

SENATE BILL No. 50

January 16, 2013, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 81101, 81115, 81122, 81129, 81131, and 81133
(MCL 324.81101, 324.81115, 324.81122, 324.81129, 324.81131, and
324.81133), section 81101 as amended by 2012 PA 246, sections 81115
and 81129 as amended by 2008 PA 240, section 81122 as added by 1995
PA 58, section 81131 as amended by 2011 PA 107, and section 81133
as amended by 2012 PA 340; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 81101. As used in this part:

(a) "ATV" means a ~~3, 4, or 6 wheeled~~ vehicle **WITH 3 OR MORE
WHEELS THAT IS** 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 1,000cc gasoline engine or an engine of

1 comparable size using other fuels.

2 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL
3 257.1 to 257.923.

4 (c) "Dealer" means a person engaged in the sale, lease, or
5 rental of an ORV as a regular business or, for purposes of selling
6 licenses under section 81116, any other person authorized by the
7 department to sell licenses or permits, or both, under this act.

8 (d) "Designated", unless the context implies otherwise, means
9 posted **BY THE DEPARTMENT, WITH APPROPRIATE SIGNS, AS** open for ORV
10 use. ~~with appropriate signs by the department.~~

11 **(E) "ELIGIBLE COUNTY" MEANS ANY OF THE FOLLOWING:**

12 (i) **OCEANA, NEWAYGO, MONTCALM, GRATIOT, SAGINAW, TUSCOLA, OR**
13 **SANILAC COUNTY OR A COUNTY LYING NORTH THEREOF, INCLUDING ALL OF**
14 **THE COUNTIES OF THE UPPER PENINSULA.**

15 (ii) **ST. CLAIR COUNTY.**

16 **(F)** ~~(e)~~ "Farm vehicle" means either of the following:

17 (i) An implement of husbandry as ~~that term is~~ defined in
18 section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

19 (ii) A vehicle used in connection with a farm operation as ~~that~~
20 ~~term is~~ defined in section 2 of the Michigan right to farm act,
21 1981 PA 93, MCL 286.472.

22 **(G)** ~~(f)~~ "Forest road" means a hard surfaced road, gravel or
23 dirt road, or other route capable of travel by a 2-wheel drive, 4-
24 wheel conventional vehicle designed for highway use, ~~except~~ **BUT**
25 **DOES NOT INCLUDE** an interstate, state, or county highway.

26 **(H)** ~~(g)~~ "Forest trail" means a designated path or way capable
27 of travel only by a vehicle less than 50 inches in width.

1 (I) ~~(h)~~—"Highway" means the entire width between the boundary
 2 lines of a way publicly maintained when any part of the way is open
 3 to the use of the public for purposes of vehicular travel.

4 (J) ~~(i)~~—"Highly restricted personal information" means an
 5 individual's photograph or image, social security number, digitized
 6 signature, and medical and disability information.

7 (K) ~~(j)~~—"Late model ORV" means an ORV manufactured in the
 8 current model year or the 5 model years immediately preceding the
 9 current model year.

10 (L) **"LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, TOWNSHIP, OR**
 11 **MUNICIPALITY.**

12 (M) ~~(k)~~—"Manufacturer" means a person, partnership,
 13 corporation, or association engaged in the production and
 14 manufacture of ORVs as a regular business.

15 (N) **"MUNICIPALITY" MEANS A CITY OR VILLAGE.**

16 (O) ~~(l)~~—"Off-road vehicle account" means the off-road vehicle
 17 account of the Michigan conservation and recreation legacy fund
 18 established in section 2015.

19 (P) ~~(m)~~—"Operate" means to ride in or on, and be in actual
 20 physical control of, the operation of an ORV.

21 (Q) ~~(n)~~—"Operator" means ~~a person~~ **AN INDIVIDUAL** who operates
 22 or is in actual physical control of the operation of an ORV.

23 (R) ~~(o)~~—"ORV" or, **UNLESS THE CONTEXT IMPLIES A DIFFERENT**
 24 **MEANING,** "vehicle" means a motor-driven off-road recreation vehicle
 25 capable of cross-country travel without benefit of a road or trail,
 26 on or immediately over land, snow, ice, marsh, swampland, or other
 27 natural terrain. ~~ORV or vehicle includes, but is not limited to, a~~

1 A multitrack or multiwheel drive vehicle, ~~an ATV, a motorcycle or~~
 2 related 2-wheel **VEHICLE**, ~~A 3-wheel, 4-wheel, or 6-wheel vehicle~~
 3 **WITH 3 OR MORE WHEELS**, an amphibious machine, a ground effect air
 4 cushion vehicle, or other means of transportation ~~deriving motive~~
 5 ~~power from a source other than muscle or wind.~~ **MAY BE AN ORV. AN**
 6 **ATV IS AN ORV.** ORV or vehicle does not include a registered
 7 snowmobile, a farm vehicle being used for farming, a vehicle used
 8 for military, fire, emergency, or law enforcement purposes, a
 9 vehicle owned and operated by a utility company or an oil or gas
 10 company when performing maintenance on its facilities or on
 11 property over which it has an easement, a construction or logging
 12 vehicle used in performance of its common function, or a registered
 13 aircraft.

14 (S) ~~(p)~~ "Owner" means any of the following:

15 (i) A vendee or lessee of an ORV that is the subject of an
 16 agreement for the conditional sale or lease of the ORV, with the
 17 right of purchase upon performance of the conditions stated in the
 18 agreement, and with an immediate right of possession vested in the
 19 conditional vendee or lessee.

20 (ii) A person renting an ORV, or having the exclusive use of an
 21 ORV, for more than 30 days.

22 (iii) A person who holds legal ownership of an ORV.

23 (T) ~~(q)~~ "Person with a disability" means ~~a person~~ **AN**
 24 **INDIVIDUAL** who has 1 or more of the following physical
 25 characteristics:

26 (i) Blindness.

27 (ii) Inability, **DURING SOME TIME OF THE YEAR**, to ambulate more

1 than 200 feet without having to stop and rest. ~~during any time of~~
2 ~~the year.~~

3 (iii) Loss of use of 1 or both legs or feet.

