



SENATE BILL No. 206

February 1, 1995, Introduced by Senators SCHWARZ
and SHUGARS and referred to the Committee on Natural
Resources and Environmental Affairs.

A bill to amend sections 17 and 20 of Act No. 319 of the
Public Acts of 1975, entitled as amended

"An act to provide for the titling, licensure, and regulation of
off-road recreation vehicles; to create certain funds; to create
certain advisory bodies and to prescribe their powers and duties;
to prescribe powers and duties of certain officers, agencies, and
institutions; to provide certain tort immunity for certain gov-
ernmental agencies under certain circumstances; to repeal certain
parts of this act on a specific date; and to provide penalties
and remedies,"

section 17 as amended by Act No. 241 of the Public Acts of 1989
and section 20 as amended by Act No. 17 of the Public Acts of
1991, being sections 257.1617 and 257.1620 of the Michigan
Compiled Laws; and to add sections 6c, 16b, 16c, and 16d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 17 and 20 of Act No. 319 of the Public
2 Acts of 1975, section 17 as amended by Act No. 241 of the Public
3 Acts of 1989 and section 20 as amended by Act No. 17 of the

1 Public Acts of 1991, being sections 257.1617 and 257.1620 of the
2 Michigan Compiled Laws, are amended and sections 6c, 16b, 16c,
3 and 16d are added to read as follows:

4 SEC. 6C. (1) NOT LESS THAN 40% OF THE REVENUE IN THE ORV
5 TRAIL IMPROVEMENT FUND IN ANY YEAR SHALL BE DISTRIBUTED EACH YEAR
6 IN THE FORM OF GRANTS FOR THE PURPOSE OF PLANNING, IMPROVING,
7 CONSTRUCTING, SIGNING, AND MAINTAINING ORV TRAILS, AREAS, AND
8 ROUTES AND ACCESS TO THOSE TRAILS, AREAS, AND ROUTES, THE LEASING
9 OF LAND, THE ACQUISITION OF EASEMENTS, PERMITS, OR OTHER AGREE-
10 MENTS FOR THE USE OF LAND FOR ORV TRAILS, AREAS, AND ROUTES, TO
11 PUBLIC AGENCIES AND NONPROFIT INCORPORATED CLUBS AND
12 ORGANIZATIONS.

13 (2) AN APPLICATION BY A PUBLIC AGENCY OR A NONPROFIT INCOR-
14 PORATED CLUB OR ORGANIZATION SHALL INCLUDE A PLAN FOR RESTORATION
15 OF ANY OF THE NATURAL RESOURCES OF THIS STATE ON PUBLIC LAND THAT
16 ARE DAMAGED DUE TO ORV USE. THE PUBLIC AGENCIES OR NONPROFIT
17 INCORPORATED CLUBS OR ORGANIZATIONS SHALL INDICATE ON THEIR
18 APPLICATION THAT THEIR USE OF GRANT MONEY IS CONSISTENT WITH, AND
19 MEETS THE REQUIREMENTS OF, THE PLAN DEVELOPED BY THE DEPARTMENT
20 PURSUANT TO SECTION 16, AND THE TRAIL, ROUTE, OR AREA IS AVAIL-
21 ABLE TO THE PUBLIC. THE DEPARTMENT SHALL NOT APPROVE A GRANT
22 UNLESS THE APPLICATION MEETS THE REQUIREMENTS OF THE PLAN. THE
23 DEPARTMENT SHALL MAKE APPLICATION FORMS AVAILABLE AND CONSIDER
24 GRANT REQUESTS ON A YEARLY BASIS IN CONSULTATION WITH THE ORV
25 TRAILS ADVISORY COMMITTEE CREATED IN SECTION 16B.

26 (3) A GRANT SHALL NOT BE MADE FOR A TRAIL, ROUTE, OR AREA
27 UNLESS THE TRAIL, ROUTE, OR AREA IS AVAILABLE FOR ORV USE AND IS

1 APPROVED BY THE DEPARTMENT. A GRANT FOR THE COST OF LEASING OF
2 LAND AND THE ACQUISITION OF EASEMENTS, PERMITS, OR OTHER AGREE-
3 MENTS MAY EQUAL 100% OF INCURRED EXPENSE. SPECIFICATIONS SHALL
4 BE PRESCRIBED BY THE DEPARTMENT.

