwise provided in subsection (4), a person

~~1 12 through 15 years of age may operate a motorboat on the waters
2 of this state only if that person complies with either of the
3 following:~~

~~4 — (a) He or she is accompanied by at least 1 person 16 years of
5 age or older.~~

~~6 — (b) He or she is in possession of a boating safety
7 certificate issued after he or she has satisfactorily completed a
8 department approved course in boating safety.~~

~~9 — (3) A person 12 through 15 years of age operating a motorboat
10 pursuant to subsection (2)(b) shall present the boating safety
11 certificate issued to him or her upon the demand of any peace
12 officer.~~

~~13 (2) —(4) This section does not apply to the operation of a
14 motorboat that is powered by a motor or motors totaling no more
15 than 6 horsepower.~~

~~16 Sec. 80215. (1) Except as provided in subsections (2) and
17 (3), a person under the age of —14— 16 shall not —use— operate a
18 personal watercraft on the waters of this state.~~

~~19 —(2) A person who is 12 or more and less than 14 years of
20 age before January 1, 1999 may use a personal watercraft on the
21 waters of this state if before January 1, 1999 he or she obtained
22 a boating safety certificate.~~

~~23 — (3) A person who is 12 or more and less than 14 years of age
24 may use a personal watercraft on the waters of this state if all
25 of the following circumstances exist:~~

~~26 — (a) The person is accompanied solely by the person's parent
27 or legal guardian.~~

1 ~~—— (b) Both the person and the parent or legal guardian have~~
2 ~~obtained a boating safety certificate.~~

3 ~~—— (c) The personal watercraft is equipped by the manufacturer~~
4 ~~with a lanyard type engine cutoff switch, and the parent or legal~~
5 ~~guardian has the lanyard attached to his or her person, clothing,~~
6 ~~or personal flotation device.~~

7 ~~—— (d) The personal watercraft is designed to carry not less~~
8 ~~than 2 persons.~~

9 (2) ~~—(4)—~~ A person who was born after December 31, 1978 shall
10 not operate a personal watercraft upon the waters of this state
11 unless he or she first obtains a boating safety certificate.

12 ~~(5) Not later than March 23, 2004, the graduated age~~
13 ~~provisions of this section shall be reviewed by the appropriate~~
14 ~~committee of both houses of the legislature to ascertain the~~
15 ~~effect, if any, these provisions have had upon the safe operation~~
16 ~~of personal watercraft upon the waters of this state.~~

17 (3) ~~—(6)—~~ The owner of a personal watercraft or a person
18 having charge over or control of a personal watercraft shall not
19 authorize or knowingly permit the personal watercraft to be
20 operated in violation of this section.

21 (4) ~~—(7)—~~ This section does not apply to a performer engaged
22 in a professional exhibition or a person preparing to participate
23 or participating in a regatta, race, marine parade, tournament,
24 or exhibition held in compliance with section 80164 under a
25 permit issued by the department and at the time and place
26 specified in the permit.