4 (iv) Inability to ambulate without the prolonged use of a
5 wheelchair, walker, crutches, braces, or other device required to
6 aid mobility.

7 (v) A lung disease from which the ~~person's~~ **INDIVIDUAL'S**
8 expiratory volume for 1 second, when measured by spirometry, is
9 less than 1 liter, or from which the ~~person's~~ **INDIVIDUAL'S** arterial
10 oxygen tension is less than 60 mm/hg of room air at rest.

11 (vi) A cardiovascular disease ~~from which the person measures~~
12 **THAT CAUSES THE INDIVIDUAL TO MEASURE** between 3 and 4 on the New
13 York heart classification scale, or ~~from which~~ **THAT RESULTS IN** a
14 marked limitation of physical activity ~~causes~~ **BY CAUSING** fatigue,
15 palpitation, dyspnea, or anginal pain.

16 (vii) Other diagnosed disease or disorder including, but not
17 limited to, severe arthritis or a neurological or orthopedic
18 impairment that creates a severe mobility limitation.

19 (U) ~~(r)~~ "Personal information" means information that
20 identifies an individual, including an individual's driver
21 identification number, name, address not including zip code, and
22 telephone number, but does not include information on ORV operation
23 or equipment-related violations or civil infractions, operator or
24 vehicle registration status, accidents, or other behaviorally-
25 related information.

26 (V) ~~(s)~~ "Public agency" means the department or a local or
27 federal unit of government.

1 (W) "ROAD" MEANS A COUNTY PRIMARY ROAD OR COUNTY LOCAL ROAD AS
2 DESCRIBED IN SECTION 5 OF 1951 PA 51, MCL 247.655.

3 (X) ~~(t)~~ "Roadway" means that portion of a highway improved,
4 designated, or ordinarily used for vehicular travel. If a highway
5 includes 2 or more separate roadways, the term roadway refers to a
6 roadway separately, but not to all roadways collectively.

7 (Y) ~~(u)~~ "Route" means a forest road or other road that is
8 designated for purposes of this part by the department.

9 (Z) ~~(v)~~ "Safety chief instructor" means ~~a person~~ **AN INDIVIDUAL**
10 who has been certified by a nationally recognized ~~ATV and~~ ORV
11 organization to certify instructors and to do on-sight evaluations
12 of instructors.

13 (AA) "STREET" MEANS A CITY OR VILLAGE MAJOR STREET OR CITY OR
14 VILLAGE LOCAL STREET AS DESCRIBED IN SECTION 9 OF 1951 PA 51, MCL
15 247.659.

16 (BB) ~~(w)~~ "Visual supervision" means the direct observation of
17 the operator with the unaided or normally corrected eye, where the
18 observer is able to come to the immediate aid of the operator.

19 Sec. 81115. (1) **A-SUBJECT TO SUBSECTION (2),** A person shall
20 not operate an ORV under any of the following conditions unless the
21 ORV is licensed with the department or a dealer as provided under
22 this part:

23 (a) Except as otherwise provided by law, on or over land,
24 snow, ice, or other natural terrain.

25 (b) Except as otherwise provided in this part, on a forest
26 trail or in a designated area.

27 (c) ~~Except as otherwise provided in section 81102, on~~ **ON** the

1 maintained portion of a ~~road or street~~. HIGHWAY, AS AUTHORIZED UNDER
2 SECTION 81122 OR 81131.

3 (2) ~~Licensure~~ AN ORV is not required ~~for an~~ TO BE LICENSED
4 UNDER THIS PART UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

5 (A) THE ORV IS used exclusively in a safety and training
6 program as required in section 81129.

7 (B) THE ORV IS REGISTERED UNDER THE CODE OR IS A VEHICLE
8 REGISTERED UNDER PART 801, UNLESS THE VEHICLE IS OPERATED AS AN
9 ORV OFF HIGHWAYS.

10 (C) THE ORV IS OPERATED SOLELY ON PRIVATE PROPERTY BY THE
11 OWNER OF THE PROPERTY, A FAMILY MEMBER OF THE OWNER, OR AN
12 INVITED GUEST OF THE OWNER.

13 (D) THE ORV IS LICENSED IN ANOTHER STATE AND IS ONLY
14 OPERATED IN THIS STATE IN GOGEBIC, IRON, DICKINSON, AND
15 MENOMINEE COUNTIES SOUTH OF U.S. ROUTE 2.

16 (E) THE ORV IS BEING OPERATED ON A FREE ORV-RIDING DAY. THE
17 DEPARTMENT SHALL DESIGNATE 1 SATURDAY AND THE FOLLOWING SUNDAY EACH
18 YEAR AS FREE ORV-RIDING DAYS. IN ADDITION, THE DEPARTMENT MAY
19 DESIGNATE 1 OTHER DAY OR 2 OTHER CONSECUTIVE DAYS EACH YEAR AS FREE
20 ORV-RIDING DAYS. THE FREE ORV-RIDING DAYS SHALL CORRESPOND TO FREE
21 FISHING DAYS TO THE EXTENT THAT FREE FISHING DAYS ARE DESIGNATED
22 UNDER SECTION 43534. A PERSON OPERATING AN UNLICENSED ORV DURING A
23 FREE ORV-RIDING DAY HAS THE SAME PRIVILEGES AND IS SUBJECT TO THE
24 SAME RULES AND REGULATIONS AS A PERSON OPERATING AN ORV LICENSED AS
25 REQUIRED UNDER SUBSECTION (1).

26 (F) IF AND TO THE EXTENT THE DEPARTMENT WAIVES THE REQUIREMENT
27 FOR DEPARTMENT-SPONSORED EVENTS OR OTHER CIRCUMSTANCES AS

1 DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

2 Sec. 81122. (1) A person shall not operate an ORV that is not
3 registered under the code upon a ~~public highway, street, or right~~
4 ~~of way of a public highway or street~~, except as provided in section
5 81131 or under the following conditions and circumstances:

6 (a) The operator of a vehicle may cross a ~~public highway~~,
7 other than a limited access highway, at right angles, for the
8 purpose of getting from 1 area to another, if the operation can be
9 done in safety. The operator shall bring the vehicle to a complete
10 stop before proceeding across a ~~public highway~~, and shall yield the
11 right-of-way to oncoming traffic.

