

HOUSE BILL NO. 4142

February 04, 2021, Introduced by Reps. Coleman 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 82105, 82114, 82118, and 82119 (MCL 324.82105, 324.82114, 324.82118, and 324.82119), sections 82105 and 82114 as amended by 2012 PA 28, section 82118 as amended by 2010 PA 371, and section 82119 as amended by 2005 PA 307.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82105. (1) ~~Before operating~~ **If** a snowmobile ~~requiring~~
2 ~~registration is required under section 82103 to be registered in~~

1 this state, the owner shall apply for registration with the
2 department of state on forms provided by the department of state.
3 If the snowmobile was purchased from a retail dealer in this state,
4 application for initial registration shall be made with the dealer
5 at the point of sale. The dealer shall issue a temporary
6 registration permit in a form received from and approved by the
7 department of state. ~~that~~ **The temporary registration permit** is
8 valid for 15 days after the date of sale. Each retail dealer shall
9 submit applications for registrations and fees to the department of
10 state not less than once each week. The application shall include a
11 certification. The new owner shall sign the application or, if the
12 application is filed electronically, provide information requested
13 by the department of state to verify the new owner's identity. The
14 application shall also include the new owner's name and bona fide
15 residence address and the names and addresses of holders of any
16 security interest in the snowmobile and its accessories in the
17 order of priority. The application shall be accompanied by a fee of
18 \$30.00. Upon receipt of the application in approved form, the
19 department of state shall enter the application upon its records
20 and issue to the applicant a certificate of registration and decal.
21 The certificate of registration shall contain the number awarded to
22 the snowmobile, the name and address of the owner, other
23 information the department of state considers necessary, and ~~7~~
24 ~~beginning July 1, 2009,~~ the name and address of the holders of
25 secured interests. A person shall not operate a snowmobile that is
26 required to be registered in this state unless the person possesses
27 the certificate of registration in legible form. ~~The person~~

28 **(2) The operator of a snowmobile** shall make the certificate of
29 registration available for inspection upon demand by a peace

1 officer. A person who violates this subsection is responsible for a
2 state civil infraction and may be ordered to pay a civil fine of
3 not more than \$150.00.

4 (3) ~~(2)~~—If the secretary of state is not satisfied as to the
5 ownership of a snowmobile that is worth more than \$2,500.00, before
6 registering the snowmobile and issuing a certificate of
7 registration, the secretary of state may require the applicant to
8 file a ~~properly executed~~ surety bond in a form prescribed by the
9 secretary of state and executed by the applicant and a company
10 authorized to conduct a surety business in this state. The bond
11 shall be in an amount equal to twice the value of the snowmobile as
12 determined by the secretary of state and shall be conditioned to
13 indemnify or reimburse the secretary of state, any prior owner, and
14 any subsequent purchaser of the snowmobile and their successors in
15 interest against any expense, loss, or damage, including reasonable
16 attorney fees, incurred as a result of the issuance of a
17 certificate of registration for the snowmobile or any defect in the
18 right, title, or interest of the applicant in the snowmobile. An
19 interested person has a right of action to recover on the bond for
20 a breach of the conditions of the bond, but the aggregate liability
21 of the surety to all persons shall not exceed the amount of the
22 bond. The bond shall be returned at the end of 3 years, or ~~before 3~~
23 ~~years if~~ **when** the snowmobile is no longer registered in this state
24 and the current valid certificate of registration is surrendered to
25 the secretary of state, **whichever is earlier**, unless the secretary
26 of state has received notification of the pendency of an action to
27 recover on the bond. If the secretary of state is not satisfied as
28 to the ownership of a snowmobile that is worth \$2,500.00 or less,
29 the secretary of state shall require the applicant to certify that

1 the applicant is the owner of the snowmobile and entitled to
2 register the snowmobile.

3 (4) ~~(3)~~ The certificate of registration and registration decal
4 authorizes the operation of the snowmobile for a 3-year period that
5 begins on October 1 and expires on September 30 of the third year.
6 The certificate of registration and registration decal may be
7 renewed beginning July 1 of the expiration year by payment of a fee
8 of \$30.00. The registration decal shall be displayed as prescribed
9 by ~~rule promulgated by the department of state.~~ **section 82113.**

10 (5) ~~(4)~~ The department of state may destroy a record of a
11 certificate of registration 7 years after expiration of the
12 certificate.

13 Sec. 82114. (1) The owner of a snowmobile shall notify the
14 department of state within 15 days if the snowmobile is destroyed,
15 ~~or abandoned, or is sold, or if~~ an interest in the snowmobile is
16 transferred either wholly or in part to another person, or if the
17 owner's address ~~no longer conforms to the address~~ **has changed from**
18 **that** appearing on the certificate of registration. The notice shall
19 consist of a surrender of the certificate of registration on which
20 the proper information ~~shall be~~ **is** noted on a place to be provided.
21 If the certificate of registration is surrendered because the
22 snowmobile was destroyed or abandoned, the department of state
23 shall cancel the certificate of registration and enter ~~that fact~~
24 **the destruction or abandonment** in the records of the department of
25 state, and the number may be then reassigned. The department of
26 state may destroy the record of a surrendered certificate of
27 registration 10 years after its surrender.

