

SUBSTITUTE FOR
HOUSE BILL NO. 5526

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 802; and to repeal acts
and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 802 PERSONAL WATERCRAFT

2 SEC. 80201. AS USED IN THIS PART:

3 (A) "ASSOCIATED EQUIPMENT" MEANS ANY OF THE FOLLOWING THAT
4 ARE NOT RADIO EQUIPMENT:

5 (i) AN ORIGINAL SYSTEM, PART, OR COMPONENT OF A PERSONAL
6 WATERCRAFT AT THE TIME THAT BOAT WAS MANUFACTURED, OR A SIMILAR
7 PART OR COMPONENT MANUFACTURED OR SOLD FOR REPLACEMENT.

8 (ii) REPAIR OR IMPROVEMENT OF AN ORIGINAL OR REPLACEMENT
9 SYSTEM, PART, OR COMPONENT.

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1 (iii) AN ACCESSORY OR EQUIPMENT FOR, OR APPURTENANCE TO, A
2 PERSONAL WATERCRAFT.

3 (iv) A MARINE SAFETY ARTICLE, ACCESSORY, OR EQUIPMENT
4 INTENDED FOR USE BY A PERSON ON BOARD A BOAT.

5 (B) "BOAT LIVERY" MEANS THAT TERM AS DEFINED IN SECTION
6 44501.

7 (C) "BOATING SAFETY CERTIFICATE" MEANS EITHER OF THE
8 FOLLOWING:

9 (i) THE DOCUMENT ISSUED BY THE DEPARTMENT UNDER THIS PART
10 THAT CERTIFIES THAT THE INDIVIDUAL NAMED IN THE DOCUMENT HAS SUC-
11 CESSFULLY COMPLETED A BOATING SAFETY COURSE AND PASSED AN EXAMI-
12 NATION APPROVED AND ADMINISTERED AS REQUIRED UNDER SECTION
13 80211.

14 (ii) A DOCUMENT ISSUED BY THE UNITED STATES COAST GUARD AUX-
15 ILIARY THAT CERTIFIES THAT THE INDIVIDUAL NAMED IN THE DOCUMENT
16 HAS SUCCESSFULLY COMPLETED A UNITED STATES COAST GUARD AUXILIARY
17 COURSE CONCERNING BOATING SAFETY.

18 (iii) A WRITTEN RENTAL AGREEMENT PROVIDED TO AN INDIVIDUAL
19 NAMED IN THE RENTAL AGREEMENT ENTERED INTO UNDER SECTION 44522
20 ONLY ON THE DATE OR DATES INDICATED ON THE RENTAL AGREEMENT WHILE
21 THE NAMED INDIVIDUAL IS OPERATING A PERSONAL WATERCRAFT LEASED,
22 HIRED, OR RENTED FROM A BOAT LIVERY.

23 (D) "BOATING SAFETY COURSE" MEANS A COURSE THAT MEETS BOTH
24 OF THE FOLLOWING REQUIREMENTS:

25 (i) PROVIDES INSTRUCTION ON THE SAFE OPERATION OF A PERSONAL
26 WATERCRAFT THAT MEETS OR EXCEEDS THE MINIMUM COURSE CONTENT FOR
27 BOATING OR PERSONAL WATERCRAFT EDUCATION ESTABLISHED BY THE

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1 NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS

2 EDUCATION COMMITTEE (OCTOBER 1996).

3 (ii) IS APPROVED BY THE DEPARTMENT.

4 (E) "CHANNEL" MEANS EITHER OF THE FOLLOWING:

5 (i) THE DEEPEST PART OF A STREAM, BAY, OR STRAIGHT THROUGH
6 WHICH THE MAIN CURRENT FLOWS.

7 (ii) THE PART OF A BODY OF WATER DEEP ENOUGH FOR NAVIGATION
8 THROUGH AN AREA OTHERWISE NOT SUITABLE FOR NAVIGATION THAT IS
9 MARKED BY A SINGLE OR DOUBLE LINE OF NAVIGATIONAL AIDS OR RANGE
10 MARKERS.

11 (F) "DEALER" MEANS A PERSON AND AN AUTHORIZED REPRESENTATIVE
12 OF THAT PERSON WHO ANNUALLY PURCHASES FROM A MANUFACTURER, OR WHO
13 IS ENGAGED IN SELLING OR MANUFACTURING, 6 OR MORE PERSONAL WATER-
14 CRAFT THAT REQUIRE CERTIFICATES OF NUMBER UNDER PART 801.

15 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

16 (H) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF NATU-
17 RAL RESOURCES.