5 (4) NOT LESS THAN 30% OF THE REVENUE IN THE FUND IN ANY YEAR
6 SHALL BE USED EACH YEAR FOR ENFORCEMENT OF THIS ACT. OF THIS
7 AMOUNT AVAILABLE FOR ENFORCEMENT, THE DEPARTMENT SHALL MAKE
8 AVAILABLE FUNDS FOR DISTRIBUTION IN THE FORM OF GRANTS BY THE
9 DEPARTMENT TO THE COUNTY SHERIFFS' DEPARTMENTS IN THE FOLLOWING
10 PERCENTAGE AMOUNTS: 60% OF THE FUNDS AVAILABLE FOR THE FIRST
11 YEAR OF OPERATION OF THE FUND; 50% OF THE FUNDS AVAILABLE IN THE
12 SECOND YEAR; AND 40% OF THE FUNDS AVAILABLE IN THE THIRD YEAR AND
13 EACH YEAR THEREAFTER. THE BALANCE OF THE FUNDS AVAILABLE SHALL
14 BE USED BY THE DEPARTMENT. IN MAKING GRANTS AVAILABLE FOR DIS-
15 TRIBUTION UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSIDER
16 THE FOLLOWING FACTORS:

17 (A) THE NUMBER OF MILES OF ORV TRAILS, ROUTES, OR AREAS
18 WITHIN THE COUNTY.

19 (B) THE NUMBER OF SHERIFF'S DEPARTMENT EMPLOYEES AVAILABLE
20 FOR ENFORCEMENT OF THIS ACT.

21 (C) THE ESTIMATED NUMBER OF ORVS WITHIN THE COUNTY AND THAT
22 ARE BROUGHT INTO THE COUNTY FOR ORV USE.

23 (D) THE ESTIMATED NUMBER OF DAYS THAT ORVS MAY BE USED
24 WITHIN THAT COUNTY.

25 (E) ANY OTHER FACTORS CONSIDERED APPROPRIATE BY THE
26 DEPARTMENT. THE DEPARTMENT SHALL REQUIRE A COUNTY SHERIFF
27 RECEIVING A GRANT UNDER THIS SUBSECTION TO MAINTAIN RECORDS AND

1 SUBMIT AN ANNUAL REPORT TO VERIFY EXPENDITURE OF GRANT MONEY
2 RECEIVED.

3 (5) NOT LESS THAN 20% OF THE REVENUE IN THE ORV TRAIL
4 IMPROVEMENT FUND IN ANY YEAR SHALL BE DISTRIBUTED EACH YEAR IN
5 THE FORM OF GRANTS TO PUBLIC AGENCIES AND NONPROFIT INCORPORATED
6 CLUBS AND ORGANIZATIONS FOR THE RESTORATION OF DAMAGE THAT IS
7 CAUSED BY ORV USE TO NATURAL RESOURCES ON PUBLIC LAND. A GRANT
8 UNDER THIS SUBSECTION MAY BE IN ADDITION TO A GRANT UNDER SUBSEC-
9 TION (1). AN APPLICATION FOR A GRANT UNDER THIS SUBSECTION SHALL
10 COMPLY WITH SUBSECTION (2).

11 (6) TWENTY-FIVE THOUSAND DOLLARS SHALL BE APPROPRIATED FOR
12 THE FISCAL YEAR ENDING SEPTEMBER 30, 1991 ONLY FROM THE FUND TO
13 THE DEPARTMENT OF EDUCATION AND CREDITED TO THE SAFETY EDUCATION
14 FUND TO SUPPLEMENT FUNDS RECEIVED BY THE DEPARTMENT OF EDUCATION
15 UNDER THIS ACT.

16 (7) NOT MORE THAN 5% OF THE REVENUE IN THE FUND IN ANY YEAR
17 SHALL BE USED FOR ADMINISTRATION OF THIS ACT.

18 (8) THE REMAINDER OF THE REVENUE IN THE FUND IN ANY GIVEN
19 YEAR MAY BE USED FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (1)
20 AND (4), EXCEPT THAT IN THE FIRST YEAR OF OPERATION OF THE FUND,
21 THE REMAINDER SHALL BE USED AS PRESCRIBED IN SUBSECTION (4). IF
22 THE REMAINDER OF THE FUND IS USED FOR THE PURPOSES DESCRIBED IN
23 SUBSECTION (4), IT SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION
24 (4).