12 (b) A vehicle may be operated on a street or **OTHER** highway for
13 a special event of limited duration and conducted according to a
14 prearranged schedule only under permit from the governmental unit
15 having jurisdiction. ~~A-SUBJECT TO SUBSECTION (2), A~~ special event
16 involving ORVs may be conducted on the frozen surface of public
17 waters only under permit from the department.

18 (C) **AN ORV MAY BE OPERATED ON THE ROADWAY OR SHOULDER WHEN**
19 **NECESSARY TO CROSS A CULVERT OR BRIDGE OTHER THAN THE MACKINAC**
20 **BRIDGE IF THE ORV IS BROUGHT TO A COMPLETE STOP BEFORE ENTERING**
21 **ONTO THE ROADWAY OR SHOULDER AND THE DRIVER YIELDS THE RIGHT-OF-WAY**
22 **TO AN APPROACHING VEHICLE ON THE HIGHWAY.**

23 (D) ~~(e)~~A farmer, employee of a farmer, or family member of a
24 farmer who is at least 16 years of age may operate an ORV on the
25 extreme right side of a roadway or highway right-of-way when it is
26 not practicable to operate off that roadway or highway right-of-
27 way. Such operation shall be limited to traveling to or from the

1 farmer's residence or work location or field during the course of
2 farming operations. An ORV shall not be operated pursuant to this
3 subdivision during the period of 30 minutes before sunset to 30
4 minutes after sunrise, when visibility is substantially reduced due
5 to weather conditions, or in a manner so as to interfere with
6 traffic. The state transportation department and all of its
7 employees are immune from tort liability for injury or damages
8 sustained by any person arising in any way by reason of the
9 operation or use of an ORV for the limited purposes allowed under
10 this subdivision. An operator of an ORV under this subdivision
11 shall have attached to the ORV a flag made of reflective material.
12 The flag shall extend not less than 8 feet from the surface of the
13 ~~roadway~~**HIGHWAY** and not less than 4 feet above the top of the ORV.
14 The flag shall be not less than 12 inches high by 18 inches long
15 and not measure less than 100 square inches.

16 (2) THE DEPARTMENT SHALL NOT REQUIRE A PERMIT UNDER THIS PART
17 OR RULES PROMULGATED UNDER SECTION 504 FOR AN ORV EVENT ON THE
18 FROZEN SURFACE OF PUBLIC WATERS OR ON STATE-OWNED LANDS IF THE
19 NUMBER OF ORVS INVOLVED IS NOT MORE THAN 75 UNLESS THE EVENT
20 CONFLICTS WITH RULES THAT ARE NOT SPECIFICALLY RELATED TO ORV
21 EVENTS. THE DEPARTMENT MAY REQUIRE THE ORGANIZER OF SUCH AN EVENT
22 TO GIVE THE DEPARTMENT SUFFICIENT ADVANCE NOTICE TO ALLOW THE
23 DEPARTMENT TO COORDINATE THE EVENT WITH OTHER ORV-RIDING ACTIVITY
24 TO MINIMIZE CONFLICTS.

25 (3) ~~(2)~~—In a court action in this state where competent
26 evidence demonstrates that a vehicle that is permitted to operate
27 on a highway pursuant to the code is in a collision with an ORV on

1 a roadway, the operator of the ORV involved in the collision shall
2 be considered prima facie negligent.

3 Sec. 81129. (1) Subject to subsections (2), (3), **AND** (17), ~~and~~
4 ~~(18)~~, a parent or legal guardian of a child less than 16 years of
5 age shall not permit the child to operate an ORV unless the child
6 is under the direct visual supervision of an adult and the child
7 has in his or her immediate possession an ORV safety certificate
8 issued pursuant to this part or a comparable ORV safety certificate
9 issued under the authority of another state or a province of
10 Canada.

11 (2) Subject to subsection ~~(18)~~, **(17)**, a parent or legal
12 guardian of a child less than 12 years of age shall not permit the
13 child to operate a 4-wheeled ATV, unless the child is not less than
14 10 years of age and is on private land owned by a parent or legal
15 guardian of the child. This subsection does not apply to the
16 operation of an ATV used in agricultural operations.

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

19 (4) Subject to subsections (5), (6), **AND** (17), ~~and (18)~~, the
20 owner or person in charge of an ORV shall not knowingly permit the
21 vehicle to be operated by a child less than 16 years of age unless
22 the child is under the direct visual supervision of an adult and
23 the child has in his or her immediate possession an ORV safety
24 certificate issued pursuant to this part or a comparable ORV safety
25 certificate issued under the authority of another state or a
26 province of Canada.

27 (5) Subject to subsection ~~(18)~~, **(17)**, the owner or person in

1 charge of a 4-wheeled ATV shall not knowingly permit the vehicle to
2 be operated by a child less than 12 years of age, unless the child
3 is not less than 10 years of age and is on private land owned by a
4 parent or legal guardian of the child. This subsection does not
5 apply to the operation of an ATV used in agricultural operations.

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

9 (7) The owner or person in charge of an ORV shall not
10 knowingly permit the vehicle to be operated by a person who is
11 incompetent to operate the vehicle because of mental or physical
12 disability. ~~except as provided in section 8-1131.~~

13 (8) The department shall implement a comprehensive ORV
14 ~~information, safety education, and training program that shall~~
15 ~~include~~ **PROGRAM FOR** the training of ORV operators and the
16 preparation and dissemination of ORV information and safety advice
17 to the public. The program shall provide for the training of
18 youthful operators and for the issuance of ORV safety certificates
19 to those who successfully complete the training ~~provided under the~~
20 ~~program~~ and may include separate instruction for each type of ORV.