18 (I) "MANUFACTURER" MEANS A PERSON ENGAGED IN ANY OF THE
19 FOLLOWING:

20 (i) THE MANUFACTURE, CONSTRUCTION, OR ASSEMBLY OF PERSONAL
21 WATERCRAFT OR ASSOCIATED EQUIPMENT.

22 (ii) THE MANUFACTURE OR CONSTRUCTION OF COMPONENTS FOR PER-
23 SONAL WATERCRAFT AND ASSOCIATED EQUIPMENT TO BE SOLD FOR SUBSE-
24 QUENT ASSEMBLY.

25 (iii) THE IMPORTATION OF A PERSONAL WATERCRAFT OR ASSOCIATED
26 EQUIPMENT INTO THE STATE FOR SALE.

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1 (J) "OPERATE" MEANS TO BE IN CONTROL OF A PERSONAL
2 WATERCRAFT WHILE THE PERSONAL WATERCRAFT IS UNDER WAY AND IS NOT
3 DOCKED OR AT ANCHOR OR SECURED IN ANOTHER WAY.

4 (K) "OPERATOR" MEANS THE PERSON WHO IS IN CONTROL OR IN
5 CHARGE OF A PERSONAL WATERCRAFT WHILE THAT VESSEL IS UNDER WAY.

6 (L) "OWNER" MEANS A PERSON WHO CLAIMS OR IS ENTITLED TO
7 LAWFUL POSSESSION OF A PERSONAL WATERCRAFT BY VIRTUE OF THAT
8 PERSON'S LEGAL TITLE OR EQUITABLE INTEREST IN A PERSONAL
9 WATERCRAFT.

10 (M) "PEACE OFFICER" MEANS 1 OR BOTH OF THE FOLLOWING:

11 (i) A LAW ENFORCEMENT OFFICER AS THAT TERM IS DEFINED IN
12 SECTION 2 OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT,
13 1965 PA 203, MCL 28.602.

14 (ii) A DEPUTY WHO IS AUTHORIZED BY A SHERIFF TO ENFORCE THIS
15 ACT AND WHO HAS SATISFACTORILY COMPLETED AT LEAST 40 HOURS OF LAW
16 ENFORCEMENT TRAINING, INCLUDING TRAINING SPECIFIC TO THIS PART.

17 (N) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED
18 LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, GOVERNMENTAL ENTITY,
19 OR OTHER LEGAL ENTITY.

20 (O) "PERSONAL WATERCRAFT" MEANS A VESSEL THAT MEETS ALL OF
21 THE FOLLOWING REQUIREMENTS:

22 (i) USES A MOTOR-DRIVEN PROPELLER OR AN INTERNAL COMBUSTION
23 ENGINE POWERING A WATER JET PUMP AS ITS PRIMARY SOURCE OF
24 PROPULSION.

25 (ii) IS DESIGNED WITHOUT AN OPEN LOAD CARRYING AREA THAT
26 WOULD RETAIN WATER.

1 (iii) IS DESIGNED TO BE OPERATED BY 1 OR MORE PERSONS
2 POSITIONED ON, RATHER THAN WITHIN, THE CONFINES OF THE HULL.

3 (P) "POLITICAL SUBDIVISION" MEANS A COUNTY, METROPOLITAN
4 AUTHORITY, MUNICIPALITY, OR COMBINATION OF THOSE ENTITIES IN THIS
5 STATE.

6 (Q) "SLOW--NO WAKE SPEED" MEANS THE USE OF A VESSEL AT A
7 VERY SLOW SPEED SO THAT THE RESULTING WAKE OR WASH IS MINIMAL.

8 (R) "USE" MEANS OPERATE, NAVIGATE, OR EMPLOY.

9 (S) "VESSEL" MEANS EVERY DESCRIPTION OF WATERCRAFT USED OR
10 CAPABLE OF BEING USED AS A MEANS OF TRANSPORTATION ON WATER.

11 (T) "WATERS OF THIS STATE" MEANS ANY WATERS WITHIN THE TER-
12 RITORIAL LIMITS OF THIS STATE, AND INCLUDES THOSE WATERS OF THE
13 GREAT LAKES THAT ARE UNDER THE JURISDICTION OF THIS STATE.

14 SEC. 80202. (1) THIS PART APPLIES TO PERSONAL WATERCRAFT
15 AND ASSOCIATED EQUIPMENT USED ON THE WATERS OF THIS STATE.

16 (2) EXCEPT WHERE EXPRESSLY INDICATED OTHERWISE, THIS PART
17 DOES NOT APPLY TO A PERSONAL WATERCRAFT THAT IS ALL OF THE
18 FOLLOWING:

19 (A) OWNED BY A STATE OR POLITICAL SUBDIVISION OF A STATE
20 OTHER THAN THIS STATE AND ITS POLITICAL SUBDIVISIONS.