25 (9) GRANTS UNDER THIS SECTION SHALL REMAIN AVAILABLE UNTIL
26 EXPENDED ONCE A CONTRACT OR COMMITMENT HAS BEEN ENTERED INTO
27 UNDER THIS SECTION. A CONTRACT SHALL BE FOR A PERIOD OF NOT MORE

1 THAN 2 YEARS. A GRANT NOT EXPENDED WITHIN THE CONTRACT PERIOD
2 MAY BE RENEWED BY THE DEPARTMENT BY ENTERING INTO A NEW CONTRACT.

3 SEC. 16B. THE ORV TRAILS ADVISORY COMMITTEE IS CREATED
4 WITHIN THE DEPARTMENT WHICH SHALL ASSIST THE DEPARTMENT IN DEVEL-
5 OPING CRITERIA FOR GRANTS, NOMINATE FOREST ROADS TO BE INCLUDED
6 AS ORV ROUTES, NOMINATE FOREST TRAILS, ASSIST THE DEPARTMENT IN
7 PROMULGATING RULES, AND ASSIST THE DEPARTMENT IN DEVELOPING THE
8 PLAN REQUIRED BY SECTION 16. THE ADVISORY COMMITTEE SHALL ADVISE
9 THE DEPARTMENT ON RECOMMENDATIONS MADE BY ORV USERS OF FOREST
10 TRAILS, ROADS, AND AREAS THAT SHOULD BE DESIGNATED FOR ORV USE.
11 THE ADVISORY COMMITTEE SHALL CONSIST OF 6 MEMBERS APPOINTED BY
12 THE DIRECTOR OF THE DEPARTMENT. THREE OF THE MEMBERS SHALL REP-
13 RESENT ORV TRAIL USERS AND DEALERS. TWO OF THE MEMBERS SHALL
14 REPRESENT NATURAL RESOURCES, CONSERVATION, OR ENVIRONMENTAL
15 GROUPS. ONE MEMBER SHALL REPRESENT LAW ENFORCEMENT. AT LEAST
16 1 MEMBER SHALL BE FROM THE UPPER PENINSULA OF THIS STATE.
17 MEMBERS SHALL BE APPOINTED FOR TERMS OF 3 YEARS EXCEPT THAT OF
18 THE MEMBERS FIRST APPOINTED, 1 MEMBER FROM EACH GROUP AND THE
19 MEMBER REPRESENTING LAW ENFORCEMENT SHALL BE APPOINTED FOR 3
20 YEARS AND THE BALANCE OF THE MEMBERS SHALL BE APPOINTED FOR 2
21 YEARS. THE COMMITTEE SHALL MEET AT LEAST ONCE EACH YEAR.

22 SEC. 16C. EXCEPT AS OTHERWISE PROVIDED IN SECTION 16B, SEC-
23 TIONS 16, 16B, AND 16D SHALL NOT APPLY TO THE UPPER PENINSULA OF
24 THIS STATE.

25 SEC. 16D. (1) UNDER THE COMPREHENSIVE SYSTEM PREVIOUSLY
26 APPROVED AND IMPLEMENTED UNDER THIS SECTION, ALL STATE OWNED LAND
27 UNDER THE JURISDICTION OF THE DEPARTMENT SHALL BE CLOSED TO ORV

1 USE EXCEPT DESIGNATED ROUTES, DESIGNATED TRAILS, AND DESIGNATED
2 AREAS. THE COMMISSION SHALL APPROVE ANY SUBSEQUENT REVISIONS TO
3 THE SYSTEM AND SHALL ESTABLISH AN EFFECTIVE DATE FOR THE
4 REVISIONS. THE DEPARTMENT SHALL SUBMIT THE REVISIONS APPROVED BY
5 THE COMMISSION TO THE SECRETARY OF THE SENATE AND THE CLERK OF
6 THE HOUSE OF REPRESENTATIVES AT LEAST 20 SESSION DAYS BEFORE THE
7 EFFECTIVE DATE DETERMINED BY THE COMMISSION. IF BOTH STANDING
8 COMMITTEES OF THE HOUSE AND SENATE THAT CONSIDER NATURAL
9 RESOURCES MATTERS FAIL TO REJECT THE REVISIONS WITHIN THOSE 20
10 SESSION DAYS, THEY SHALL BE CONSIDERED APPROVED.

11 (2) IN DEVELOPING THE SYSTEM, THE DEPARTMENT SHALL CONSIDER
12 THE NEEDS OF HUNTERS, SENIOR CITIZENS, AND HANDICAPPERS.

