

Legislative Analysis



ALLOW ORV ORDINANCES IN MORE COUNTIES

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House Bill 4507 (Substitute H-1)

Sponsor: Rep. John Espinoza

Committee: Tourism, Outdoor Recreation and Natural Resources

First Analysis (3-24-09)

BRIEF SUMMARY: Under Public Act 240 of 2008, 43 counties can adopt ordinances that allow off-road recreational vehicles (ORVs) to be driven on the far right of the maintained portions of streets and roads. The bill would extend PA 240 to four additional counties: Huron, Tuscola, Sanilac, and St. Clair.

FISCAL IMPACT: This bill would not have a fiscal impact on the state or on local governmental units.

THE APPARENT PROBLEM:

Public Act 240 of 2008 amended Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to allow eligible counties (and local governmental units within eligible counties) to pass ORV ordinances ***allowing off-road recreation vehicles (ORVs), a category which includes ATVs and many other vehicles, to be driven by children and adults on the far right of the maintained portion of streets and roads within the jurisdiction.*** Supporters of Public Act 240 said such legislation would benefit Michigan's tourism industry. Among other things, opponents of Public Act 240 were concerned about safety issues, environmental issues, costs of signage, insurance issues, increased liability exposure (especially for county road commissions), and whether the phrase "far right of the maintained portion" of streets and roads was overly vague.

Supporters of House Bill 4507 believe that ordinances authorized by Public Act 240 are working well so far and would like to expand the act to cover four additional counties: Huron, Tuscola, Sanilac, and St. Clair. These counties would like to be allowed to adopt ORV ordinances opening county roads to ORV travel, which they believe will be a boon to tourism.

THE CONTENT OF THE BILL:

House Bill 4507 would allow certain special ordinances for off-road recreation vehicles (ORVs) in four additional counties: Huron, Tuscola, Sanilac, and St. Clair. Currently such ordinances can be enacted in 43 northern counties.

Public Act 240 of 2008 amended Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to allow eligible counties (and local governmental units within eligible counties) to pass ORV ordinances allowing off-road

recreation vehicles (ORVs) to be driven on the far right of the maintained portion of streets and roads within the jurisdiction.

Public Act 240 applied to the counties of Mason, Lake, Osceola, Clare, Gladwin, Arenac, and Bay, and any county lying to the north of those counties (including all of the Upper Peninsula).

[In other words, Public Act 240 allowed ORV ordinances to be adopted within the following 43 counties: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Menominee, Missaukee, Montmorency, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.]

MCL 324.81131

BACKGROUND INFORMATION:

Definitions of ORV and ATV. Under Michigan law, an ORV is a motor driven "off-road" recreation vehicle capable of travel over natural terrain. The category includes all-terrain vehicles (ATVs) such as "quads," as well as hovercraft, and dirt bikes. The definition expressly excludes snowmobiles, farm equipment, military and law enforcement vehicles, and utility company vehicles from the ORV category. A few ORVs, such as large SUVs capable of off-road travel, are "street licensed" as motor vehicles; that is, they have a regular license plate and can be operated on regular roads and highways as well as off road in some locations. Most ORVs are not "street licensed," however, and can currently only be operated on private land or trails, public lands open to ORV travel, or streets and roads opened to ORV travel under Public Act 240 of 2008.

Specifically, MCL 324.81101(n) defines an ORV as:

"ORV" or "vehicle" means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

MCL 324.81101(a) defines an ATV as:

"ATV" means a 3- or 4-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 500cc gasoline engine or an engine of comparable size using other fuels.

ARGUMENTS:

For:

Allowing more counties to adopt ORV ordinances will help them boost their tourist appeal by giving people more reason to visit these areas, attracting ORV enthusiasts from Michigan and elsewhere.

Against:

All of the arguments made against House Bill 4323 of 2008, which was enacted into law as Public Act 240 of 2008, could be made against the proposed expansion of the law to additional counties. Among many other issues, the Consumer Product Safety Commission and the Specialty Vehicle Institute of America (the ATV manufacturers association) warn that ATVs should never be driven on paved roads.

POSITIONS:

A representative of the City of Sandusky testified in support of the bill. (3-17-09)

A representative of Elk Township, Sandusky County, testified in support of the bill. (3-17-09)

The Michigan Association of Counties indicated support of the bill. (3-17-09)

The Sandusky Chamber of Commerce sent a letter of support for the bill. (3-16-09)

A representative of the Sanilac County Tourism Council testified in support of the bill and the council submitted a memorandum of support. (3-17-09)

The Sanilac County Sheriff and Drain Commissioner testified in support of the bill. (3-17-09)

The Department of Natural Resources indicated neutrality on the bill. (3-17-09)

The County Road Association of Michigan indicated neutrality on the bill, but said that the issue of ORVs in the roadways needs to be addressed. (3-17-09)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.