

## **Summary of Selected Michigan Boating Operation and Safety Laws**

Michigan Marine Safety Act, PA 451 of 1994, Chapter 324

This summary is provided to give basic, concise information on Michigan boating laws to Silver Lake Improvement Corporation (SLIC) members. It is intended to improve boating safety on our lake. Each law summarized includes a reference to the state law that is described. Please note that this summary is not intended to replace the Michigan Boating Safety Handbook. The Handbook is an excellent and more extensive source of information on Michigan boating law. The handbook can be downloaded without charge at: [michigan-handbook-entire.pdf](http://michigan-handbook-entire.pdf) ([kalkomey.com](http://kalkomey.com)).

This summary does not contain every Michigan boating law and, as laws may subsequently be modified by the Michigan legislature, so laws summarized here may be superseded by new laws. Also, the application of laws contained in this summary may be modified somewhat by Michigan courts as they interpret them in individual cases. As a result, these summaries should not be relied upon in all cases as definite statements of state law. If more information on any Michigan boating law is desired contacting specialized legal counsel should be considered.

The SLIC Board of Directors strongly recommend that persons wishing to operate boats on our lake and on other Michigan waters enroll and complete a boating safety course and acquire a boating safety certificate. Boating Safety Courses are available at no cost through the Michigan Department of Natural Resources and local law enforcement agencies and are available on-line at minimal cost. Any person operating a motorboat powered by a motor over 6 hp in Michigan born after July 1, 1996 is required by Michigan law to have a boating safety certificate.

Your SLIC Board of Directors hopes that you will enjoy many hours of safe boating on our beautiful lake.

### **Summary of Major Michigan Boating Laws**

(Referenced sections are from Chapter 324 of the Michigan Compiled Laws)

#### **Age Limitations for Operating Motorboat and Requirement to have a Boating Safety Certificate**

- It is illegal for persons under the age of 12 to operate a motorboat powered by 6 hp or greater motor unless the person is under the direct supervision of someone 16 years of age or older and, if the person supervising the 12 year old is born after July 1, 1996, has been issued a boating safety certificate. If supervised by this person, a 12 year old can legally operate a motorboat powered by a motor up to but not exceeding 35 hp.
- Any person born on or after July 1, 1996 is prohibited from operating a motorboat powered by a motor totaling more than 6 horsepower unless the person has been issued a boating safety certificate. MCL Sec.324.80141  
[[www.http://legislature.mi.gov/doc.aspx?mcl-324-80141](http://www.legislature.mi.gov/doc.aspx?mcl-324-80141)]

#### **Requirement to wear a Personal Flotation Device**

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- It is illegal to operate a boat if persons on board under 6 years of age do not have on a type I or type II personal flotation device.

MCL Sec. 324.80142. [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80142](http://www.legislature.mi.gov/doc.aspx?mcl-324-80142)]

### **“Rules of the Road” for Operating Boats in Michigan.**

- Boats approaching each other head-on should pass on the port (left) side of the other boat.
- When overtaking another boat traveling in the same direction, the operator of the overtaking boat should normally pass on the port side of the boat.
- When 2 boats approach each other at right angles, the boat approaching from left (having the other boat on its right/starboard side) should give way to that boat or pass behind the boat on the right, slow down or back-up.
- Motorboats should give way to sail boats and boats without motors.  
MCL Sec. 324.80144. [[www. http://legislature.mi.gov/doc.aspx?mcl-324-80144](http://www.legislature.mi.gov/doc.aspx?mcl-324-80144)]

### **Boats On Michigan Lakes Should Travel Counter-Clockwise and Maintain 100 ft Distance between Persons being towed and other Objects**

- To the extent possible, boats are to travel in a counter-clockwise direction and to maintain a distance of 100 feet from any dock, raft, buoyed or occupied bathing area, or vessel moored or at anchor, except when the vessel is proceeding at a slow—no wake speed or when water skiers are being picked up or dropped off. MCL Sec. 324.80149  
[[www.http://legislature.mi.gov/doc.aspx?mcl-324-80149](http://www.legislature.mi.gov/doc.aspx?mcl-324-80149)]

### **Boating Speeds**

- Persons operating a boat in Michigan are required to operate in a careful and prudent manner at a speed that does not unreasonably endanger the life or property of any person. The boat should not be operated at a speed that would not enable the boat, operating with reasonable care, to bring the boat to a stop within the assured clear distance. A boat should not be operated in a manner that interferes with the lawful use by others on the lake.  
MCL Sec. 324.80145 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80145](http://www.legislature.mi.gov/doc.aspx?mcl-324-80145)]
- Unless the Department of Natural Resources establishes a different speed for a particular body of water, Michigan law prohibits operating a boat at greater than 55 mph. The law provides a procedure for local government to establish lower speeds for waters in its jurisdiction.  
MCL Sec. 324.80146 [[www. http://legislature.mi.gov/doc.aspx?mcl-324-80146](http://www.legislature.mi.gov/doc.aspx?mcl-324-80146)]