13 Sec. 17. (1) Subject to subsections (2), (3), and (17), a
14 parent or legal guardian of a child less than 16 years of age
15 shall not permit the child to operate an ORV unless the child is
16 under the direct visual supervision of an adult and the child has
17 in his or her immediate possession an ORV safety certificate
18 issued pursuant to this act or a comparable ORV safety certifi-
19 cate issued under the authority of another state or a province of
20 Canada.

21 (2) A parent or legal guardian of a child less than 12 years
22 of age shall not permit the child to operate a 4-wheeled ATV,
23 unless the child is not less than 10 years of age and is on pri-
24 vate land owned by a parent or legal guardian of the child. This
25 subsection does not apply to the operation of an ATV used in
26 agricultural operations.

1 (3) A parent or legal guardian of a child less than 16 years
2 of age shall not permit the child to operate a 3-wheeled ATV.

3 (4) Subject to subsections (5), (6), and (17), the owner or
4 person in charge of an ORV shall not knowingly permit the vehicle
5 to be operated by a child less than 16 years of age unless the
6 child is under the direct visual supervision of an adult and the
7 child has in his or her immediate possession an ORV safety cer-
8 tificate issued pursuant to this act or a comparable ORV safety
9 certificate issued under the authority of another state or a
10 province of Canada.

11 (5) The owner or person in charge of a 4-wheeled ATV shall
12 not knowingly permit the vehicle to be operated by a child less
13 than 12 years of age, unless the child is not less than 10 years
14 of age and is on private land owned by a parent or legal guardian
15 of the child. This subsection does not apply to the operation of
16 an ATV used in agricultural operations.

17 (6) The owner or person in charge of a 3-wheeled ATV shall
18 not knowingly permit the vehicle to be operated by a child less
19 than 16 years of age.

20 (7) The owner or person in charge of an ORV shall not know-
21 ingly permit the vehicle to be operated by a person who is incom-
22 petent to operate the vehicle because of mental or physical dis-
23 ability except as provided in section 18.

24 (8) ~~The~~ NOT LATER THAN APRIL 1, 1995, THE department of
25 education shall implement a comprehensive ORV information, safety
26 education, and training program that shall include the
27 preparation and dissemination of information and safety advice to

1 the public and training of operators. The program shall provide
2 for the training of youthful operators and for the issuance of
3 ORV safety certificates to those who successfully complete the
4 training provided under the program AND MAY INCLUDE SEPARATE
5 INSTRUCTION FOR EACH TYPE OF ORV.

6 (9) In implementing a program that is established pursuant
7 to this section, the department of education shall cooperate with
8 private organizations and associations, private and public corpo-
9 rations, the department of natural resources, the department of
10 state, and local governmental units. The department of education
11 shall consult with ORV and environmental organizations and asso-
12 ciations in regard to the subject matter of a training program
13 and performance testing that leads to certification of ORV
14 operators.

15 (10) The department of education may designate a person it
16 considers qualified to provide course instruction and to award
17 ORV safety certificates.

18 (11) The department of education ~~shall~~ MAY promulgate
19 rules pursuant to the administrative procedures act of 1969, Act
20 No. 306 of the Public Acts of 1969, being sections 24.201 to
21 24.328 of the Michigan Compiled Laws, to implement subsections
22 (8) to (10).

23 (12) Subject to subsections (13), (14), and (17), a child
24 who is less than 16 years of age may operate an ORV if the child
25 is under the direct visual supervision of an adult and the child
26 has in his or her immediate possession an ORV safety certificate
27 issued pursuant to this section or a comparable ORV safety

1 certificate issued under the authority of another state or a
2 province of Canada.

3 (13) A child who is less than 12 years of age shall not
4 operate a 4-wheeled ATV, unless the child is not less than 10
5 years of age and is on private land owned by a parent or legal
6 guardian of the child. This subsection does not apply to the
7 operation of an ATV used in agricultural operations.

8 (14) A child who is less than 16 years of age shall not
9 operate a 3-wheeled ATV.

10 (15) When operating an ORV under subsection (12), a child
11 shall present the ORV safety certificate to a peace officer upon
12 demand.

13 (16) Notwithstanding any other provision of this section, an
14 operator who is under 12 years of age shall not cross a highway
15 or street. An operator who is not less than 12 years of age but
16 less than 16 years of age may cross a highway or street or oper-
17 ate on the right-of-way or shoulder of designated access routes
18 pursuant to section 18 if the operator has a valid ORV safety
19 certificate in his or her immediate possession and meets any
20 other requirements under this section for operation of the
21 vehicle.

