

SENATE BILL NO. 443

March 16, 1999, Introduced by Senator DE BEAUSSAERT and referred to the Committee on Transportation and Tourism.

A bill to amend 1998 PA 116, entitled
"Personal watercraft safety act,"
by amending section 11 (MCL 281.1411).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Except as otherwise provided in this section,
2 a person shall not operate a personal watercraft on the waters of
3 this state unless each person 12 years of age or older riding on
4 or being towed behind the personal watercraft is wearing a type
5 I, type II, or type III personal flotation device as described in
6 R 281.1234 of the Michigan administrative code.

7 (2) A person shall not operate a personal watercraft on the
8 waters of this state unless each person on board or being towed
9 by the personal watercraft who is less than 12 years of age is
10 wearing a type I or type II personal flotation device as
11 described in R 281.1234 of the Michigan administrative code.

1 (3) A person shall not operate a personal watercraft on the
2 waters of this state unless each person on board the personal
3 watercraft is wearing a personal flotation device that is not
4 inflatable.

5 (4) A person shall not operate a personal watercraft on the
6 waters of this state if a child who is under 7 years of age is on
7 board or being towed behind the personal watercraft unless the
8 child is in the company of his or her parent or guardian or a
9 designee of the parent or guardian.

10 (5) While operating a personal watercraft equipped by the
11 manufacturer with a lanyard-type engine cutoff switch on the
12 waters of this state, a person shall have the lanyard attached to
13 his or her person, clothing, or personal flotation device as is
14 appropriate for the personal watercraft.

15 (6) A person shall not operate a personal watercraft on the
16 waters of this state during the period that begins ~~1 hour~~
17 ~~before~~ AT sunset and ends at 8 a.m. As used in this subsection,
18 "sunset" means that time as determined by the national weather
19 service.

20 (7) A person operating a personal watercraft on the waters
21 of this state shall not cross within 150 feet behind another
22 vessel, other than a personal watercraft, unless the person is
23 operating the personal watercraft at slow--no wake speed.

24 (8) A person shall not operate a personal watercraft on the
25 waters of this state where the water depth is less than 2 feet,
26 as determined by vertical measurement, unless 1 or both of the
27 following circumstances exist:

1 (a) The personal watercraft is being operated at slow--no
2 wake speed.

3 (b) The personal watercraft is being docked or launched.

4 (9) A person shall operate a personal watercraft in a rea-
5 sonable and prudent manner. A maneuver that unreasonably or
6 unnecessarily endangers life, limb, or property, including but
7 not limited to all of the following, constitutes reckless opera-
8 tion of a personal watercraft under section 17:

9 (a) Weaving through congested vessel traffic.

10 (b) Jumping the wake of another vessel unreasonably or
11 unnecessarily close to the other vessel or when visibility around
12 the other vessel is obstructed.

13 (c) Waiting until the last possible moment before swerving
14 to avoid a collision.

15 (10) A person shall not operate a personal watercraft on the
16 waters of this state carrying more persons than the personal
17 watercraft is designed to carry.

18 (11) A violation of subsection (10) is prima facie evidence
19 of reckless operation of a watercraft under section 17.

20 (12) A person operating a personal watercraft in excess of
21 the speeds established under part 801 of the natural resources
22 and environmental protection act, 1994 PA 451, MCL 324.80101 to
23 324.80199, is guilty of reckless operation of a personal water-
24 craft under section 17.

25 (13) This section does not apply to a performer engaged in a
26 professional exhibition or a person preparing to participate or
27 participating in a regatta, race, marine parade, tournament, or

1 exhibition held in compliance with section 80164 of the natural
2 resources and environmental protection act, 1994 PA 451, MCL
3 324.80164, under a permit issued by the department and at the
4 time and place specified in the permit.