21 (B) USED PRINCIPALLY FOR GOVERNMENTAL PURPOSES.

22 (C) CLEARLY MARKED AND IDENTIFIABLE AS PERSONAL WATERCRAFT
23 THAT IS USED PRINCIPALLY FOR GOVERNMENTAL PURPOSES.

24 SEC. 80203. EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE
25 DEPARTMENT IS RESPONSIBLE FOR THE ADMINISTRATION OF THIS PART.

26 SEC. 80204. THE DEPARTMENT SHALL PROMULGATE RULES
27 AUTHORIZED BY THIS PART UNDER THE ADMINISTRATIVE PROCEDURES ACT

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1 OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE DEPARTMENT SHALL
2 PUBLISH THE APPROVED RULES IN A CONVENIENT FORM.

3 SEC. 80205. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
4 TION, A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
5 WATERS OF THIS STATE UNLESS EACH PERSON 12 YEARS OF AGE OR OLDER
6 RIDING ON OR BEING TOWED BEHIND THE PERSONAL WATERCRAFT IS WEAR-
7 ING A TYPE I, TYPE II, OR TYPE III PERSONAL FLOTATION DEVICE AS
8 DESCRIBED IN R 281.1234 OF THE MICHIGAN ADMINISTRATIVE CODE.

9 (2) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
10 WATERS OF THIS STATE UNLESS EACH PERSON ON BOARD OR BEING TOWED
11 BY THE PERSONAL WATERCRAFT WHO IS LESS THAN 12 YEARS OF AGE IS
12 WEARING A TYPE I OR TYPE II PERSONAL FLOTATION DEVICE AS
13 DESCRIBED IN R 281.1234 OF THE MICHIGAN ADMINISTRATIVE CODE.

14 (3) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
15 WATERS OF THIS STATE UNLESS EACH PERSON ON BOARD THE PERSONAL
16 WATERCRAFT IS WEARING A PERSONAL FLOTATION DEVICE THAT IS NOT
17 INFLATABLE.

18 (4) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
19 WATERS OF THIS STATE IF A CHILD WHO IS UNDER 7 YEARS OF AGE IS ON
20 BOARD OR BEING TOWED BEHIND THE PERSONAL WATERCRAFT UNLESS THE
21 CHILD IS IN THE COMPANY OF HIS OR HER PARENT OR GUARDIAN OR A
22 DESIGNEE OF THE PARENT OR GUARDIAN.

23 (5) WHILE OPERATING A PERSONAL WATERCRAFT EQUIPPED BY THE
24 MANUFACTURER WITH A LANYARD-TYPE ENGINE CUTOFF SWITCH ON THE
25 WATERS OF THIS STATE, A PERSON SHALL HAVE THE LANYARD ATTACHED TO
26 HIS OR HER PERSON, CLOTHING, OR PERSONAL FLOTATION DEVICE AS IS
27 APPROPRIATE FOR THE PERSONAL WATERCRAFT.

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1 (6) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
2 WATERS OF THIS STATE DURING THE PERIOD THAT BEGINS 1 HOUR BEFORE
3 SUNSET AND ENDS AT 8 A.M. AS USED IN THIS SUBSECTION, "SUNSET"
4 MEANS THAT TIME AS DETERMINED BY THE NATIONAL WEATHER SERVICE.

5 (7) A PERSON OPERATING A PERSONAL WATERCRAFT ON THE WATERS
6 OF THIS STATE SHALL NOT CROSS WITHIN 150 FEET BEHIND ANOTHER
7 VESSEL, OTHER THAN A PERSONAL WATERCRAFT, UNLESS THE PERSON IS
8 OPERATING THE PERSONAL WATERCRAFT AT SLOW--NO WAKE SPEED.

9 (8) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
10 WATERS OF THIS STATE WHERE THE WATER DEPTH IS LESS THAN 2 FEET,
11 AS DETERMINED BY VERTICAL MEASUREMENT, UNLESS 1 OR BOTH OF THE
12 FOLLOWING CIRCUMSTANCES EXIST:

13 (A) THE PERSONAL WATERCRAFT IS BEING OPERATED AT SLOW--NO
14 WAKE SPEED.

15 (B) THE PERSONAL WATERCRAFT IS BEING DOCKED OR LAUNCHED.

16 (9) A PERSON SHALL OPERATE A PERSONAL WATERCRAFT IN A REA-
17 SONABLE AND PRUDENT MANNER. A MANEUVER THAT UNREASONABLY OR
18 UNNECESSARILY ENDANGERS LIFE, LIMB, OR PROPERTY, INCLUDING BUT
19 NOT LIMITED TO ALL OF THE FOLLOWING, CONSTITUTES RECKLESS OPERA-
20 TION OF A PERSONAL WATERCRAFT UNDER SECTION 80208:

21 (A) WEAVING THROUGH CONGESTED VESSEL TRAFFIC.

