

Legislative Analysis



ALLOW PERSONS 60 & OLDER OR DISABLED TO OPERATE ATVs ON ALL TRAILS, ROUTES, & AREAS

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House Bill 4411

Sponsor: Rep. Joel Sheltroun

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 5-29-09

A SUMMARY OF HOUSE BILL 4411 AS INTRODUCED 2-24-09

Generally speaking, the bill would allow individuals who have a disability or who are 60 years of age or older to operate ATVs in places that are otherwise off limits to ATVs.

Specifically, the bill would amend Section 81133 of the Natural Resources and Environmental Protection Act (NREPA) to allow two categories of people to operate ATVs on nondesignated trails, routes, or areas "for pleasure or hunting or to access a designated trail, route, or area." The bill applies to:

- People who are at least 60 years old.
- People who have a disability within the meaning of Section 103 of the Persons with Disabilities Civil Rights Act (MCL 37.1103).

The bill would allow such individuals to operate ATVs in places that are otherwise off limits to ATVs. For instance, although Section 81133(e) of NREPA prohibits the operation of ATVs (and any other type of ORV) in the following areas, persons who are at least 60 years old or who have a disability would not be prohibited from operating ATVs in such places:

- State game areas, state parks, and state recreation areas where ORVs are prohibited except when used on roads, trails, or areas designated for ORV use.
- Other state-owned lands under the control of the Department of Natural Resources (DNR).
- Forest nurseries and planting areas.
- Public lands posted or reasonably identifiable as areas of forest reproduction when growing stock could be damaged.
- Dedicated natural areas of the DNR.
- Other areas if the ORV is operated in a manner that creates an erosive condition, or injures, damages, or destroys trees or growing crops.

Definition of disability. Under Section 103 of the Persons with Disabilities Civil Rights Act, a person with a disability is someone who has one or more disabilities. Disabilities are "determinable physical or mental characteristics of an individual, which may result from disease, injury, congenital condition of birth, or functional disorder," and include

being regarded as a person with a disability. Furthermore, an additional test must be met for a person to be considered a person with a disability depending on the applicable article of the law. For instance, under Article 2 relating to discrimination in public accommodations and services, the person's physical or mental characteristics must be unrelated to his or her ability to use and benefit from a place of public accommodation or a public service.

MCL 324.81133

FISCAL IMPACT:

This bill would have a fiscal impact if it were determined that habitat in an area purchased through hunting or fishing revenue might be adversely affected by ORV use. Such a finding could reduce the amount of federal revenue shared with the State of Michigan through the Pittman-Robertson Grant Program administered by the U.S. Department of Interior. There would be no fiscal impact on local governmental units.

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