22 (17) The requirement of possession or presentation of an ORV
23 safety certificate under this section shall not take effect until
24 ~~the expiration of 6 months following the date rules are promul-~~
25 ~~gated as required under subsection (11)~~ IMPLEMENTATION OF THE
26 PROGRAM FOR THE VEHICLE PROPOSED TO BE OPERATED REQUIRED BY
27 SUBSECTION (8). THE REQUIREMENT OF POSSESSION OR PRESENTATION OF

1 AN ORV SAFETY CERTIFICATE UNDER THIS SECTION FOR OPERATION OF A
2 2-WHEELED ORV SHALL NOT TAKE EFFECT UNTIL MARCH 1, 1996.

3 Sec. 20. A person shall not operate an ORV:

4 (a) At a rate of speed greater than is reasonable and
5 proper, or in a careless manner having due regard for conditions
6 then existing.

7 (b) Unless the person and any passenger in or on the vehicle
8 is wearing on his or her head a crash helmet and protective eye-
9 wear approved by the United States department of transportation.
10 This subdivision shall not apply if the vehicle is equipped with
11 a roof that meets or exceeds standards for a crash helmet and the
12 operator and each passenger is wearing a properly adjusted and
13 fastened safety belt.

14 (c) During the hours of 1/2 hour after sunset to 1/2 hour
15 before sunrise without displaying a lighted headlight and lighted
16 taillight.

17 (d) Unless equipped with a braking system that may be oper-
18 ated by hand or foot, capable of producing deceleration at 14
19 feet a second on level ground at a speed of 20 miles per hour; a
20 brake light, brighter than the taillight, visible when the brake
21 is activated to the rear of the vehicle when the vehicle is oper-
22 ated during the hours of 1/2 hour after sunset and 1/2 hour
23 before sunrise; and a throttle so designed that when the pressure
24 used to advance the throttle is removed, the engine speed will
25 immediately and automatically return to idle.

26 (e) In a state game area or state park or recreation area,
27 except on roads, trails, or areas designated for this purpose; on

1 state owned lands under the control of the department other than
2 game areas, state parks, or recreational areas where the opera-
3 tion would be in violation of rules promulgated by the commis-
4 sion; in a forest nursery or planting area; on public lands
5 posted or reasonably identifiable as an area of forest reproduc-
6 tion, and when growing stock may be damaged; in a dedicated natu-
7 ral area of the department; or in any area in such a manner as to
8 create an erosive condition, or to injure, damage, or destroy
9 trees or growing crops. However, the department may permit an
10 owner and guests of the owner to use an ORV within the boundaries
11 of a state forest in order to access the owner's property.

12 (f) On the frozen surface of public waters within 100 feet
13 of a person not in or upon a vehicle, or within 100 feet of a
14 fishing shanty or shelter or an area that is cleared of snow for
15 skating purposes, except at the minimum speed required to main-
16 tain controlled forward movement of the vehicle, or as may be
17 authorized by permit in special events.

18 (g) Unless the vehicle is equipped with a spark arrester
19 type United States forest service approved muffler, in good work-
20 ing order and in constant operation. Exhaust noise emission
21 shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured
22 after January 1, 1986, when the vehicle is under full throttle,
23 traveling in second gear, and measured 50 feet at right angles
24 from the vehicle path with a sound level meter which meets the
25 requirement of ANSI S1.4 1983, using procedure and ancillary
26 equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle
27 manufactured after January 1, 1986, or that level comparable to

1 the current sound level as provided for by the environmental
2 protection agency when tested according to the provisions of the
3 current SAE J1287, June 86 test procedure for exhaust levels of
4 stationary motorcycles, using sound level meters and ancillary
5 equipment therein described. A vehicle subject to this act, man-
6 ufactured or assembled after December 31, 1982 and used, sold, or
7 offered for sale in this state shall conform to the noise emis-
8 sion levels established by the environmental protection agency
9 under the noise control act of 1972, Public Law 92-574, 86
10 Stat. 1234, except in an officially authorized special event.

11 (h) Within 100 feet of a dwelling at a speed greater than
12 the minimum required to maintain controlled forward movement of
13 the vehicle, except on property owned or under the operator's
14 control or on which the operator is an invited guest, or on a
15 roadway, forest road, or forest trail maintained by or under the
16 jurisdiction of the department, or on an ORV access route as
17 authorized by local ordinance.