22 (B) JUMPING THE WAKE OF ANOTHER VESSEL UNREASONABLY OR
23 UNNECESSARILY CLOSE TO THE OTHER VESSEL OR WHEN VISIBILITY AROUND
24 THE OTHER VESSEL IS OBSTRUCTED.

25 (C) WAITING UNTIL THE LAST POSSIBLE MOMENT BEFORE SWERVING
26 TO AVOID A COLLISION.

1 (10) A PERSON SHALL NOT OPERATE A PERSONAL WATERCRAFT ON THE
2 WATERS OF THIS STATE CARRYING MORE PERSONS THAN THE PERSONAL
3 WATERCRAFT IS DESIGNED TO CARRY.

4 (11) A VIOLATION OF SUBSECTION (10) IS PRIMA FACIE EVIDENCE
5 OF RECKLESS OPERATION OF A WATERCRAFT UNDER SECTION 80208.

6 (12) A PERSON OPERATING A PERSONAL WATERCRAFT IN EXCESS OF
7 THE SPEEDS ESTABLISHED UNDER PART 801 IS GUILTY OF RECKLESS OPER-
8 ATION OF A PERSONAL WATERCRAFT UNDER SECTION 80208.

9 (13) THIS SECTION DOES NOT APPLY TO A PERFORMER ENGAGED IN A
10 PROFESSIONAL EXHIBITION OR A PERSON PREPARING TO PARTICIPATE OR
11 PARTICIPATING IN A REGATTA, RACE, MARINE PARADE, TOURNAMENT, OR
12 EXHIBITION HELD IN COMPLIANCE WITH SECTION 80164 UNDER A PERMIT
13 ISSUED BY THE DEPARTMENT AND AT THE TIME AND PLACE SPECIFIED IN
14 THE PERMIT.

15 SEC. 80206. (1) A PERSON SHALL NOT OPERATE A PERSONAL
16 WATERCRAFT ON THE WATERS OF THIS STATE OUTSIDE OF A CHANNEL OR IN
17 AN AREA WHERE AQUATIC ROOTED VEGETATION IS VISIBLE ABOVE THE SUR-
18 FACE OF THE WATER IN THE DELTAIC WETLANDS OF A LAKE THAT IS
19 GREATER THAN 32 SQUARE MILES AND LESS THAN 144 SQUARE MILES IN
20 AREA.

21 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS RESPONSIBLE FOR
22 A STATE CIVIL INFRACTION PUNISHABLE BY A FINE OF \$25.00.

23 SEC. 80207. THE OWNER OF A PERSONAL WATERCRAFT IS LIABLE
24 FOR ANY INJURY OCCASIONED BY THE NEGLIGENT OPERATION OF THE PER-
25 SONAL WATERCRAFT, WHETHER THE NEGLIGENCE CONSISTS OF A VIOLATION
26 OF THE STATUTES OF THIS STATE, OR IN THE FAILURE TO OBSERVE THE
27 ORDINARY CARE IN THE OPERATION THAT THE RULES OF THE COMMON LAW

1 REQUIRE. THE OWNER IS NOT LIABLE UNLESS THE PERSONAL WATERCRAFT
2 IS BEING USED WITH HIS OR HER EXPRESSED OR IMPLIED CONSENT. IT
3 SHALL BE REBUTTABLY PRESUMED THAT THE PERSONAL WATERCRAFT IS
4 BEING OPERATED WITH THE KNOWLEDGE AND CONSENT OF THE OWNER IF IT
5 IS DRIVEN AT THE TIME OF THE INJURY BY HIS OR HER SON, DAUGHTER,
6 SPOUSE, FATHER, MOTHER, BROTHER, SISTER, OR OTHER IMMEDIATE
7 MEMBER OF THE OWNER'S FAMILY.

8 SEC. 80208. (1) IF A PERSON CARELESSLY AND HEEDLESSLY OPER-
9 ATES A PERSONAL WATERCRAFT UPON THE WATERS OF THIS STATE IN DIS-
10 REGARD OF THE RIGHTS OR SAFETY OF OTHERS, WITHOUT DUE CAUTION AND
11 CIRCUMSPECTION, OR AT A RATE OF SPEED OR IN A MANNER THAT ENDAN-
12 GERS OR IS LIKELY TO ENDANGER A PERSON OR PROPERTY, THAT PERSON
13 IS GUILTY OF RECKLESS OPERATION OF A PERSONAL WATERCRAFT AND IS
14 SUBJECT TO THE PENALTIES DESCRIBED IN SUBSECTION (2) OR (3), OR
15 BOTH, AS APPLICABLE.

