



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5109 (as passed by the House)

Sponsor: Representative Nancy Jenkins

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-26-12

CONTENT

The bill would amend Part 802 (Personal Watercraft) of the Natural Resources and Environmental Protection Act to eliminate age-specific requirements regarding the use of a personal flotation device (PFD) by a person riding on or being towed behind a personal watercraft, and require each person to wear a type I, II, or III PFD.

Under Part 802, a person may not operate a personal watercraft unless each person who is *at least* 12 years old riding on or being towed behind the watercraft is wearing a type I, II, or III PFD as described in R 281.1234 of the Michigan Administrative Code, and each person *under* the age of 12 is wearing a type I or type II PFD. The bill would delete these provisions. Instead, a person could not operate a personal watercraft unless each person riding on or being towed behind it were wearing a type I, II, or III PFD.

MCL 324.80205

BACKGROUND

Rule 281.1234 of the Michigan Administrative Code describes different personal flotation devices. A type I device is designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy. A type II device is designed to turn an unconscious person in the water from a face-down position to a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy. A type III device is designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have a negligible fiscal impact on State and local government. Because the bill would allow boaters under 12 to wear type III personal floatation devices (as opposed to only type I or II), it is possible that fewer boaters would be found guilty of a misdemeanor for violating Part 802, which could result in a small decrease in penal fine revenue for public libraries and incarceration costs for local units of government.

Fiscal Analyst: Dan O'Connor
Josh Sefton

S1112\5109sa.

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.