

SUBSTITUTE FOR
SENATE BILL NO. 703

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80205 (MCL 324.80205), as added by 2000 PA
229; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80205. (1) Until 5 years after the effective date of
2 the 2004 amendatory act that amended this section, except as
3 otherwise provided in this section, a person shall not operate a
4 personal watercraft on the waters of this state unless each
5 person riding on or being towed behind the personal watercraft is
6 wearing a type I, type II, or type III personal flotation device
7 as described in R 281.1234 of the Michigan administrative code.

8 (2) ~~(1) Except~~ Beginning 5 years after the effective date
9 of the 2004 amendatory act that amended this section, except as
10 otherwise provided in this section, a person shall not operate a

1 personal watercraft on the waters of this state unless each
2 person 12 years of age or older riding on or being towed behind
3 the personal watercraft is wearing a type I, type II, or type III
4 personal flotation device as described in R 281.1234 of the
5 Michigan administrative code.

6 **(3) ~~-(2)-A~~ Beginning 5 years after the effective date of the**
7 **2004 amendatory act that amended this section, a** person shall not
8 operate a personal watercraft on the waters of this state unless
9 each person on board or being towed by the personal watercraft
10 who is less than 12 years of age is wearing a type I or type II
11 personal flotation device as described in R 281.1234 of the
12 Michigan administrative code.

13 **(4) ~~-(3)-~~** A person shall not operate a personal watercraft on
14 the waters of this state unless each person on board the personal
15 watercraft is wearing a personal flotation device that is not
16 inflatable.

17 **(5) ~~-(4)-~~** A person shall not operate a personal watercraft on
18 the waters of this state if a child who is under 7 years of age
19 is on board or being towed behind the personal watercraft unless
20 the child is in the company of his or her parent or guardian or a
21 designee of the parent or guardian.

22 **(6) ~~-(5)-~~** While operating a personal watercraft equipped by
23 the manufacturer with a lanyard-type engine cutoff switch on the
24 waters of this state, a person shall have the lanyard attached to
25 his or her person, clothing, or personal flotation device as is
26 appropriate for the personal watercraft.

27 **(7) ~~-(6)-~~** A person shall not operate a personal watercraft on

1 the waters of this state during the period that begins 1 hour
2 before sunset and ends at 8 a.m. As used in this subsection,
3 "sunset" means that time as determined by the national weather
4 service.

5 **(8)** ~~-(7)-~~ A person operating a personal watercraft on the
6 waters of this state shall not cross within 150 feet behind
7 another vessel, other than a personal watercraft, unless the
8 person is operating the personal watercraft at slow--no wake
9 speed.

10 **(9)** ~~-(8)-~~ A person shall not operate a personal watercraft on
11 the waters of this state where the water depth is less than 2
12 feet, as determined by vertical measurement, unless 1 or both of
13 the following circumstances exist:

14 (a) The personal watercraft is being operated at slow--no
15 wake speed.

16 (b) The personal watercraft is being docked or launched.

17 **(10)** ~~-(9)-~~ A person shall operate a personal watercraft in a
18 reasonable and prudent manner. A maneuver that unreasonably or
19 unnecessarily endangers life, limb, or property, including, but
20 not limited to, all of the following, constitutes reckless
21 operation of a personal watercraft under section 80208:

22 (a) Weaving through congested vessel traffic.

23 (b) Jumping the wake of another vessel unreasonably or
24 unnecessarily close to the other vessel or when visibility around
25 the other vessel is obstructed.

26 (c) Waiting until the last possible moment before swerving to
27 avoid a collision.

1 **(11)** ~~-(10)-~~ A person shall not operate a personal watercraft
2 on the waters of this state carrying more persons than the
3 personal watercraft is designed to carry.

4 **(12)** ~~-(11)-~~ A violation of subsection ~~-(10)-~~ **(11)** is prima
5 facie evidence of reckless operation of a watercraft under
6 section 80208.

7 **(13)** ~~-(12)-~~ A person operating a personal watercraft in
8 excess of the speeds established under part 801 is guilty of
9 reckless operation of a personal watercraft under section 80208.

10 **(14)** ~~-(13)-~~ This section does not apply to a performer
11 engaged in a professional exhibition or a person preparing to
12 participate or participating in a regatta, race, marine parade,
13 tournament, or exhibition held in compliance with section 80164
14 under a permit issued by the department and at the time and place
15 specified in the permit.

16 **(15) The department shall annually prepare and submit to the**
17 **standing committees of the senate and house of representatives**
18 **with primary jurisdiction over marine safety issues an accident**
19 **report related to the use of personal watercraft, the types of**
20 **personal flotation devices that were being used, and the injuries**
21 **that resulted.**

22 Enacting section 1. Enacting section 1 of 2000 PA 229 is
23 repealed.

24 Enacting section 2. Part 802 of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.80201 to
26 324.80222, is repealed effective March 23, 2012.