21 (9) In implementing a program under subsection (8), the
22 department shall cooperate with private organizations and
23 associations, private and public corporations, the department of
24 education, the department of state, and local governmental units.
25 The department shall consult with ORV and environmental
26 organizations and associations in regard to the subject matter of a
27 training program and performance testing that leads to

1 certification of ORV operators.

2 (10) The department may designate a person it considers
3 qualified to provide course instruction and to award ORV safety
4 certificates.

5 (11) The department may promulgate rules to implement
6 subsections (8) to (10) and ~~(18)~~ **(17)**.

7 (12) Subject to subsections (13), (14), **AND** (17), ~~and (18)~~, a
8 child who is less than 16 years of age shall not operate an ORV
9 unless the child is under the direct visual supervision of an adult
10 and the child has in his or her immediate possession an ORV safety
11 certificate issued pursuant to this section or a comparable ORV
12 safety certificate issued under the authority of another state or a
13 province of Canada.

14 (13) Subject to subsection ~~(18)~~ **(17)**, a child who is less
15 than 12 years of age shall not operate a 4-wheeled ATV, unless the
16 child is not less than 10 years of age and is on private land owned
17 by a parent or legal guardian of the child. This subsection does
18 not apply to the operation of an ATV used in agricultural
19 operations.

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

22 (15) Subject to subsection ~~(18)~~ **(17)**, when operating an ORV,
23 a child who is less than 16 years of age shall present the ORV
24 safety certificate to a peace officer upon demand.

25 (16) Notwithstanding any other provision of this section, an
26 operator who is less than 12 years of age shall not cross a
27 highway. ~~or street.~~ An operator who is not less than 12 years of

1 age but less than 16 years of age may cross a highway ~~or street or~~
2 operate on the right-of-way or shoulder of ~~roads and streets~~
3 **HIGHWAYS** on which ORV use is authorized pursuant to section
4 81131(2), (3), ~~or (5), (6), OR (7)~~ if the operator has a valid ORV
5 safety certificate in his or her immediate possession and meets any
6 other requirements under this section for operation of the vehicle.

7 ~~—— (17) The requirement of possession or presentation of an ORV~~
8 ~~safety certificate under this section does not apply until~~
9 ~~implementation of the program for the vehicle proposed to be~~
10 ~~operated required by subsection (8).~~

11 (17) ~~(18)~~ The requirement that a child possess an ORV safety
12 certificate to operate an ORV, and the requirement that a child who
13 is less than 12 years of age not operate a 4-wheeled ATV unless the
14 child is not less than 10 years of age and is on private land owned
15 by a parent or legal guardian of the child, do not apply if all of
16 the following requirements are met:

17 (a) The child is participating in an organized ORV riding or
18 racing event held on land not owned by this state.

19 (b) The child's parent or legal guardian has provided the
20 event organizer with written permission for the child to
21 participate in the event.

22 (c) The event organizer has not less than \$500,000.00
23 liability insurance coverage for the event.

24 (d) A physician or physician's assistant licensed or otherwise
25 authorized under part 170 or 175 of the public health code, 1978 PA
26 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556, or a
27 paramedic or emergency medical technician licensed under part 209

1 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979,
2 is present at the site of the event or available on call.

3 (e) The event is at all times under the direct visual
4 supervision of adult staff of the event organizer and a staff
5 member serves as a flagger to warn ORV riders if another ORV rider
6 is injured or an ORV is inoperable in the ORV operating area.

7 (f) Fencing or another means of crowd control is used to keep
8 spectators out of the ORV operating area.

9 (g) If the event is on a closed course, dust is controlled in
10 the ORV operating area and the riding surface in the ORV operating
11 area is otherwise properly prepared.

12 (h) Three-wheeled ATVs are not used by participants.

13 (i) Any ATVs used by participants are equipped with a side
14 step bar or comparable safety equipment and with a tether kill
15 switch, and the tether is used by all participants.

16 (j) Each participant in the event wears a crash helmet
17 approved by the United States department of transportation, a
18 protective long-sleeved shirt or jacket, long pants, boots, and
19 protective gloves.

20 (k) Any other applicable requirements of this part or rules
21 promulgated under this part are met.

22 **(18)** ~~(19)~~ If a child less than 16 years of age participates
23 and is injured in an organized ORV riding or racing event, the
24 organizer of the event shall, within 30 days after the event,
25 submit to the department a report on a form developed by the
26 department. The report shall include all of the following, as
27 applicable:

1 (a) Whether any participant less than 16 years of age was
2 killed or suffered an injury resulting in transportation to a
3 hospital as a result of an ORV accident at the event.

4 (b) The age of the child.

5 (c) Whether the child had been issued an ORV safety
6 certificate under this part or a comparable ORV safety certificate
7 issued under the authority of another state or a province of
8 Canada.

9 (d) The type of ORV operated.

10 (e) A description of the accident and injury.

11 **(19)** ~~(20)~~ By December 31 of each year, the department shall
12 submit to the legislature a report that summarizes reports received
13 under subsection ~~(19)~~ **(18)** during the preceding calendar year. In
14 the report, the department may recommend amendments to this part to
15 improve the safety of children less than 16 years of age
16 participating in organized ORV riding or racing events.

17 **(20)** ~~(21)~~ The requirements of this section are in addition to
18 any applicable requirements of section ~~81131(9)~~ **81131(13)**.

19 Sec. 81131. (1) A municipality may pass an ordinance allowing
20 a permanently disabled person to operate an ORV in that
21 municipality.

22 (2) Subject to subsection (4), the county board of
23 commissioners of an eligible county may adopt an ordinance
24 authorizing the operation of ORVs on the maintained portion of 1 or
25 more roads located within the county. Not less than 45 days before
26 a public hearing on the ordinance, the county clerk shall send
27 notice of the public hearing, by certified mail, to the county road

1 commission and, if state forestland is located within the county,
2 to the department.

3 (3) Subject to subsection (4), the township board of a
4 township located in an eligible county may adopt an ordinance
5 authorizing the operation of ORVs on the maintained portion of 1 or
6 more roads located within the township. Not less than 28 days
7 before a public hearing on the ordinance, the township clerk shall
8 send notice of the public hearing, by certified mail, to the county
9 road commission and, if state forestland is located within the
10 township, to the department. This subsection does not apply to a
11 township until 1 year after the effective date of the amendatory
12 act that first defined eligible county so as to include the county
13 in which that township is located.

