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House Bill 4846 (Substitute H-1 as passed by the House)  
Sponsor: Representative Wayne Schmidt  
House Committee: Natural Resources, Tourism, and Outdoor Recreation  
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-23-12

### **CONTENT**

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

- Require a vessel operator to comply with marine safety equipment requirements of the Department of Natural Resources (DNR), and designate a violation as a State civil infraction.**
- Require a person to wear a proper personal flotation device in order to be towed by a vessel.**
- Provide that towing a person in violation of prescribed safety requirements would be a State civil infraction.**

#### Marine Safety Equipment

Under the bill, a person who operated a vessel, or a vessel owner who operated or caused or permitted the vessel to be operated, on the waters of the State would have to carry, store, maintain, and use marine safety equipment onboard the vessel as required by the DNR. A person who violated this requirement would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$100.

#### Vessel Towing a Person

Under Part 801, except as otherwise provided, a person may not operate a vessel while towing or otherwise assisting a person on water skis or on a water sled, aquaplane, surfboard, or other similar contrivance unless a person capable of communicating to the vessel operator the condition and needs of the person being towed or assisted is on board the vessel and positioned to observe the person being towed or assisted.

The bill would eliminate the references to specific contrivances and refer instead to a person being towed.

The bill would require the person being towed to wear the proper type I, II, or III personal flotation device, as applicable. The bill provides that the wearing of an inflatable personal flotation device would not satisfy this requirement.

A vessel operator who violated these provisions would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$100.

A person could not permit himself or herself to be towed or otherwise assisted by a vessel unless he or she complied with the prescribed requirements. A person who was at least 16 years old who violated this provision would be responsible for a State civil infraction and could be ordered to pay a maximum civil fine of \$100.

(The bill would retain existing exceptions for a vessel used by a ski school or in a water ski tournament, and a motorboat less than 16 feet long that is actually operated by the person being towed if it is constructed to be incapable of carrying the operator in or on the boat.)

Under Part 801, "passenger" means a person carried on board a vessel, other than the owner or his or her representative, or the operator. The bill would include in the definition a person attached to or towed by a vessel. The bill also would make an exception only for the operator (not the owner or his or her representative).

MCL 324.80104 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have an indeterminate, but likely minor, fiscal impact on State and local government. State and local units could incur marginal increases in labor cost due to enforcement. There are no data to indicate how many marine vessel operators would be found in violation of this statute, but any revenue from the civil fines of up to \$100 would benefit public libraries.

Fiscal Analyst: Dan O'Connor  
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.