16 (2) UPON A PERSON'S CONVICTION UNDER THIS SECTION, THE COURT
17 MAY ISSUE AN ORDER PROHIBITING THE PERSON FROM OPERATING A PER-
18 SONAL WATERCRAFT ON THE WATERS OF THIS STATE FOR A PERIOD OF NOT
19 MORE THAN 2 YEARS AND SHALL ORDER THE PERSON TO PARTICIPATE IN
20 AND COMPLETE A BOATING SAFETY COURSE. AN ORDER ISSUED PURSUANT
21 TO THIS SUBSECTION IS IN ADDITION TO ANY OTHER PENALTY AUTHORIZED
22 UNDER SECTION 80219 OR SUBSECTION (3).

23 (3) A PERSON WHO VIOLATES THIS SECTION TWICE WITHIN A 3-YEAR
24 PERIOD IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
25 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR
26 BOTH. A PERSON WHO VIOLATES THIS SECTION 3 OR MORE TIMES WITHIN
27 A 5-YEAR PERIOD IS GUILTY OF A MISDEMEANOR PUNISHABLE BY

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1 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
2 \$2,000.00, OR BOTH. UPON A PERSON'S SECOND OR SUBSEQUENT CONVIC-
3 TION UNDER THIS SECTION, THE COURT MAY ISSUE AN ORDER IMPOUNDING
4 THE PERSONAL WATERCRAFT THAT THE PERSON WAS OPERATING AT THE TIME
5 THE PERSON VIOLATED SUBSECTION (1) FOR A PERIOD OF NOT MORE THAN
6 1 YEAR, IF EITHER OF THE FOLLOWING CONDITIONS EXISTS:

7 (A) THE PERSON IS AN OWNER OF THE PERSONAL WATERCRAFT.

8 (B) THE PERSON IS THE MINOR CHILD OF AN OWNER OF THE PER-
9 SONAL WATERCRAFT.

10 (4) THE COST OF STORAGE FOR AN IMPOUNDMENT ORDERED UNDER
11 SUBSECTION (3) SHALL BE PAID BY THE OWNER OF THE PERSONAL
12 WATERCRAFT.

13 SEC. 80209. (1) EXCEPT WHEN TRAVELING AT SLOW--NO WAKE
14 SPEED PERPENDICULAR TO THE SHORELINE, A PERSON WHO OPERATES A
15 PERSONAL WATERCRAFT ON 1 OF THE GREAT LAKES THAT IS UNDER THE
16 JURISDICTION OF THIS STATE SHALL MAINTAIN A DISTANCE OF 200 FEET
17 FROM THE SHORELINE.

18 (2) EXCEPT AS PROVIDED IN SUBSECTION (4), A PERSON WHO OPER-
19 ATES A PERSONAL WATERCRAFT OR A PERSON WHO IS BEING TOWED BY A
20 PERSONAL WATERCRAFT ON A WATER SLED, KITE, SURFBOARD, PARACHUTE,
21 TUBE, WATER SKI, OR SIMILAR EQUIPMENT ON THE WATERS OF THIS STATE
22 SHALL MAINTAIN A DISTANCE OF NOT LESS THAN 100 FEET FROM A DOCK,
23 RAFT, OR BUOYED OR OCCUPIED BATHING OR SWIMMING AREA, A PERSON IN
24 THE WATER OR ON THE WATER IN A PERSONAL FLOTATION DEVICE, OR A
25 VESSEL MOORED, ANCHORED, DRIFTING, OR SITTING IN DEAD WATER.

26 (3) A PERSON WHO OPERATES A PERSONAL WATERCRAFT OR A PERSON
27 WHO IS BEING TOWED BY A PERSONAL WATERCRAFT ON A WATER SLED,

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1 KITE, SURFBOARD, PARACHUTE, TUBE, WATER SKI, OR SIMILAR EQUIPMENT
2 ON THE WATERS OF THIS STATE SHALL MAINTAIN A DISTANCE OF NOT LESS
3 THAN 200 FEET FROM A SUBMERGED DIVER, VESSEL ENGAGED IN UNDERWA-
4 TER DIVING ACTIVITIES, OR A FLOTATION DEVICE DISPLAYING THE
5 INTERNATIONAL DIVING INSIGNIA.

6 (4) SUBSECTION (2) DOES NOT APPLY UNDER EITHER OF THE FOL-
7 LOWING CONDITIONS:

8 (A) THE PERSONAL WATERCRAFT BEING OPERATED OR THE PERSON
9 BEING TOWED IS PROCEEDING AT A SLOW--NO WAKE SPEED.