14 (4) The board of county road commissioners may close a road to
15 the operation of ORVs ~~under OTHERWISE AUTHORIZED PURSUANT TO~~
16 subsection (2) or (3) to protect the environment or if the
17 operation of ORVs ~~under subsection (2) or (3)~~ poses a particular
18 and demonstrable threat to public safety. A county road commission
19 shall not under this subsection close more than 30% of the linear
20 miles of roads located within ~~the county~~ **A TOWNSHIP** to the
21 operation of ORVs ~~under OTHERWISE AUTHORIZED PURSUANT TO~~ subsection
22 (2) or (3), **RESPECTIVELY**. The township board of a township located
23 in an eligible county may adopt an ordinance to close a road to the
24 operation of ORVs ~~under OTHERWISE AUTHORIZED PURSUANT TO~~ subsection
25 (2).

26 (5) The legislative body of a municipality located in an
27 eligible county may adopt an ordinance authorizing the operation of

1 ORVs on the maintained portion of 1 or more streets within the
2 municipality.

3 (6) SUBJECT TO SUBSECTION (8), BY MAY 1, 2014, THE STATE
4 TRANSPORTATION DEPARTMENT SHALL AUTHORIZE THE OPERATION OF ORVS ON
5 THE MAINTAINED PORTION OF A STATE TRUNK LINE HIGHWAY, OTHER THAN AN
6 INTERSTATE HIGHWAY, ON ALL OR PART OF AT LEAST 10 STATE TRUNK LINE
7 HIGHWAYS IN THE UPPER PENINSULA AND AT LEAST 5 STATE TRUNK LINE
8 HIGHWAYS IN ELIGIBLE COUNTIES IN THE LOWER PENINSULA. BEFORE
9 DESIGNATING THE STATE TRUNK LINE HIGHWAYS IN THE UPPER PENINSULA OR
10 LOWER PENINSULA, THE STATE TRANSPORTATION DEPARTMENT SHALL SOLICIT
11 AND CONSIDER COMMENTS FROM ORV USER GROUPS IN THE UPPER PENINSULA
12 OR LOWER PENINSULA, RESPECTIVELY.

13 (7) SUBJECT TO SUBSECTIONS (8) OR (9), THE COUNTY BOARD OF
14 COMMISSIONERS OF AN ELIGIBLE COUNTY MAY ADOPT AN ORDINANCE
15 AUTHORIZING THE OPERATION OF ORVS ON THE MAINTAINED PORTION OF 1 OR
16 MORE STATE TRUNK LINE HIGHWAYS, OTHER THAN INTERSTATE HIGHWAYS,
17 LOCATED WITHIN THE COUNTY. NOT LESS THAN 45 DAYS BEFORE THE COUNTY
18 BOARD OF COMMISSIONERS HOLDS A PUBLIC HEARING ON THE ORDINANCE BUT
19 AFTER DECEMBER 31, 2014, THE COUNTY CLERK SHALL SEND NOTICE OF THE
20 PUBLIC HEARING, BY CERTIFIED MAIL, TO THE STATE TRANSPORTATION
21 DEPARTMENT, THE DEPARTMENT OF STATE POLICE, AND, IF STATE
22 FORESTLAND IS LOCATED WITHIN THE COUNTY, TO THE DEPARTMENT. THE
23 NOTICES TO THE STATE TRANSPORTATION DEPARTMENT AND DEPARTMENT OF
24 STATE POLICE SHALL SOLICIT THEIR COMMENTS ON ENVIRONMENTAL AND
25 PUBLIC SAFETY ISSUES RELATED TO THE PROPOSED ORDINANCE AND INDICATE
26 THAT, TO BE ASSURED OF CONSIDERATION, THE COMMENTS MUST BE RECEIVED
27 NOT MORE THAN 30 DAYS AFTER THE NOTICE WAS SENT. THE COUNTY BOARD

1 OF COMMISSIONERS SHALL CONSIDER COMMENTS TIMELY RECEIVED FROM THE
2 STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF STATE POLICE.
3 THE COUNTY BOARD OF COMMISSIONERS SHALL WORK WITH LOCAL ORV GROUPS
4 TO ADDRESS CONCERNS RAISED IN THOSE COMMENTS.

5 (8) THE STATE TRANSPORTATION DEPARTMENT OR A COUNTY BOARD OF
6 COMMISSIONERS SHALL AUTHORIZE OPERATION OF AN ORV UNDER SUBSECTION
7 (6) OR (7), RESPECTIVELY, ONLY ON A STRETCH OF STATE TRUNK LINE
8 HIGHWAY THAT MEETS 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

9 (A) SERVES AS A CONNECTOR BETWEEN ORV AREAS, ROUTES, OR TRAILS
10 DESIGNATED BY THE DEPARTMENT OR AN ORV USER GROUP.

11 (B) PROVIDES ACCESS TO TOURIST ATTRACTIONS, FOOD SERVICE
12 ESTABLISHMENTS, FUEL, OR OTHER SERVICES.

13 (C) SERVES AS A CONNECTOR BETWEEN 2 SEGMENTS OF THE SAME ROAD
14 THAT RUN ALONG DISCONTINUOUS TOWN LINES.

15 (D) INCLUDES A BRIDGE THAT ALLOWS AN ORV TO CROSS A STREAM,
16 WETLAND, OR GULLY THAT IS NOT CROSSED BY A ROAD OR STREET ON WHICH
17 ORVS ARE AUTHORIZED TO OPERATE UNDER SUBSECTION (2), (3), OR (5).