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### **Reckless Water Skiing or Boat Operation**

- Reckless operation of vessels or water skiing is defined as the careless operation of a boat or water skiing in a manner that disregards the rights or safety of others, without due caution or at a rate of speed or in a manner that endangers or is likely to endanger a person or property. MCL Sec. 324.80147 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80147](http://www.legislature.mi.gov/doc.aspx?mcl-324-80147)]

### **Riding in a Boat in an Unsafe Manner is Prohibited**

- Except at a slow-no wake speed, Michigan law prohibits passengers from riding in a motorboat in an unsafe manner such as extending a person or a portion of a person's body beyond the edge of the hull of the motorboat. MCL Sec. 324.80148 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80148](http://www.legislature.mi.gov/doc.aspx?mcl-324-80148)]
- Michigan law prohibits anyone riding on or operating a boat underway while sitting, standing or walking on any portion of the vessel not specially designed for that purpose, except when immediately necessary for the safe and reasonable operation of the boat. MCL Sec. 324.80153. [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80153](http://www.legislature.mi.gov/doc.aspx?mcl-324-80153)]

### **Noise Limits**

- In general, motorboats are not to be operated without an effective muffler or underwater exhaust system. MCL Section 324.80156 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80156](http://www.legislature.mi.gov/doc.aspx?mcl-324-80156)]

### **Liability for Damage Caused by a Boat's Wake**

- The owner of any boat operated in Michigan is personally responsible for any damage to life or property resulting from a wake or swell created by the negligent operation or propulsion of the vessel if the vessel is being operated with his or her consent. MCL Sec. 324.80158 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80158](http://www.legislature.mi.gov/doc.aspx?mcl-324-80158)]

### **Personal Watercraft Rules**

- Michigan law on the operation of personal watercraft (PWC) requires: that each person operating or riding on a personal watercraft must wear a flotation device; the operator of the PWC must be attached to an engine cutoff if so equipped; the PWC shall not be operated between sunset and 8 am. [SLIC Bylaws limit PWC operation from 8:30 am during the week and from 9:00 pm on weekends]; and a PWC shall not cross within 150 ft. of another vessel (except another PWC) unless it being operated at slow-no wake speed. Children under the age of 7 are prohibited from riding on a PWC unless they are with their parent.

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- Michigan law requires that a PWC be operated in a “reasonable and prudent manner.” A maneuver that unreasonably or unnecessarily endangers life, limb, or property including but not limited to: “(a) weaving through congested vessel traffic, (b) jumping the wake of another vessel `unreasonably or unnecessarily` close to the other vessel or when visibility around the other vessel is obstructed, or (c) waiting until the last possible moment before swerving to avoid a collision are all prohibited.” [language from the act]
- Michigan law prohibits a PWC to carry more persons than it is designed to carry (a violation of this is evidence of “recklessness”). A PWC traveling in excess of 55 mph is guilty of recklessness. MCL Sec. 324.80205 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80205](http://legislature.mi.gov/doc.aspx?mcl-324-80205)]

### **Personal Watercraft Liability Rules**

- Michigan law provides that the owner of a PWC is liable for any injury caused by the negligent operation of the PWC if the operation is in violation of Michigan law or if the injury is caused by the failure to observe ordinary care. The owner is not liable if the PWC use was not authorized (authorization is presumed if the operator is among the owner’s immediate family members). MCL Section 324.80207 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80207](http://legislature.mi.gov/doc.aspx?mcl-324-80207)]

### **Personal Watercraft Distance Separation Requirements**

- Michigan law requires that, unless the PWC is traveling at slow-no wake speed, it must maintain a distance of not less than 100 feet from a dock, raft, or buoyed or occupied bathing or swimming area, a person in the water or on the water in a personal flotation device, or a vessel moored, anchored, drifting, or sitting in dead water or not less than a distance of 200 feet from a submerged diver, vessel engaged in underwater diving activities, or a flotation device displaying the international diving insignia. MCL Sec. 324.80209 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80209](http://legislature.mi.gov/doc.aspx?mcl-324-80209)]

