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**SFA****BILL ANALYSIS**

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Senate Bill 732 (Substitute S-3 as reported)  
Sponsor: Senator Ken Sikkema  
Committee: Transportation and Tourism

Date Completed: 11-22-99

### **RATIONALE**

Personal watercraft are small vessels, operated by one to three persons who kneel or stand on the hull, that use a motor-driven propeller or an internal combustion engine to power a water jet pump which serves as the primary source of propulsion. These vessels are smaller than most boats and easy to maneuver, and they can travel at speeds of more than 50 miles per hour. Given their design and maneuverability, personal watercraft reportedly have been the fastest growing segment of the recreational boating industry. The increasing number of personal watercraft on State waters has been the subject of concerns about the safe operation of these craft. Previously, the operation of personal watercraft was regulated under the marine safety provisions of the Natural Resources and Environmental Protection Act which, among other things, established age limits for a person who wanted to operate, lease, hire, or rent a personal watercraft. In an effort to provide a more comprehensive approach to regulating these craft, Public Act 116 of 1998 created the Personal Watercraft Safety Act. Under that Act, a minor who is under age 14 is prohibited from using a personal watercraft on the waters of the State. Some people believe, however, that 12- and 13-year-olds who have received boating safety training and are supervised by an adult should be allowed to operate these watercraft.

### **CONTENT**

The bill would amend the Personal Watercraft Safety Act to permit a person who was at least 12 years of age and less than 14 to use a personal watercraft, under certain conditions.

Currently, a minor who is under age 14 may not use a personal watercraft on the waters of this State. A minor who was at least 12 years of age and under 14 before January 1, 1999, however, may use a personal watercraft if before that date he or she obtained a boating safety certificate.

Under the bill, a minor who was at least 12 but under 14 would have to be accompanied solely by his or her parent or legal guardian, and both the minor and the parent or guardian would have to have obtained a boating safety certificate. In addition, the parent or guardian would have to have a lanyard attached to his or her person, clothing, or personal flotation device, if the personal watercraft were equipped by the manufacturer with a lanyard-type engine cutoff switch. Also, the personal watercraft would have to be designed to carry at least two persons.

MCL 281.1431

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

When the Act first took effect, it included a grandfather provision to permit a child who was 12 or 13 years old before January 1, 1999, to use a personal watercraft, if before that date the minor had obtained a boating safety certificate. With the exception of a few children who meet these criteria, no child under the age of 14 currently is permitted to operate a personal watercraft. Some owners of these craft whose children are 12 and 13 years old, however, believe that their children should be allowed to do so. The accident rate among this age group is low, according to the Department of Natural Resources. Of the personal watercraft accidents that have been reported, only 4% were caused by 12-

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and 13-year-old operators. Most personal watercraft accidents occur among operators who are 19 to 29 years old. The bill would require that a child be accompanied by a parent or legal guardian, that both had obtained a boating safety certificate, and that a lanyard be attached to the parent or guardian if the craft were equipped with an engine cutoff switch. In addition, the watercraft would have to be designed to carry at least two persons, eliminating the possibility of a 12- or 13-year-old operating a one-person jet ski. Given these restrictions, the bill would provide for responsible and supervised operation of these craft by additional youngsters.

#### **Supporting Argument**

By requiring that a parent or legal guardian accompany his or her child on a personal watercraft, the bill could promote boating safety education among adults who currently do not have to have this training to operate a personal watercraft.

Legislative Analyst: L. Arasim

#### **FISCAL IMPACT**

This bill is unlikely to have a fiscal impact on either the State or local units of government.

The Department of Natural Resources currently provides \$3.2 million from the Marine Safety Fund to local units of government for marine safety enforcement and training programs. These funds are distributed to local law enforcement agencies for two purposes: water safety patrols and implementation of the types of boating and personal watercraft safety programs described in this bill. Currently, 50,000 people participate in these programs each year. The Department cannot estimate how many additional participants would be required to take annual safety training classes under the provisions of this bill.

This bill does not provide for additional marine safety program funds. However, if the demands placed on either marine safety or training programs increased as a result, additional funds would have to be appropriated for this purpose.

Fiscal Analyst: P. Alderfer