18 (9) THE STATE TRANSPORTATION DEPARTMENT MAY CLOSE A STATE
19 TRUNK LINE HIGHWAY TO THE OPERATION OF ORVS OTHERWISE AUTHORIZED
20 PURSUANT TO SUBSECTION (7) BY WRITTEN NOTICE TO THE COUNTY CLERK
21 AND THE SENATE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL
22 RESOURCES, RECREATION, AND TRANSPORTATION. THE NOTICE SHALL BE IN
23 WRITING AND SENT BY FIRST-CLASS UNITED STATES MAIL OR PERSONALLY
24 DELIVERED NOT MORE THAN 30 DAYS AFTER THE ADOPTION OF THE
25 ORDINANCE. THE NOTICE SHALL SET FORTH SPECIFIC REASONS FOR THE
26 CLOSURE.

27 (10) ~~(6)~~—Subject to subsection (4), if a local unit of

1 government adopts an ordinance pursuant to subsection (2), (3), ~~or~~
 2 (5), **OR (7) OR THE STATE TRANSPORTATION DEPARTMENT DESIGNATES A**
 3 **STATE TRUNK LINE HIGHWAY UNDER SUBSECTION (6)**, a person may operate
 4 an ORV with the flow of traffic on the far right of the maintained
 5 portion of the road, ~~or-street~~, **OR STATE TRUNK LINE HIGHWAY** covered
 6 by the ordinance **OR DESIGNATION**. A person shall not operate an ORV
 7 **AS AUTHORIZED** pursuant to subsection (2), (3), ~~or~~(5), (6), **OR (7)**
 8 at a speed greater than 25 miles per hour or a lower posted ORV
 9 speed limit or in a manner that interferes with traffic on the
 10 road, ~~or-street~~, **OR STATE TRUNK LINE HIGHWAY**.

11 (11) ~~(7)~~—Unless the person possesses a license as defined in
 12 section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a
 13 person shall not operate an ORV **AS AUTHORIZED** pursuant to
 14 subsection (2), (3), ~~or~~(5), (6), **OR (7)** if the ORV is registered
 15 as a motor vehicle under chapter II of the Michigan vehicle code,
 16 1949 PA 300, MCL 257.201 to 257.259, and either is more than ~~60~~65
 17 inches wide or has 3 wheels. ORVs operated **AS AUTHORIZED** pursuant
 18 to subsection (2), (3), ~~or~~(5), (6), **OR (7)** shall travel single
 19 file, except that an ORV may travel abreast of another ORV when it
 20 is overtaking and passing, or being overtaken and passed by,
 21 another ORV.

22 (12) ~~(8)~~—A person shall not operate an ORV **AS AUTHORIZED**
 23 pursuant to this section without displaying a lighted headlight and
 24 lighted taillight.

25 (13) ~~(9)~~—A person under 18 years of age shall not operate an
 26 ORV **AS AUTHORIZED** pursuant to this section unless the person is in
 27 possession of a valid driver license or under the direct

1 supervision of a parent or guardian and the person has in his or
 2 her immediate possession an ORV safety certificate issued pursuant
 3 to this part or a comparable ORV safety certificate issued under
 4 the authority of another state or a province of Canada. A person
 5 under 12 years of age shall not operate an ORV **AS AUTHORIZED**
 6 pursuant to this section. The requirements of this subsection are
 7 in addition to any applicable requirements of section 81129.

8 (14) ~~(10)~~ A township that has authorized the operation of ORVs
 9 on a road under subsection (3) **OR A COUNTY THAT HAS AUTHORIZED THE**
 10 **OPERATION OF ORVS ON A STATE TRUNK LINE HIGHWAY UNDER SUBSECTION**
 11 **(7)** does not have a duty to maintain the road **OR STATE TRUNK LINE**
 12 **HIGHWAY** in a condition reasonably safe and convenient for the
 13 operation of ORVs. ~~A-THIS STATE, A~~ board of county road
 14 commissioners, a county board of commissioners, or a municipality
 15 does not have a duty to maintain a **STATE TRUNK LINE HIGHWAY**, road,
 16 or street under its jurisdiction in a condition reasonably safe and
 17 convenient for the operation of ORVs, except the following ORVs:

18 (a) ORVs registered as motor vehicles as provided in the code.

19 (b) ORVs permitted by an ordinance as provided in subsection

20 (1) .

21 (15) ~~(11) Beginning October 19, 1993, THIS STATE,~~ a board of
 22 county road commissioners, a county board of commissioners, ~~and a~~
 23 county, ~~are, and, beginning on April 25, 1995, a municipality is,~~
 24 **ARE** immune from tort liability for injuries or damages sustained by
 25 any person arising in any way out of the operation or use of an ORV
 26 on maintained or unmaintained **STATE TRUNK LINE HIGHWAYS**, roads,
 27 streets, shoulders, and rights-of-way over which **THIS STATE**, the

board of county road commissioners, the county board of commissioners, or the municipality has jurisdiction. The immunity provided by this subsection does not apply to actions that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

(16) ~~(12)~~—In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, ~~or~~ street, **OR STATE TRUNK LINE HIGHWAY** pursuant to the code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road, ~~or~~ street, **OR STATE TRUNK LINE HIGHWAY** pursuant to ~~an ordinance adopted under subsection (2), (3), or (5),~~ **SUBSECTION (10)**, the operator of the ORV shall be considered prima facie negligent.

(17) ~~(13)~~—A violation of an ordinance described in this section is a municipal civil infraction. The ordinance may provide for a ~~maximum~~ fine of not more than \$500.00 for a violation of the ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a road, ~~or~~ street, **OR STATE TRUNK LINE HIGHWAY**, or public property ~~damaged as~~ a result of the violation.

(18) ~~(14)~~—The treasurer of the local unit of government shall deposit fines collected by that local unit of government under section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379, and subsection ~~(13)~~ **(17)** and damages collected under subsection ~~(13)~~ **(17)** into a fund to be designated as the "ORV fund". The legislative body of the local unit of government shall

appropriate revenue in the ORV fund as follows:

(a) Fifty percent to the county sheriff or police department responsible for law enforcement in the local unit of government for ORV enforcement and training.

