

HOUSE BILL NO. 5689

March 17, 2020, Introduced by Reps. LaFave and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82120 and 82126 (MCL 324.82120 and 324.82126), section 82120 as added by 1995 PA 58 and section 82126 as amended by 2008 PA 399.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 82120. (1) A parent or legal guardian shall not permit
- 2 his or her child, ~~who is~~ **if** less than 12 years of age, to operate a
- 3 snowmobile without the direct supervision of an adult except on
- 4 land owned or under the control of the parent or legal guardian.



1 (2) A person who is at least 12 but less than 17 years of age
2 may operate a snowmobile if 1 of the following conditions exist:

3 (a) The person is under the direct supervision of a person who
4 is 21 years of age or older.

5 (b) The person has in his or her immediate possession a
6 snowmobile safety certificate issued pursuant to a **snowmobile**
7 **safety education and training** program conducted under section
8 82107.

9 (c) The person is on land owned or under the control of his or
10 her parent or legal guardian.

11 (d) The person possesses a snowmobile safety certificate
12 issued to the person under the authority of a law of another state
13 or **a** province of Canada.

14 (3) A person who is operating a snowmobile ~~pursuant to~~ **under**
15 subsection (2)(b) shall present the snowmobile safety certificate
16 to any peace officer upon demand. **A person who violates this**
17 **subsection is responsible for a state civil infraction and may be**
18 **ordered to pay a civil fine of not more than \$150.00.**

19 (4) Notwithstanding section 82119, an operator who is less
20 than 12 years of age shall not cross a highway or street. An
21 operator who is at least 12 years of age but less than 17 years of
22 age may cross a highway or street only if he or she has a valid
23 snowmobile safety certificate in his or her immediate possession.

24 (5) The owner of a snowmobile shall not permit the snowmobile
25 to be operated contrary to this section.

26 (6) ~~When~~ **If** the judge of a juvenile court determines that a
27 person who is less than 17 years of age has violated this part, the
28 judge shall immediately report the determination to the department.
29 The department upon receiving a notice of a determination pursuant



1 to this subsection may suspend the **person's** snowmobile safety
2 certificate, **if any**, without a hearing.

3 Sec. 82126. (1) A person shall not operate a snowmobile under
4 any of the following circumstances:

5 (a) At a rate of speed greater than is reasonable and proper
6 ~~having due regard for conditions then existing~~ **conditions. A person**
7 **who violates this subdivision is responsible for a state civil**
8 **infraction and may be ordered to pay a civil fine of not more than**
9 **\$150.00.**

10 (b) In a forest nursery, planting area, or on public lands
11 posted or reasonably identifiable as an area of forest reproduction
12 when growing stock may be damaged or posted or reasonably
13 identifiable as a natural dedicated area that is in zone 2 or zone
14 3.

15 (c) On the frozen surface of public waters as follows:

16 (i) Within 100 feet of a person, including a skater, who is not
17 in or upon a snowmobile.

18 (ii) Within 100 feet of a fishing shanty or shelter except at
19 the minimum speed required to maintain forward movement of the
20 snowmobile.

21 (iii) On an area that has been cleared of snow for skating
22 purposes unless the area is necessary for access to the public
23 water.

24 (d) Within 100 feet of a dwelling between 12 midnight and 6
25 a.m., at a speed greater than the minimum required to maintain
26 forward movement of the snowmobile.

27 (e) ~~In an area on which public hunting is permitted during~~
28 **During** the regular November firearm deer season from 7 a.m. to 11
29 a.m. ~~and~~ **or** from 2 p.m. to 5 p.m. **in an area on which public**



1 **hunting is permitted**, except under 1 or more of the following
2 circumstances:

3 (i) During an emergency.

4 (ii) For law enforcement purposes.

5 (iii) To go to and from a permanent residence or a hunting camp
6 otherwise inaccessible by a conventional wheeled vehicle.

7 (iv) ~~For the~~ **To** conduct ~~of~~ necessary work ~~functions~~ involving
8 land and timber survey, communication and transmission line patrol,
9 or timber harvest operations.

10 (v) On the person's own property or property under the
11 person's control or as an invited guest.

12 (f) While transporting on the snowmobile a bow, unless
13 unstrung or encased, or a firearm, unless unloaded in both barrel
14 and magazine and securely encased.

15 (g) On or across a cemetery or burial ground.

16 (h) Within 100 feet of a slide, ski, or skating area except
17 when traveling on a county road right-of-way ~~pursuant to~~ **under**
18 section 82119 or a snowmobile trail that is designated and funded
19 by the department. A snowmobile may enter such an area for the
20 purpose of servicing the area or for medical emergencies.

21 (i) On a railroad or railroad right-of-way. This prohibition
22 does not apply to railroad personnel, public utility personnel, law
23 enforcement personnel while in the performance of their duties, or
24 persons using a snowmobile trail located on or along a railroad
25 right-of-way, or an at-grade snowmobile trail crossing of a
26 railroad right-of-way, that has been expressly approved in writing
27 by the owner of the right-of-way and each railroad company using
28 the tracks and that meets the conditions imposed in subsections (4)
29 and (5). A snowmobile trail or an at-grade snowmobile trail



1 crossing shall not be constructed on a right-of-way designated by
2 the federal government as a high-speed rail corridor.

