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BILL



ANALYSIS

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Senate Bill 68 (as introduced 1-24-13)
Sponsor: Senator Goeff Hansen
Committee: Outdoor Recreation and Tourism

Date Completed: 10-8-13

CONTENT

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

- **Revise the definition of "all-terrain vehicle" ("ATV") to establish a maximum width of 50 inches; and define an off-road recreational vehicle (ORV) with a width of 50 to 65 inches as a "recreational off-highway vehicle" (ROV).**
- **Provide that the term "ORV", which includes an ATV, also would include an ROV.**
- **Include a four-wheeled ROV in provisions regarding the operation of an ATV by a child under the age of 12.**

Definition of "ORV"

Part 811 defines "ORV" or "vehicle" as a motor-driven off-road recreation vehicle designed primarily for cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. Under the bill, this definition of "vehicle" would apply unless the context implied a different meaning.

The term "ORV" includes an ATV, which is a vehicle with three, four, or six wheels that is designed for off-road use, that has low-pressure tires and a seat designed to be straddled by the rider, and that is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels. The bill would refer to a vehicle with at least three wheels, and nonhighway tires rather than low-pressure tires. The bill also would set a maximum width of 50 inches and eliminate the reference to the vehicle's seat. In addition, the bill would include a vehicle that met those conditions and was powered by an electric motor of power comparable to the gasoline engine.

Under the bill, "ORV" or "vehicle" also would include an ROV. The term "ROV" would mean a vehicle with at least four wheels that is designed for off-road use, has nonhighway tires, is more than 50 inches but not more than 65 inches wide, and is powered by a 50cc to 1,000cc gasoline engine, an engine of comparable size using other fuels, or an electric motor of comparable power.

(Part 811 contains provisions regarding the operation of an ORV on a forest trail, which means a designated pathway or way capable of travel only by a vehicle less than 50 inches wide.)

Operation by 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.

A child who is younger than 12 may operate a four-wheeled ATV, 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 the ATV unless it is used in agricultural operations. Under the bill, these provisions also would apply to the operation of a four-wheeled ROV by a child younger than 12.

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 do not apply if the child is participating in an organized ORV riding or racing event held on land not owned by the State; the child's parent or legal guardian has given written permission for the child to participate; and other requirements are met. Under the bill, this exception also would apply to the operation of a four-wheeled ROV by a child under the age of 12.

MCL 324.81101 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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