10 (B) THE PERSONAL WATERCRAFT BEING OPERATED OR THE PERSON
11 BEING TOWED IS IN A NAVIGABLE CHANNEL, CANAL, RIVER, OR STREAM
12 NOT OTHERWISE POSTED.

13 SEC. 80210. AN INDIVIDUAL WHO IS REQUIRED TO COMPLETE A
14 BOATING SAFETY COURSE UNDER THIS PART SHALL NOT OPERATE A PER-
15 SONAL WATERCRAFT UPON THE WATERS OF THIS STATE UNLESS THAT INDIV-
16 VIDUAL HAS IN HIS OR HER IMMEDIATE POSSESSION A BOATING SAFETY
17 CERTIFICATE.

18 SEC. 80211. (1) IN ORDER TO PROTECT THE PUBLIC INTEREST IN
19 THE PRUDENT AND EQUITABLE USE OF THE WATERS OF THIS STATE AND TO
20 ENHANCE THE ENJOYMENT OF PLEASURE BOATING AND OTHER RECREATIONAL
21 WATER SPORTS ON THE WATERS OF THIS STATE, THE DEPARTMENT SHALL
22 ESTABLISH AND PURSUE COMPREHENSIVE EDUCATIONAL PROGRAMS DESIGNED
23 TO ADVANCE BOATING SAFETY.

24 (2) THE DEPARTMENT SHALL PUT INTO EFFECT A PROGRAM TO TRAIN
25 BOAT OPERATORS AND SHALL ISSUE A BOATING SAFETY CERTIFICATE TO
26 THOSE WHO SATISFACTORILY COMPLETE THE PROGRAM. FOR THE PURPOSE
27 OF GIVING THE COURSES OF INSTRUCTION AND AWARDING BOATING SAFETY

1 CERTIFICATES, THE DEPARTMENT MAY DESIGNATE AS ITS AGENT ANY
2 PERSON IT CONSIDERS QUALIFIED TO ACT IN THIS CAPACITY. THE
3 DEPARTMENT OR ITS AGENT MAY OFFER A VIDEO OR HOME STUDY BOATING
4 SAFETY COURSE. A CHARGE SHALL NOT BE MADE FOR ANY INSTRUCTION
5 GIVEN OR FOR THE AWARD OF BOATING SAFETY CERTIFICATES BY ANY OF
6 THE FOLLOWING:

7 (A) THE DEPARTMENT OR ANOTHER STATE AGENCY.

8 (B) A LAW ENFORCEMENT AGENCY OF THIS STATE OR OF A POLITICAL
9 SUBDIVISION OF THIS STATE.

10 SEC. 80212. (1) THE DEPARTMENT SHALL ISSUE A BOATING SAFETY
11 CERTIFICATE TO EACH INDIVIDUAL WHO SUCCESSFULLY COMPLETES A BOAT-
12 ING SAFETY COURSE AS DESCRIBED IN SECTION 80211 AND PASSES AN
13 EXAMINATION. THE EXAMINATION SHALL BE ADMINISTERED IN PERSON AND
14 PROCTORED BY THE DEPARTMENT OR AN AGENT OF THE DEPARTMENT.

15 (2) THE DEPARTMENT SHALL CONSIDER THE NUMBER OF EXAMINATIONS
16 THAT ARE ADMINISTERED OR PROCTORED UNDER THIS SECTION WHEN CALCU-
17 LATING THE STATE AID TO COUNTIES UNDER SECTION 80117.

18 (3) THE DEPARTMENT SHALL NOT ISSUE A BOATING SAFETY CERTIFI-
19 CATE TO AN INDIVIDUAL UNLESS THE INDIVIDUAL HAS SUCCESSFULLY COM-
20 PLETED A BOATING SAFETY COURSE AND PASSED AN EXAMINATION AS
21 DESCRIBED IN SUBSECTION (1). A BOATING SAFETY CERTIFICATE ISSUED
22 UNDER THIS SECTION IS VALID, UNLESS REVOKED, FOR THE LIFE OF THE
23 PERSON WHO EARNED THE CERTIFICATE.

24 SEC. 80213. (1) AN INDIVIDUAL WHO IS REQUIRED TO COMPLETE A
25 BOATING SAFETY COURSE UNDER THIS PART AND WHO OPERATES A PERSONAL
26 WATERCRAFT ON THE WATERS OF THIS STATE SHALL DISPLAY HIS OR HER

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1 BOATING SAFETY CERTIFICATE UPON THE DEMAND OF A PEACE OFFICER WHO
2 IDENTIFIES HIMSELF OR HERSELF AS A PEACE OFFICER.

