



HOUSE BILL No. 5529

January 30, 1996, Introduced by Reps. Jersevic, Rocca, Perricone, McBryde, Baird, McNutt, Bodem, Byl, Green, Goschka, Brater, Hill, Voorhees and London and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 80142 and 80152 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 58 of the Public Acts of 1995, being sections 324.80142 and 324.80152 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 80142 and 80152 of Act No. 451 of the
2 Public Acts of 1994, as added by Act No. 58 of the Public Acts of
3 1995, being sections 324.80142 and 324.80152 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 80142. (1) Except as provided in subsection (3), a
6 person shall not operate a vessel on the waters of this state
7 unless each person in an open deck area on board the vessel who
8 is less than 6 years of age is wearing a type I, ~~or~~ type II, OR

1 TYPE III personal flotation device as described in R 281.1234 of
2 the Michigan administrative code.

3 (2) A parent or guardian of a child less than 6 years of age
4 who accompanies that child on board a vessel that is not a
5 charter boat described in subsection (3) shall ensure that the
6 child is wearing a personal flotation device that complies with
7 this section.

8 (3) This section does not apply to a charter boat bearing
9 either of the following:

10 (a) A valid certificate of inspection issued by the United
11 States coast guard that verifies the charter boat's compliance
12 with subchapter H or subchapter T of TITLE 46 OF the code of fed-
13 eral regulations, 46 C.F.R. 70.01-1 to 80.40 and 175.01-1 to
14 185.30-30.

15 (b) A valid certificate of inspection issued by the depart-
16 ment for a class C vessel that is greater than 45 feet in
17 length.

18 (4) As used in this section, "charter boat" and "class C
19 vessel" mean those terms as defined in section 44501.

20 (5) A person who violates this section is subject to a civil
21 fine of not more than \$100.00.

22 Sec. 80152. (1) A person shall not operate a vessel on the
23 waters of this state if he or she is towing or otherwise assist-
24 ing a person on water skis or on a water sled, aquaplane, surf-
25 board, or other similar contrivance unless a person capable of
26 communicating to the vessel operator the condition and needs of

1 the person being towed or assisted is on board the vessel and
2 positioned to observe the person being towed or assisted.

3 (2) A PERSON SHALL NOT OPERATE A VESSEL ON THE WATERS OF
4 THIS STATE IF HE OR SHE IS TOWING OR OTHERWISE ASSISTING A PERSON
5 ON WATER SKIS OR ON A WATER SLED, AQUAPLANE, SURFBOARD, OR OTHER
6 SIMILAR CONTRIVANCE UNLESS A SKI FLAG THAT IS VISIBLE FROM EVERY
7 DIRECTION IS MOUNTED OR DISPLAYED ON THE VESSEL. AS USED IN THIS
8 SUBSECTION, "SKI FLAG" MEANS A RED OR ORANGE FLAG IN THE SHAPE OF
9 A SQUARE OR RECTANGLE MEASURING NO LESS THAN 12 INCHES ON EACH
10 SIDE.

11 (3) ~~(2)~~ Subsection (1) does not apply to vessels used by
12 duly constituted ski schools in the giving of instructions or to
13 vessels used in sanctioned ski tournaments, competitions, exposi-
14 tions, or trials. Vessels described in this subsection shall be
15 equipped with a 170-degree wide-angle rearview mirror affixed in
16 a manner that will permit the operator to observe the progress of
17 the person being towed.

18 (4) ~~(3)~~ This section does not apply to motorboats less
19 than 16 feet in length actually operated by the person being
20 towed and so constructed as to be incapable of carrying the oper-
21 ator in or on the motorboat.