(b) Fifty percent to the board of county road commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village. ~~—HOWEVER, IF A FINE WAS COLLECTED FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER SUBSECTION (7), 50% OF THE FINE REVENUE SHALL BE APPROPRIATED TO THE STATE TRANSPORTATION DEPARTMENT. REVENUE APPROPRIATED UNDER THIS SUBDIVISION SHALL BE USED~~ for repairing damage to roads, ~~or~~ streets, ~~OR STATE TRUNK LINE HIGHWAYS~~ and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether roads, ~~or~~ streets, ~~OR STATE TRUNK LINE HIGHWAYS~~ are open or closed to the operation of ORVs ~~under AS AUTHORIZED PURSUANT TO~~ this section.

~~—— (15) As used in this section:~~

~~—— (a) "Eligible county" means any of the following:~~

~~—— (i) Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, or Sanilac county or a county lying north thereof, including all of the counties of the Upper Peninsula.~~

~~—— (ii) St. Clair county.~~

~~—— (b) "Local unit of government" means a county, township, or municipality.~~

~~—— (c) "Municipality" means a city or village.~~

~~—— (d) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.~~

1 ~~—— (c) "Street" means a city or village major street or city or~~
2 ~~village local street as described in section 9 of 1951 PA 51, MCL~~
3 ~~247.659.~~

4 (19) A PERSON WHO VIOLATES A RULE PROMULGATED OR ORDER ISSUED
5 UNDER SUBSECTION (6) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION
6 AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00. IN
7 ADDITION, THE COURT SHALL ORDER THE DEFENDANT TO PAY THE COST OF
8 REPAIRING ANY DAMAGE TO THE ENVIRONMENT, A STATE TRUNK LINE
9 HIGHWAY, OR PUBLIC PROPERTY AS A RESULT OF THE VIOLATION.

10 Sec. 81133. (1) An individual shall not operate an ORV:

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

14 (b) Unless the individual and any passenger in or on the
15 vehicle is wearing on his or her head a crash helmet and protective
16 eyewear approved by the United States department of transportation.
17 This subdivision does not apply to either of the following:

18 (i) The operator of or a passenger in a vehicle that is
19 equipped with a roof that meets or exceeds standards for a crash
20 helmet if the operator and each passenger is wearing a properly
21 adjusted and fastened safety belt.

22 (ii) The operator of or a passenger in an ORV that is operated
23 on a state licensed game bird hunting preserve at a speed of not
24 greater than 10 miles per hour.

25 (c) During the hours of 1/2 hour after sunset to 1/2 hour
26 before sunrise without displaying a lighted headlight and lighted
27 taillight. The requirements of this subdivision are in addition to

1 any applicable requirements of section ~~81131(8)~~-**81131(12)**.

2 (d) Unless equipped with a braking system that may be operated
3 by hand or foot, capable of producing deceleration at 14 feet per
4 second on level ground at a speed of 20 miles per hour; a brake
5 light, brighter than the taillight, visible **FROM BEHIND THE VEHICLE**
6 when the brake is activated, ~~to the rear of the vehicle when~~ **IF** the
7 vehicle is operated during the hours of 1/2 hour after sunset and
8 1/2 hour before sunrise; and a throttle so designed that when the
9 pressure used to advance the throttle is removed, the engine speed
10 will immediately and automatically return to idle.

11 (e) In a state game area or state park or recreation area,
12 except on roads, trails, or areas designated for this purpose; on
13 ~~state-owned~~ **OTHER STATE-OWNED** lands under the control of the
14 department ~~other than game areas, state parks, or recreational~~
15 ~~areas~~ where the operation would be in violation of rules
16 promulgated by the department; in a forest nursery or planting
17 area; on public lands posted or reasonably identifiable as an area
18 of forest reproduction, and when growing stock may be damaged; in a
19 dedicated natural area of the department; or in any area in such a
20 manner as to create an erosive condition, or to injure, damage, or
21 destroy trees or growing crops. However, the department may permit
22 an owner and guests of the owner to use an ORV within the
23 boundaries of a state forest in order to access the owner's
24 property.

25 (f) On the frozen surface of public waters within 100 feet of
26 an individual not in or upon a vehicle, or within 100 feet of a
27 fishing shanty or shelter or an area that is cleared of snow for

1 skating purposes, except at the minimum speed required to maintain
2 controlled forward movement of the vehicle, or as may be authorized
3 by permit in special events.

4 (g) Unless the vehicle is equipped with a spark arrester type
5 United States forest service approved muffler, in good working
6 order and in constant operation. Exhaust noise emission shall not
7 exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January
8 1, 1986, when the vehicle is under full throttle, traveling in
9 second gear, and measured 50 feet at right angles from the vehicle
10 path with a sound level meter that meets the requirement of ANSI
11 S1.4 1983, using procedure and ancillary equipment therein
12 described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after
13 January 1, 1986, or that level comparable to the current sound
14 level as provided for by the United States environmental protection
15 agency when tested according to the provisions of the current SAE
16 J1287, June 86 test procedure for exhaust levels of stationary
17 motorcycles, using sound level meters and ancillary equipment
18 therein described. A vehicle subject to this part, manufactured or
19 assembled after December 31, 1972 and used, sold, or offered for
20 sale in this state, shall conform to the noise emission levels
21 established by the United States environmental protection agency
22 under the noise control act of 1972, 42 USC 4901 to 4918.

23 (h) Within 100 feet of a dwelling at a speed greater than the
24 minimum required to maintain controlled forward movement of the
25 vehicle, except on property owned or under the operator's control
26 or on which the operator is an invited guest, or on a roadway,
27 forest road, or forest trail maintained by or under the

1 jurisdiction of the department, or on a ~~road or street~~ **HIGHWAY** on
2 which ORV use is authorized ~~under~~ **PURSUANT TO** section 81131(2),
3 (3), ~~or~~ (5), (6), OR (7).

