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House Bill 4845 (Substitute H-2 as passed by the House)  
Sponsor: Representative Frank Foster  
House Committee: Natural Resources, Tourism, and Outdoor Recreation  
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-23-12

### **CONTENT**

**The bill would amend Parts 801 (Marine Safety) and 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to do the following:**

- **Require a person under 12 to possess a boating safety certificate, in addition to meeting other conditions, in order to operate a motorboat.**
- **Prohibit a person born on or after July 1, 1996, from operating a motorboat unless he or she possessed a water safety certificate, beginning July 1, 2012.**
- **Revise references to the exam required for a boating safety certificate.**

**The bill also would repeal a section that establishes graduated age provisions regarding the operation of a personal watercraft.**

#### Motorboat Operation

Under Part 801, except as otherwise provided, a person younger than 12 years old may not operate a motorboat unless he or she is under the direct supervision of a person on board the motorboat who is at least 16 years old, and the motorboat is powered by a motor or motors totaling not more than 35 horsepower. The bill also would require the person under 12 to have been issued and to possess a boating safety certificate.

Beginning July 1, 2012, a person who was born on or after July 1, 1996, could not operate a motorboat on the waters of the State unless he or she had been issued and was in possession of a water safety certificate.

"Boating safety certificate" would mean any of the following:

- The document issued by the Department of Natural Resources (DNR) that certifies that the individual named in it has successfully completed a boating safety course and passed an examination approved and administered as required under part 802.
- A document issued by the U.S. Coast Guard Auxiliary or U.S. Power Squadron that certifies that the individual named in it has successfully completed a U.S. Coast Guard Auxiliary course concerning boating safety.
- A written rental agreement given to a named individual only on the date or dates indicated on the agreement while the individual is operating a personal watercraft leased, hired, or rented from a boat livery.

"Boating safety course" would mean a course that provides instruction on the safe operation of a personal watercraft that meets or exceeds the minimum course content for boating or personal watercraft education established by the National Association of State Boating Law Administrators Education Committee (October 1996), and that is approved by the DNR.

### Boating Safety Certificate

Under Part 802, the DNR must issue a boating safety certificate to each individual who successfully completes a boating safety course and passes an examination. The exam must be administered in person and proctored by the DNR or an agent of the DNR. The bill would eliminate the reference to the administration and proctoring of the test and refer instead to an examination prescribed by the Department.

### Personal Watercraft Operation

The bill would repeal Section 80215, which is known as "Ashleigh Iserman's Law".

The section prohibits a person who was born after December 31, 1978, from operating a personal watercraft unless he or she first obtains a boating safety certificate.

In addition, the section prohibits a person under the age of 16 from operating a personal watercraft unless he or she is at least 14 years old and one of the following circumstances applies:

- The person is riding the personal watercraft with his or her parent or guardian or an individual who is at least 21 years old designated by the parent or guardian.
- The person is operating or riding a watercraft within 100 feet from his or her parent, guardian, or designated person over the age of 21.

Until October 1, 2011, except as otherwise provided, Section 80215 prohibited a person younger than 14 from operating a personal watercraft. Until that date, a person who was at least 12 but younger than 14 could operate a personal watercraft if all of the following conditions were met:

- The person was accompanied solely by his or her parent or legal guardian.
- Both the individual and the parent or legal guardian had obtained a boating safety certificate.
- The watercraft was equipped by the manufacturer with a lanyard-type engine cutoff switch, and the parent or legal guardian had the lanyard attached to his or her person, clothing, or personal flotation device.
- The watercraft was designed to carry at least two people.

MCL 324.80101 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.