3 (2) A PERSON SHALL DISPLAY ONLY HIS OR HER OWN BOATING
4 SAFETY CERTIFICATE UPON THE DEMAND OF A PEACE OFFICER UNDER SUB-
5 SECTION (1).

6 (3) A PERSON SHALL NOT DISPLAY A FRAUDULENT BOATING SAFETY
7 CERTIFICATE TO A PEACE OFFICER UNDER SUBSECTION (1).

8 (4) A PEACE OFFICER SHALL NOT STOP A PERSONAL WATERCRAFT
9 SOLELY FOR THE PURPOSE OF DETERMINING WHETHER THE OPERATOR HAS IN
10 HIS OR HER POSSESSION A BOATING SAFETY CERTIFICATE.

11 SEC. 80214. THE DIRECTOR MAY BY WRITTEN AUTHORIZATION
12 MODIFY OR SUSPEND THE BOATING SAFETY CERTIFICATE REQUIREMENTS
13 UNDER THIS PART IF THE MODIFICATION OR SUSPENSION OF THOSE CER-
14 TIFICATE REQUIREMENTS IS FOR INDIVIDUALS ENGAGED IN A MARINE
15 EVENT AUTHORIZED BY THE DIRECTOR OR FOR WHICH THE DIRECTOR
16 RECEIVES A COPY OF A UNITED STATES COAST GUARD AUTHORIZATION.

17 SEC. 80215. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A
18 PERSON UNDER THE AGE OF 14 SHALL NOT USE A PERSONAL WATERCRAFT ON
19 THE WATERS OF THIS STATE.

20 (2) A PERSON WHO IS 12 OR MORE AND LESS THAN 14 YEARS OF AGE
21 BEFORE JANUARY 1, 1999 MAY USE A PERSONAL WATERCRAFT ON THE
22 WATERS OF THIS STATE IF BEFORE JANUARY 1, 1999 HE OR SHE OBTAINED
23 A BOATING SAFETY CERTIFICATE.

24 (3) A PERSON WHO WAS BORN AFTER DECEMBER 31, 1978 SHALL NOT
25 OPERATE A PERSONAL WATERCRAFT UPON THE WATERS OF THIS STATE
26 UNLESS HE OR SHE FIRST OBTAINS A BOATING SAFETY CERTIFICATE.

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1 (4) NOT LATER THAN MARCH 23, 2004, THE GRADUATED AGE
2 PROVISIONS OF THIS SECTION SHALL BE REVIEWED BY THE APPROPRIATE
3 COMMITTEE OF BOTH HOUSES OF THE LEGISLATURE TO ASCERTAIN THE
4 EFFECT, IF ANY, THESE PROVISIONS HAVE HAD UPON THE SAFE OPERATION
5 OF PERSONAL WATERCRAFT UPON THE WATERS OF THIS STATE.

6 (5) THE OWNER OF A PERSONAL WATERCRAFT OR A PERSON HAVING
7 CHARGE OVER OR CONTROL OF A PERSONAL WATERCRAFT SHALL NOT AUTHO-
8 RIZE OR KNOWINGLY PERMIT THE PERSONAL WATERCRAFT TO BE OPERATED
9 IN VIOLATION OF THIS SECTION.

10 (6) THIS SECTION DOES NOT APPLY TO A PERFORMER ENGAGED IN A
11 PROFESSIONAL EXHIBITION OR A PERSON PREPARING TO PARTICIPATE OR
12 PARTICIPATING IN A REGATTA, RACE, MARINE PARADE, TOURNAMENT, OR
13 EXHIBITION HELD IN COMPLIANCE WITH SECTION 80164 UNDER A PERMIT
14 ISSUED BY THE DEPARTMENT AND AT THE TIME AND PLACE SPECIFIED IN
15 THE PERMIT.

16 SEC. 80216. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE
17 CERTIFICATION REQUIREMENTS PRESCRIBED IN SECTIONS 80210 AND 80215
18 DO NOT APPLY TO A PERSON WHO IS NOT A RESIDENT OF THIS STATE.

19 (2) BEGINNING MARCH 23, 2000, A PERSON WHO IS NOT A RESIDENT
20 OF THIS STATE SHALL OPERATE A PERSONAL WATERCRAFT ON THE WATERS
21 OF THIS STATE ONLY IF HE OR SHE HAS 1 OF THE FOLLOWING IN HIS OR
22 HER POSSESSION:

23 (A) A BOATING SAFETY CERTIFICATE.

24 (B) A CERTIFICATE ISSUED BY HIS OR HER STATE OF RESIDENCE
25 THAT REFLECTS EDUCATION AND TRAINING THAT IS SUBSTANTIALLY SIMI-
26 LAR TO THE EDUCATION AND TRAINING REQUIRED TO OBTAIN A BOATING
27 SAFETY CERTIFICATE UNDER THIS PART.

