

**STATE OF MICHIGAN**  
**96TH LEGISLATURE**  
**REGULAR SESSION OF 2012**

Introduced by Reps. Wayne Schmidt and LaFontaine

# **ENROLLED HOUSE BILL No. 4846**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 80104 and 80152 (MCL 324.80104 and 324.80152), section 80104 as amended by 2004 PA 587 and section 80152 as amended by 1999 PA 19, and by adding section 80143a.

*The People of the State of Michigan enact:*

Sec. 80104. As used in this part:

(a) "Highly restricted personal information" means an individual's photograph or image, social security number, digitized signature, and medical and disability information.

(b) "Passenger" means a person carried on board, attached to, or towed by a vessel, other than the operator.

(c) "Peace officer" means any of the following:

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of any municipality.

(vi) An officer of the Michigan state police.

(vii) The director and conservation officers employed by the department.

(d) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on watercraft operation and equipment-related violations or civil infractions, operator or vehicle registration status, accidents, or other behaviorally-related information.

(e) "Personal watercraft" means a vessel that meets all of the following requirements:

(i) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion.

(ii) Is designed without an open load carrying area that would retain water.

(iii) Is designed to be operated by 1 or more persons positioned on, rather than within, the confines of the hull.

(f) “Political subdivision” means any county, metropolitan authority, municipality, or combination of those entities in this state. If a body of water is located in more than 1 political subdivision, all of the subdivisions shall act individually in order to comply with this part, except that if the problem is confined to a specific area of the body of water, only the political subdivision in which the problem waters lie shall act.

(g) “Port” means left, and reference is to the port side of a vessel or to the left side of the vessel.

(h) “Probate court or family division disposition” means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(i) “Prosecuting attorney”, except as the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a political subdivision of government.

(j) “Regatta”, “boat race”, “marine parade”, “tournament”, or “exhibition” means an organized water event of limited duration that is conducted according to a prearranged schedule.

(k) “Slow—no wake speed” means a very slow speed whereby the wake or wash created by the vessel would be minimal.

(l) “Starboard” means right, and reference is to the starboard side of a vessel or to the right side of the vessel.

(m) “State aid” means payment made by the state to a county for the conduct of a marine safety program.

(n) “Undocumented vessel” means a vessel that does not have, and is not required to have, a valid marine document issued by the United States coast guard or federal agency successor to the United States coast guard.

(o) “Uniform inspection decal” means an adhesive-backed sticker created by the department that is color-coded to indicate the year that it expires and is attached to a vessel in the manner prescribed for decals in section 80122 when a peace officer inspects and determines that the vessel complies with this part.

(p) “Use” means operate, navigate, or employ.

(q) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water.

(r) “Waters of this state” means any waters within the territorial limits of this state, and includes those waters of the Great Lakes that are under the jurisdiction of this state.

(s) “Waterways account” means the waterways account established in section 2035.

Sec. 80143a. A person who operates a vessel, or the owner of a vessel who operates or causes or permits the vessel to be operated, on the waters of this state shall carry, store, maintain, and use marine safety equipment onboard the vessel as required by the department. A person who violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

Sec. 80152. (1) Except as otherwise provided in this section, a person shall not operate a vessel on the waters of this state while towing or otherwise assisting a person being towed unless both of the following conditions are met:

(a) 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.

(b) The person being towed is wearing the proper type I, type II, or type III personal flotation device, as applicable. The wearing of an inflatable personal flotation device does not satisfy this requirement.

(2) A person who violates subsection (1) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

(3) A person shall not permit himself or herself to be towed or otherwise assisted by a vessel on the waters of this state unless he or she complies with the conditions listed in subsection (1).

(4) A person who violates subsection (3) who is 16 years of age or older is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

(5) Subsections (1) and (3) do not apply to any of the following:

(a) A person who operates or who is towed by a vessel used by a ski school in the giving of instructions or a vessel used in sanctioned ski tournaments, competitions, expositions, or trials if the vessel is equipped with a 170-degree wide-angle rearview mirror affixed in a manner that will permit the operator to observe the progress of the person being towed.

(b) A person being towed by a motorboat less than 16 feet in length that is actually operated by the person being towed if the vessel is constructed to be incapable of carrying the operator in or on the motorboat.

(c) A vessel operator or the person being towed if the vessel operator is towing a person preparing for a specific water ski tournament and if all of the following conditions are met:

(i) The vessel operator is certified as provided in subsection (6).

(ii) The person being towed is certified as provided in subsection (7).

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

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

(A) A center-mounted tow pylon.

(B) A large clear rearview mirror capable of allowing the vessel operator to distinguish hand signals at a distance of 75 feet.

(C) Markings that identify the vessel as a vessel that is being operated in conformance with this subdivision.

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

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

(8) The Michigan water ski association shall provide annually to the department and the Michigan sheriffs association both of the following:

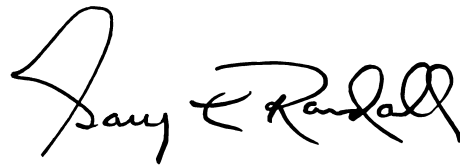
(a) A list of the individuals whom the organization considers qualified for tournament water skiing.

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

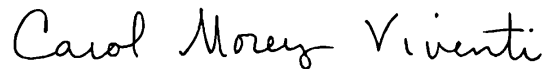
(9) The department shall specify the body or bodies of water upon which a water skier may practice upon each certificate issued under subsection (7).

Enacting section 1. This amendatory act takes effect November 1, 2012.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved .....

.....  
Governor