3 (2) Except as provided under subsection (3), a person shall
4 not operate a snowmobile unless the snowmobile is equipped with a
5 muffler in good working order and in constant operation from which
6 noise emission does not exceed either of the following:

7 (a) For a snowmobile manufactured after July 1, 1977 and sold
8 or offered for sale in this state, 78 decibels at 50 feet, as
9 measured using the 2003 ~~society of automotive engineers~~ **SAE**
10 **International** standard J192.

11 (b) For a stationary snowmobile manufactured after July 1,
12 1980 and sold or offered for sale in this state, 88 decibels, as
13 measured using the 2004 ~~society of automotive engineers~~ **SAE**
14 **International** standard J2567.

15 (3) A person is exempt from the requirement of subsection (2)
16 under either of the following circumstances:

17 (a) While operating a snowmobile during an organized race on a
18 course that is used solely for racing.

19 (b) While operating a snowmobile on private property, with the
20 permission of the private property owner, in preparation for an
21 organized race, if the operation of the snowmobile ~~is in compliance~~
22 **complies** with applicable local noise ordinances.

23 (4) A snowmobile trail located on or along a railroad right-
24 of-way shall be constructed, operated, and maintained by a person
25 other than the person owning the railroad right-of-way and the
26 person operating the railroad, except that an at-grade snowmobile
27 trail crossing of a railroad right-of-way shall be constructed and
28 maintained by the person operating the railroad at the sole cost
29 and expense of the person operating the trail connected by the



1 crossing, pursuant to terms of a lease agreement under which the
2 person operating the trail agrees to do all of the following:

3 (a) Indemnify the person owning the railroad right-of-way and
4 the person operating the railroad against any claims associated
5 with, arising from, or incidental to the construction, maintenance,
6 operation, ~~and-or~~ use of the trail or at-grade snowmobile trail
7 crossing.

8 (b) Provide liability insurance in the amount of \$2,000,000.00
9 naming the person owning the railroad right-of-way and the person
10 operating the railroad as named insureds.

11 (c) Meet any other obligations or provisions considered
12 appropriate by the person owning the railroad right-of-way or the
13 person operating the railroad including, but not limited to, the
14 ~~payment~~ **following:**

15 (i) **Payment** of rent that the person owning the railroad right-
16 of-way or the person operating the railroad is authorized to charge
17 under this part. ~~and the meeting of~~

18 (ii) **Meeting** all construction, operating, and maintenance
19 conditions imposed by the person owning the railroad right-of-way
20 and the person operating the railroad regarding the snowmobile
21 trail.

22 (5) A snowmobile trail shall be clearly demarcated by signing
23 constructed and maintained at the sole cost and expense of the
24 grant program sponsor. The signing shall be placed at the outer
25 edge of the railroad right-of-way, as far from the edge of the
26 railroad tracks as possible, and not closer than 20 feet from the
27 edge of the railroad tracks unless topography or other natural or
28 manmade features require the trail to lie within 20 feet of the
29 edge of the railroad tracks. The at-grade snowmobile trail crossing



1 of a railroad right-of-way shall be aligned at 90 degrees or as
2 close to 90 degrees as possible to the railroad track being
3 crossed, and shall be located where approach grades to the crossing
4 are minimal and where the vision of a person operating a snowmobile
5 will be unobstructed as he or she approaches the railroad tracks.
6 The design of the snowmobile trail, including the location of
7 signing, shall be included upon plan sheets by the person
8 constructing, operating, and maintaining the trail, and shall be
9 approved in writing by the person owning the right-of-way and the
10 person operating the railroad. Signing shall conform to
11 specifications issued by the department to its snowmobile trail
12 grant program sponsors.

13 (6) Notwithstanding section 82101, as used in this section,
14 "operate" means to cause to function, **to** run, or **to** manage.

15 (7) A person shall not alter, deface, damage, or remove a
16 snowmobile trail sign or control device.

17 (8) Each person who participates in the sport of snowmobiling
18 accepts the risks associated with that sport insofar as the dangers
19 are obvious and inherent. Those risks include, but are not limited
20 to, injuries to persons or property that can result from variations
21 in terrain; surface or subsurface snow or ice conditions; bare
22 spots; rocks, trees, and other forms of natural growth or debris;
23 and collisions with signs, fences, or other snowmobiles or snow-
24 grooming equipment. Those risks do not include injuries to persons
25 or property that can result from the use of a snowmobile by another
26 person in a careless or negligent manner likely to endanger **a**
27 person or property. When a snowmobile is operated in the vicinity
28 of a railroad right-of-way, each person who participates in the
29 sport of snowmobiling additionally assumes risks including, but not



1 limited to, entanglement with tracks, switches, and ties and
2 collisions with trains and other equipment and facilities.

3 (9) A person who violates subsection (2) is responsible for a
4 state civil infraction and shall be ordered to pay a civil fine of
5 not less than \$100.00 or more than \$250.00.