1 (C) A CERTIFICATE SHOWING THAT HE OR SHE HAS SUCCESSFULLY
2 COMPLETED A COURSE THAT MEETS THE REQUIREMENT PRESCRIBED IN SEC-
3 TION 80201(D)(i).

4 SEC. 80217. (1) A DEALER OF A NEW OR USED PERSONAL WATER-
5 CRAFT SHALL ADVISE EACH PERSON WHO BUYS A PERSONAL WATERCRAFT
6 FROM THE DEALER OF THE SOURCES OF BOATING SAFETY COURSES IN THE
7 AREA.

8 (2) A DEALER WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
9 STATE CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL FINE
10 IN THE AMOUNT OF \$100.00.

11 SEC. 80218. (1) THE DEPARTMENT SHALL CREATE AND MAKE AVAIL-
12 ABLE TO DEALERS OF PERSONAL WATERCRAFT BOTH OF THE FOLLOWING:

13 (A) A DOCUMENT THAT SUMMARIZES THE LAWS THAT PERTAIN EXCLU-
14 SIVELY TO PERSONAL WATERCRAFT.

15 (B) A DOCUMENT THAT SUMMARIZES THE SAFETY FEATURES OF PER-
16 SONAL WATERCRAFT. THIS DOCUMENT MAY BE A GENERIC DOCUMENT AND
17 SHALL NOT REPRESENT THE SAFETY FEATURES OF A PARTICULAR STYLE OR
18 BRAND OF PERSONAL WATERCRAFT.

19 (2) A DEALER SHALL PROVIDE A COPY OF EACH OF THE DOCUMENTS
20 DESCRIBED IN SUBSECTION (1) TO EACH PERSON WHO BUYS A PERSONAL
21 WATERCRAFT FROM THE DEALER. A DEALER WHO VIOLATES THIS SUBSEC-
22 TION IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL BE
23 ORDERED TO PAY A CIVIL FINE IN THE AMOUNT OF \$100.00.

24 SEC. 80219. UNLESS OTHERWISE SPECIFIED IN THIS PART, A
25 PERSON WHO VIOLATES THIS PART IS GUILTY OF A MISDEMEANOR, PUNISH-
26 ABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT
27 MORE THAN \$100.00, OR BOTH. IN ADDITION, A PERSON WHO VIOLATES

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1 THIS PART MAY BE REQUIRED TO PARTICIPATE IN AND COMPLETE A
2 BOATING SAFETY COURSE.

3 SEC. 80220. (1) NOT LATER THAN APRIL 30, 2000, THE SECRE-
4 TARY OF STATE SHALL BEGIN TRACKING INDIVIDUAL OFFENSES OF THIS
5 PART.

6 (2) IN ORDER TO ACCOMPLISH THE TRACKING REQUIREMENT
7 DESCRIBED IN SUBSECTION (1), THE SECRETARY OF STATE SHALL DO BOTH
8 OF THE FOLLOWING:

9 (A) PURSUE AND IMPLEMENT A COMPREHENSIVE TECHNOLOGY SYSTEM.

10 (B) WORK COOPERATIVELY WITH THE APPROPRIATE DEPARTMENTS OF
11 THIS STATE.

12 SEC. 80221. PEACE OFFICERS SHALL ENFORCE THIS PART. IF A
13 PERSON HAS RECEIVED A CITATION FOR A VIOLATION OF A CERTIFICATION
14 REQUIREMENT PRESCRIBED IN SECTION 80210, 80213, 80215, OR 80216,
15 THE COURT SHALL WAIVE ANY FINE AND COSTS UPON RECEIPT, NOT MORE
16 THAN 10 DAYS AFTER THE CITATION IS ISSUED, OF PROOF OF CERTIFICA-
17 TION BY A LAW ENFORCEMENT AGENCY THAT THE PERSON, BEFORE THE
18 APPEARANCE DATE ON THE CITATION, PRODUCED A VALID BOATING SAFETY
19 CERTIFICATE OR OTHER CERTIFICATION DESCRIBED IN SECTION 80216, AS
20 APPLICABLE, THAT WAS VALID ON THE DATE THE VIOLATION OCCURRED.

21 SEC. 80222. EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A
22 PERSONAL WATERCRAFT OPERATOR SHALL COMPLY WITH PART 801.

23 Enacting section 1. (1) The personal watercraft safety act,
24 1998 PA 116, MCL 281.1401 to 281.1445, is repealed.

25 (2) Part 802 of the natural resources and environmental pro-
26 tection act, 1994 PA 451, MCL 324.80201 to 324.80221, is repealed
27 effective March 23, 2004.

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