

# HOUSE BILL No. 5320

October 16, 2007, Introduced by Reps. Nitz, Meekhof and Agema and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 80152 (MCL 324.80152), as amended by 1999 PA  
19.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 80152. (1) Except as otherwise provided in this section,  
2 a person shall not operate a vessel on the waters of this state if  
3 he or she is towing or otherwise assisting a person on water skis  
4 or on a water sled, aquaplane, surfboard, or other similar  
5 contrivance unless a person capable of communicating to the vessel  
6 operator the condition and needs of the person being towed or  
7 assisted is on board the vessel and positioned to observe the  
8 person being towed or assisted.

9           (2) Subsection (1) does not apply to ~~vessels used by duly~~

1 ~~constituted ski schools in the giving of instructions or to vessels~~  
 2 ~~used in sanctioned ski tournaments, competitions, expositions, or~~  
 3 ~~trials. Vessels described in this subsection shall be~~ **ANY OF THE**  
 4 **FOLLOWING VESSELS IF** equipped with a 170-degree wide-angle rearview  
 5 mirror affixed in a manner that will permit the operator to observe  
 6 the progress of the person being towed: -

7 (A) A VESSEL USED BY A SKI SCHOOL FOR GIVING INSTRUCTION.

8 (B) A VESSEL USED IN A SANCTIONED SKI TOURNAMENT, COMPETITION,  
 9 EXPOSITION, OR TRIAL.

10 (C) A PERSONAL WATERCRAFT.

11 (3) This section does not apply to motorboats less than 16  
 12 feet in length actually operated by the person being towed and so  
 13 constructed as to be incapable of carrying the operator in or on  
 14 the motorboat.

15 (4) Subsection (1) does not apply to a vessel operator who is  
 16 towing a person preparing for a specific water ski tournament if  
 17 all of the following conditions are met:

18 (a) The vessel operator is certified as provided in subsection  
 19 (5).

20 (b) The person being towed is certified as provided in  
 21 subsection (6).

22 (c) Towing is conducted so that, on average, not more than 1  
 23 vessel approaches within 300 feet of the towing vessel during any  
 24 5-minute period.

25 (d) The vessel is equipped with all of the following:

26 (i) A center-mounted tow pylon.

27 (ii) A large clear rearview mirror capable of allowing the

1 vessel operator to distinguish hand signals at a distance of 75  
2 feet.

3 (iii) Markings that identify the vessel as a vessel that is  
4 being operated in conformance with this subsection.

5 (5) The department shall adopt standards for water ski  
6 tournament boat operation established by U.S.A. water ski in  
7 "Trained Boat Driver Program", April 1997, and by the American  
8 water ski association in "Drivers' Policy Manual". However, the  
9 department may promulgate rules providing for alternative standards  
10 under the administrative procedures act of 1969, 1969 PA 306, MCL  
11 24.201 to 24.328. The department shall certify each individual who  
12 satisfies the standards described in this subsection as a  
13 tournament water ski vessel operator and issue proof of that  
14 certification to the individual.

15 (6) The department shall adopt standards for tournament water  
16 skiers established by the Michigan water ski association in  
17 "Guidelines for Training Permit Eligibility", proposed revision 125  
18 of 1996. However, the department may promulgate rules providing for  
19 alternative standards under the administrative procedures act of  
20 1969, 1969 PA 306, MCL 24.201 to 24.328. The department shall  
21 certify each individual who satisfies the standards described in  
22 this subsection as a tournament water skier and issue proof of that  
23 certification to the individual.

24 (7) The Michigan water ski association shall provide annually  
25 to the department and the Michigan sheriffs association both of the  
26 following:

27 (a) A list of the individuals whom the organization considers

1 qualified for tournament water skiing.

2 (b) The names of not more than 3 bodies of water on which each  
3 of those individuals may be authorized to practice for tournament  
4 water skiing.

5 (8) The department shall specify the body or bodies of water  
6 upon which a water skier may practice upon each certificate issued  
7 under subsection (6).