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TYPE III PFDS FOR CHILDREN

**House Bill 4514 as introduced
 First Analysis (4-17-97)**

**Sponsor: Rep. James M. McNutt
 Committee: Conservation, Environment
 and Recreation**

THE APPARENT PROBLEM:

The operation of watercraft in Michigan is regulated by the marine safety provisions of the Natural Resources and Environmental Protection Act, which govern such matters as the numbering of vessels, the age of boat operators, maximum motorboat speeds, and the authority of peace officers to stop and inspect vessels. In recent years, the act has been amended to improve boating safety, including a package of legislation (Public Acts 268-271 of 1993) that, among other things, provides for a uniform marine safety inspection program, and requires that each person on the open deck area of a boat who is under six years of age wear a personal flotation device of a type described in the Michigan Administrative Code R 281.1234. Charter boats are exempt from this requirement if they have a valid certificate of inspection issued by the U.S. Coast Guard or the Department of Natural Resources.

Types I, II, III, and IV personal flotation devices, or PFDs, have been approved by the U.S. Coast Guard. Each is designed for different boating activities and water conditions, and has its own maximum buoyancy and limitations. Type I, known as the "offshore life jacket," is recommended for offshore cruising, racing and fishing, and is best for open, rough, or remote water where rescue may be slow to arrive. Type II, known as the "near-shore buoyant vest," is recommended for inland cruising and dinghy sailing and racing, and is good for protected inland water near shore, where the chance of immediate rescue is good. Types I and II flotation devices are designed to keep a person's head above water if they're knocked unconscious, which could keep them from drowning, with Type I offering the best protection. A Type III PFD, known as a "flotation aid," is recommended for supervised activities such as sailing regattas, dinghy races, water skiing, canoeing, kayaking, and for personal watercraft. It is not suitable for extended survival in rough water. The Type IV PFD is a "throwable device," and cannot be used for nonswimmers or children.

The act specifies that children under age six years of age must wear types I and II flotation devices, and it is

the responsibility of the parent or guardian who accompanies a child to ensure that they are worn. However, some complain that it is difficult to find these in larger sizes for children who weigh more than 50 pounds. Accordingly, some people maintain that children should be allowed to wear either types I, II, or III flotation devices.

THE CONTENT OF THE BILL:

Under the Natural Resources and Environmental Protection Act (NREPA), a child under six years of age must wear a Type I or Type II personal flotation device (PFD) when on the open deck area on board a vessel. House Bill 4514 would amend the act to specify that a child under six years of age could also wear a Type III PFD. in these situations.

MCL 324.80142

FISCAL IMPLICATIONS:

The House Fiscal Agency (HFA) estimates that the bill would have no impact on state funds. (4-16-97)

ARGUMENTS:

For:

The bill would grant parents the choice of having their younger children wear Type III personal flotation devices (PFDs), in addition to Types I and II, which are currently allowed. Reportedly, Types I and II PFDs are hard to find in sizes to fit larger children. Type III flotation devices have been approved by the U.S. Coast Guard as being safe for most boating conditions. Although Type III PFDs have less buoyancy than Types I and II, many say they are more comfortable to wear than the other types, and therefore are less likely to be discarded by children when their parents aren't paying attention.

Against:

Types I and II PFDs have been recommended for young children because they are more buoyant than Type III

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PFDs. They are designed so that they turn most unconscious wearers face up in water. Type III PFDs, on the other hand, require that the wearer must tilt his or her head back to avoid a face down position in water. This is apt to be difficult for young children, and thus the bill may expose them to more dangerous conditions. By lowering the standard required for PFDs for children, the bill could hamper the movement in recent years toward legislation designed to improve boating safety.

REDACTED

POSITIONS:

The Michigan Boating Industries Association supports the bill. (4-16-97)

The Department of Natural Resources does not have a position on the bill. (4-16-97)

Analyst: R. Young