4 (i) In or upon the lands of another without the written
5 consent of the owner, the owner's agent, or a lessee, when required
6 by part 731. The operator of the vehicle is liable for damage to
7 private property **CAUSED BY OPERATION OF THE VEHICLE**, including, but
8 not limited to, damage to trees, shrubs, or growing crops, injury
9 to other living creatures, or ~~damage caused through vehicle~~
10 ~~operation in a manner so as to create~~ erosive or other ecological
11 damage. The owner of the private property may recover from the
12 individual responsible nominal damages of not less than the amount
13 of damage or injury. Failure to post private property or fence or
14 otherwise enclose in a manner to exclude intruders or of the
15 private property owner or other authorized person to personally
16 communicate against trespass does not imply consent to ORV use.

17 (j) In an area on which public hunting is permitted during the
18 regular November firearm deer season from 7 a.m. to 11 a.m. and
19 from 2 p.m. to 5 p.m., except during an emergency or for law
20 enforcement purposes, to go to and from a permanent residence or a
21 hunting camp otherwise inaccessible by a conventional wheeled
22 vehicle, **OR** to remove from public land a deer, elk, or bear that
23 has been taken under a valid license; except ~~for the~~ **TO** conduct of
24 necessary work functions involving land and timber survey,
25 communication and transmission line patrol, ~~and~~ **OR** timber harvest
26 operations; or except on property owned or under control of the
27 operator or on which the operator is an invited guest. A hunter

1 removing game under this subdivision may leave the designated trail
2 or forest road only to retrieve the game and shall not exceed 5
3 miles per hour. A vehicle registered under the code is exempt from
4 this subdivision while operating on a public highway or public or
5 private road capable of sustaining automobile traffic. A person
6 holding a valid permit to hunt from a standing vehicle issued under
7 part 401, or a person with a disability using an ORV to access
8 public lands for purposes of hunting or fishing through use of a
9 designated trail or forest road, is exempt from this subdivision.
10 An individual holding a valid permit to hunt from a standing
11 vehicle issued under part 401, or a person with a disability using
12 an ORV to access public lands for purposes of hunting or fishing,
13 may display a flag, the color of which the department shall
14 determine, to identify himself or herself as a person with a
15 disability or an individual holding a permit to hunt from a
16 standing vehicle under part 401.

17 (k) Except as otherwise provided in section 40111(3) or (4),
18 while transporting on the vehicle a bow unless unstrung or encased,
19 or a firearm unless unloaded and securely encased, or equipped with
20 and made inoperative by a manufactured keylocked trigger housing
21 mechanism.

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

24 (m) Within 100 feet of a slide, ski, or skating area, unless
25 the vehicle is being used for the purpose of servicing the area or
26 is being operated pursuant to section 81131(2), (3), ~~or~~ (5), (6),
27 OR (7).

1 (n) On an operating or nonabandoned railroad or railroad
2 right-of-way, or public utility right-of-way, other than for the
3 purpose of crossing at a clearly established site intended for
4 vehicular traffic, except railroad, public utility, or law
5 enforcement personnel while in performance of their duties, and
6 except if the right-of-way is designated as provided for in section
7 81127.

8 (o) In or upon the waters of any stream, river, bog, wetland,
9 swamp, marsh, or quagmire except over a bridge, culvert, or similar
10 structure.

11 (p) To hunt, pursue, worry, kill, or attempt to hunt, pursue,
12 worry, or kill an animal, whether wild or domesticated.

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

14 (r) ~~In~~ **ON PUBLIC LAND, IN** a manner contrary to operating
15 regulations. ~~on public lands.~~

16 (s) While transporting or possessing, in or on the vehicle,
17 alcoholic liquor in a container that is open or uncapped or upon
18 which the seal is broken, except under either of the following
19 circumstances:

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

22 (ii) If the vehicle does not have a trunk or compartment
23 separate from the passenger compartment, the container is encased
24 or enclosed.

25 (t) While transporting any passenger in or upon an ORV unless
26 the manufacturing standards for the vehicle make provisions for
27 transporting passengers.

1 (u) On adjacent private land, in an area zoned residential,
2 within 300 feet of a dwelling at a speed greater than the minimum
3 required to maintain controlled forward movement of the vehicle
4 except on a roadway, forest road, or forest trail maintained by or
5 under the jurisdiction of the department, or on a ~~road or street~~
6 **HIGHWAY** on which ORV use is authorized under section 81131(2), (3),
7 ~~or~~ (5), (6), OR (7).

8 (2) EACH PERSON WHO PARTICIPATES IN THE SPORT OF ORV RIDING
9 ACCEPTS THE RISKS ASSOCIATED WITH THAT SPORT INsofar AS THE DANGERS
10 ARE OBVIOUS AND INHERENT. THOSE RISKS INCLUDE, BUT ARE NOT LIMITED
11 TO, INJURIES TO PERSONS OR PROPERTY THAT CAN RESULT FROM VARIATIONS
12 IN TERRAIN; SURFACE OR SUBSURFACE SNOW OR ICE CONDITIONS; BARE
13 SPOTS; ROCKS, TREES, AND OTHER FORMS OF NATURAL GROWTH OR DEBRIS;
14 AND COLLISIONS WITH FILL MATERIAL, DECKS, BRIDGES, SIGNS, FENCES,
15 TRAIL MAINTENANCE EQUIPMENT, OR OTHER ORVS. THOSE RISKS DO NOT
16 INCLUDE INJURIES TO PERSONS OR PROPERTY THAT RESULT FROM THE USE OF
17 AN ORV BY ANOTHER PERSON IN A CARELESS OR NEGLIGENT MANNER LIKELY
18 TO ENDANGER PERSON OR PROPERTY. WHEN AN ORV IS OPERATED IN THE
19 VICINITY OF A RAILROAD RIGHT-OF-WAY, EACH PERSON WHO PARTICIPATES
20 IN THE SPORT OF ORV RIDING ADDITIONALLY ASSUMES RISKS INCLUDING,
21 BUT NOT LIMITED TO, ENTANGLEMENT WITH RAILROAD TRACKS, SWITCHES,
22 AND TIES AND COLLISIONS WITH TRAINS AND TRAIN-RELATED EQUIPMENT AND
23 FACILITIES.

24 Enacting section 1. Sections 81102 and 81128 of the natural
25 resources and environmental protection act, 1994 PA 451, MCL
26 324.81102 and 324.81128, are repealed.