18 (i) In or upon the lands of another without the written con-
19 sent of the owner, owner's agent or lessee, when required by the
20 recreational trespass act, Act No. 323 of the Public Acts of
21 1976, as amended, being sections 317.171 to 317.181 of the
22 Michigan Compiled Laws. The operator of the vehicle is liable
23 for damage to private property, including, but not limited to,
24 damage to trees, shrubs, growing crops, or injury to living crea-
25 tures or damage caused through vehicle operation in a manner so
26 as to create erosive or other ecological damage to private
27 property. The owner of the private property may recover from the

1 person responsible nominal damages of not less than the amount of
2 damage or injury. Failure to post private property or fence or
3 otherwise enclose in a manner to exclude intruders or of the pri-
4 vate property owner or other authorized person to personally com-
5 municate against trespass shall not imply consent to ORV use.

6 (j) In an area on which public hunting is permitted during
7 the THE REGULAR NOVEMBER FIREARM DEER season ~~open to the taking~~
8 ~~of deer, elk, or bear,~~ from 7 a.m. to 11 a.m. and from 2 p.m. to
9 5 p.m., except during an emergency or for law enforcement pur-
10 poses, to go to and from a permanent residence or a hunting camp
11 otherwise inaccessible by a conventional wheeled vehicle, to
12 remove a deer, elk, or bear from public land which has been taken
13 pursuant to a valid license; or except for the conduct of neces-
14 sary work functions involving land and timber survey, communica-
15 tion and transmission line patrol, and timber harvest operations;
16 or on property owned or under control of the operator or on which
17 the operator is an invited guest. A hunter removing game pursu-
18 ant to this ~~subsection~~ SUBDIVISION shall be allowed to leave
19 the designated trail or forest road only to retrieve the game and
20 shall not exceed 5 miles per hour. A vehicle registered under
21 the Michigan vehicle code, Act No. 300 of the Public Acts of
22 1949, as amended, being sections 257.1 to 257.923 of the Michigan
23 Compiled Laws, is exempt from this subdivision while operating on
24 a public highway or public or private road capable of sustaining
25 automobile traffic. A person holding a valid permit to hunt from
26 a standing vehicle issued pursuant to section 14(1) of the
27 wildlife conservation act, Act No. 256 of the Public Acts of

1 1988, being section 300.264 of the Michigan Compiled Laws, or a
2 handicapper using an ORV to access public lands for purposes of
3 hunting or fishing through use of a designated trail or forest
4 road, is exempt from this subdivision.

5 (k) While transporting on the vehicle a bow unless unstrung
6 or encased, or a firearm unless unloaded and securely encased, or
7 equipped with and made inoperative by a manufactured keylocked
8 trigger housing mechanism.

9 (l) On or across a cemetery or burial ground, or land used
10 as an airport.

11 (m) Within 100 feet of a slide, ski, or skating area, unless
12 the vehicle is being used for the purpose of servicing the area.

13 (n) On an operating or nonabandoned railroad or railroad
14 right-of-way, or public utility right-of-way, other than for the
15 purpose of crossing at a clearly established site intended for
16 vehicular traffic, except railroad, public utility, or law
17 enforcement personnel while in performance of their duties, and
18 except if the right-of-way is designated as established in sec-
19 tion 16d.

20 (o) In or upon the waters of any stream, river, bog, wet-
21 land, swamp, marsh, or quagmire except over a bridge, culvert, or
22 similar structure.

23 (p) To hunt, pursue, worry, kill, or attempt to hunt,
24 pursue, worry, or kill a bird or animal, wild or domesticated.

25 (q) In a manner so as to leave behind litter or other
26 debris.

1 (r) In a manner contrary to operating regulations on public
2 lands.

3 (s) While transporting or possessing, in or on the vehicle,
4 alcoholic liquor in a container that is open or uncapped or upon
5 which the seal is broken, except under either of the following
6 circumstances:

7 (i) The container is in a trunk or compartment separate from
8 the passenger compartment of the vehicle.

9 (ii) If the vehicle does not have a trunk or compartment
10 separate from the passenger compartment, the container is encased
11 or enclosed.

12 (t) While transporting any passenger in or upon an ORV
13 unless the manufacturing standards for the vehicle make provi-
14 sions for transporting passengers.

15 (u) On adjacent private land, in an area zoned residential,
16 within 300 feet of a dwelling at a speed greater than the minimum
17 required to maintain controlled forward movement of the vehicle
18 except on a roadway, forest road, or forest trail maintained by
19 or under the jurisdiction of the department, or on an ORV access
20 route as authorized by local ordinance.