### **Age Limitations and Other Requirements to Legally Operate a Personal Watercraft**

- A person who was born after December 31, 1978 is not permitted to legally operate a PWC in Michigan unless he or she has a boating safety certificate. A person under the age of 16 is not permitted to legally operate a PWC in Michigan unless the person is 14 years of age or older and 1 of the following circumstances applies: (a) The person is riding the PWC with his or her parent or guardian or an individual 21 years of age or older designated by the parent or guardian. (b) The person is operating or riding a PWC at a distance of not more than 100 feet from his or her parent or guardian or an individual 21 years of age or older designated by the parent or guardian. MCL Section 324.80215 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80215](http://legislature.mi.gov/doc.aspx?mcl-324-80215)]

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### **Operation of a Boat under the Influence of Alcohol and/or Controlled Substance is Prohibited.**

- Information, definitions and penalties associated with operating a boat under the influence of alcohol and/or controlled substances are described in Michigan law at MCL Sec. 324.80151. [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80176](http://www.legislature.mi.gov/doc.aspx?mcl-324-80176)]

### **Water Skiing Rules**

#### **Requirements to Legally Pull a Water Skier**

- Michigan law requires persons pulling a water skier to have an observer on the boat capable of observing the skier and communicating the condition and position of the person being towed to the boat operator. The skier must be wearing a personal flotation device. MCL Sec. 324.80152 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80152](http://www.legislature.mi.gov/doc.aspx?mcl-324-80152)]

### **Rules Related to Diving in Michigan**

- Persons diving or submerged are required to place a buoy or boat in the water at or near the point of submergence. The buoy or boat must have a red flag not less than 14 " by 16 " with a 3-1/2 " white stripe running from 1 upper corner to a diagonal lower corner. The flag shall be in place only while actual diving operations are in progress. A vessel shall not be operated within 200 feet of a buoyed diver's flag unless it is involved in tendering the diving operation. A person diving shall stay within a surface area of 100 feet of the diver's flag. MCL Sec. 324.80155 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80155](http://www.legislature.mi.gov/doc.aspx?mcl-324-80155)]

### **Rules Regarding Boating Accidents**

#### **Provide Reasonable Assistance to Persons Injured in a Boating Accident**

- The operator of a vessel involved in a boating accident should provide reasonable assistance to a person injured to the extent that he or she can do so without serious danger to his or her own vessel, crew, and passengers, including the transporting of the injured person to medical care if the injured person requests it or it is obvious the treatment is necessary. If the assistance is provided in good faith and without objection, the person providing the assistance is not liable for the care provided if it is provided as a reasonable person would have acted under similar circumstances. MCL Sec. 324.80133 [[www.http://legislature.mi.gov/doc.aspx?mcl-324-80133](http://www.legislature.mi.gov/doc.aspx?mcl-324-80133)]

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### **Boat Operators involved in a Boating Accident Shall Exchange Information**

- When involved in a collision, accident or other casualty involving a vessel, boat operators must stop their vessel and exchange names, addresses and boat identification numbers. MCL Sec. 324.80134 [www.<http://legislature.mi.gov/doc.aspx?mcl-324-80134>]

### **Accident Reporting**

- Boat operator must report serious accidents to the nearest law enforcement agency. MCL Sec. 324.80135 [www.<http://legislature.mi.gov/doc.aspx?mcl-324-80135>]

### **Liability for Negligent Boat Operation**

- In general, the owner of a boat is liable for any injury caused by the negligent operation of his or her boat. Negligence consists of causing injury as a result of violating Michigan law or failing to “observe such ordinary care in the operation as the rules of the common law require.” The owner of the boat is not liable unless the vessel is being used with his or her expressed or implied consent. However, it is presumed that the boat is being operated with the knowledge and consent of the owner if it is driven at the time of the injury by a member of the owner's immediate family. MCL Sec. 324.80157 [www.<http://legislature.mi.gov/doc.aspx?mcl-324-80157>]

## **Other Provisions of the Michigan Marine Safety Act**

### **Fee Requirements and other Conditions to Legally Operate Boats in Michigan**

- In general, boats may not be legally operated in Michigan unless the fees associated with the boat are paid, the certificate of number assigned to the boat is on board and the identifying number associated with the certificate is displayed on the hull. Exceptions are boats 16 feet or less and non-motorized boats. MCL Sec. 324.80122. [www.<http://legislature.mi.gov/doc.aspx?mcl-324-80122>]

### **Removing navigation hazards and recover associated costs.**

- In general, if an anchored raft or some other item whether floating free or attached to the bottomland or a shoreline, presents a hazard to navigation, the DNR or a law enforcement officer with jurisdiction over the body of water where the anchored raft or other item or material is located may relocate or remove it or may order its relocation or removal. The person who owns or who caused a navigational hazard that is relocated or removed is liable to pay the actual and reasonable costs of relocation or removal. MCL Sec. 324.80163. [www.<http://legislature.mi.gov/doc.aspx?mcl-324-80163>]