



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 68 (as enacted)
Sponsor: Senator Goeff Hansen
Senate Committee: Outdoor Recreation and Tourism
House Committee: Natural Resources

PUBLIC ACT 249 of 2013

Date Completed: 1-26-15

CONTENT

The bill amended Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to do the following:

- **Delete a provision that limited the maximum width of a vehicle on a forest trail to 49 inches, and prohibit a person from operating an off-road recreation vehicle (ORV) wider than 50 inches on a forest trail.**
- **Refer to an all-terrain vehicle (ATV) with four or more wheels, rather than a four-wheeled ATV, in provisions regarding the operation of an ATV by a child under the age of 12.**

The bill took effect on December 26, 2013.

Forest Trail

The bill prohibits a person from operating an ORV on a forest trail if the ORV is greater than 50 inches in width. Previously, Part 811 defined "forest trail" as a designated path or way capable of travel only by a vehicle less than 50 inches wide. Under the bill, the term means a designated path or way that is not a route. "Route" means a forest road or other road that is designated for purposes of Part 811 by the Department of Natural Resources.

(Part 811 defines "vehicle" or "ORV" as a motor-driven ORV 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. The definition specifies that an all-terrain vehicle (ATV) is an ORV. Part 811 defines "ATV" as a vehicle with at least three wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.)

ATV Operation by a Child

Under Part 811, a person who is younger than 16 must complete an ORV safety education course before operating an ORV, and may not operate an ORV unless he or she is under the direct visual supervision of an adult and has an ORV safety certificate in his or her immediate possession. A child who is younger than 16 may not operate a three-wheeled ATV.

Under the bill, a child who is younger than 12 may operate an ATV with four or more wheels, but only if he or she is at least 10 years old and is on private land owned by his or her parent or legal guardian. If those conditions are not met, the parent or legal guardian, and an ORV owner or person in charge, may not permit the child to operate an ATV with four or more wheels unless it is used in agricultural operations. Previously, these provisions referred to a four-wheeled ATV rather than an ATV with four or more wheels.

Previously, the requirement to have immediate possession of an ORV safety certificate and the restrictions on the operation of a four-wheeled ATV by a child under the age of 12 did not apply if the child was participating in an organized ORV riding or racing event held on land not owned by the State; the child's parent or legal guardian had given written permission for the child to participate; and other requirements were met. The bill retains these provisions but refers to an ATV with four or more wheels.

MCL 324.81101 & et el.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have a positive fiscal impact on the Department of Natural Resources and no fiscal impact on local units of government. Under the bill, ORVs that are 50 inches or less in width are allowed to use forest trails. In 2013, the Legislature enacted new fees for the licensure of ORVs that separated the licensure of the ORV from a trail permit. Under the new license structure, ORV owners who wish to use their ORV on State-owned trails have to pay an additional \$10 for their ORV license. To the extent that increasing the maximum width of an ORV from 49 inches to 50 inches makes more ORVs eligible to use State trails and therefore increases demand for the more-expensive licenses, the DNR will receive some additional amount of revenue. The additional revenue will be credited to the Off-Road Vehicle Trail Improvement Fund and will be used for trail maintenance, law enforcement, ORV safety education, and ORV-related grants.

Fiscal Analyst: Josh Sefton

SAS\S1314\s68es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.