28 (2) If the certificate of registration is surrendered because
29 of the owner's change of address, **the department shall record** the

1 new address ~~shall be recorded by the department of state and~~ **return**
2 **to the owner** a certificate of registration bearing ~~that information~~
3 ~~shall be returned to the owner.~~ **the new address.**

4 (3) The transferee of a snowmobile registered under this part,
5 within 15 days after acquiring the snowmobile, shall apply to the
6 department of state for issuance of a new certificate of
7 registration for the snowmobile. ~~, giving~~ **The application shall**
8 **include** the previous registration number of the snowmobile and
9 proof of payment or satisfaction of any security interest shown on
10 the previous owner's certificate of registration or **the** department
11 of state's records. The application shall include a certification.
12 The new owner shall sign the application or, if the application is
13 filed electronically, provide information requested by the
14 department of state to verify the owner's identity. The application
15 shall also include the new owner's name and bona fide residence
16 address and the names and addresses of the holders of security
17 interests in the snowmobile and its accessories in the order of
18 their priority. The application shall be accompanied by the fee
19 prescribed in section 82105. Upon receipt of the application and
20 fee, the department of state shall issue **to the new owner** a new
21 certificate of registration for the snowmobile. ~~to the new owner.~~
22 Unless the application is made and the fee paid within 15 days of
23 transfer of ownership, the snowmobile is without certificate of
24 registration, and a person shall not operate the snowmobile until a
25 valid certificate of registration is issued.

26 (4) ~~If a~~ **A person shall not operate a snowmobile if the**
27 certificate of registration is lost, mutilated, or illegible. ~~, the~~
28 ~~owner of the snowmobile shall obtain a duplicate of the certificate~~
29 ~~of registration upon application and payment of a fee of \$5.00.~~ **A**

1 person who violates this subsection is responsible for a state
 2 civil infraction and may be ordered to pay a civil fine of not more
 3 than \$150.00.

4 (5) If a valid registration decal is lost, mutilated, or
 5 illegible, the owner of the snowmobile may obtain a replacement
 6 registration decal **from the department of state**, upon submission of
 7 proof of registration and payment of a fee of \$5.00.

8 Sec. 82118. (1) In addition to registration of a snowmobile
 9 under section 82105 or registration in another state or province,
 10 except as otherwise provided in this section, a person who desires
 11 to operate a snowmobile in this state shall purchase a Michigan
 12 snowmobile trail permit sticker. The Michigan snowmobile trail
 13 permit issued under this section ~~shall be~~ **is** valid for ~~a period of~~
 14 1 year ~~which begins~~ **beginning** on October 1 and ~~ends~~ **ending** on the
 15 following September 30. The fee for the permit ~~shall be~~ **is** as
 16 follows:

17 (a) For ~~permits valid for the 1-year period beginning October~~
 18 ~~1, 2009 or October 1, 2010, \$35.00.~~

19 ~~(b) For permits~~ **a permit** valid for the 1-year period beginning
 20 ~~October 1, 2011, 2012, 2013, 2014, or 2015, \$45.00.~~

21 ~~(b) (c) For permits~~ **a permit** valid for the 1-year period
 22 beginning October 1, 2016 and every fifth year thereafter, the
 23 state treasurer shall adjust the current permit fee by an amount
 24 determined by the state treasurer to reflect the cumulative
 25 percentage change in the ~~consumer price index~~ **Consumer Price Index**
 26 during the most recent 5-year period for which ~~consumer price index~~
 27 **Consumer Price Index** statistics are available, rounded to the
 28 nearest dollar. A fee adjusted by the state treasurer under this
 29 subdivision shall remain in effect for 5 years. As used in this

subdivision, ~~"consumer price index"~~ **"Consumer Price Index"** means the most comprehensive index of consumer prices available for this state from the ~~bureau of labor statistics~~ **Bureau of Labor Statistics** of the United States ~~department of labor~~ **Department of Labor**.

(2) Revenue from the trail permit fee shall be allocated as follows:

(a) 50 cents shall be retained by the department for administrative costs.

(b) \$1.00 shall be retained by the agent selling the permit.

(c) The balance shall be deposited in the recreational snowmobile trail improvement subaccount.

(3) The department shall make the sale of trail permits available on its website. For each trail permit sold through the website, the amount otherwise credited to an agent under subsection (2) shall instead be credited to the recreational snowmobile trail improvement subaccount.

(4) The trail permit sticker shall be permanently affixed to the snowmobile directly above or below the headlight of the snowmobile.

(5) The department may contract with a person to act as an agent for the purpose of issuing Michigan snowmobile trail permits. The department shall sell the permits to agents in bulk. An agent may obtain a refund from the department for any permits that are not sold.

(6) An agent who uses or allows the use of a permit by anyone except the snowmobile user to whom the permit is sold is guilty of a misdemeanor, punishable by a fine of \$50.00 for each instance of such use or allowed use.

1 (7) The department of state may suspend a certificate of
2 registration if the department of state determines that the
3 required fee has not been paid and remains unpaid after reasonable
4 notice or demand. In addition to the required fee, a \$10.00 penalty
5 shall be assessed and collected against any person who tenders an
6 insufficient check or draft in payment of the fee.

7 (8) A snowmobile used solely for transportation on the frozen
8 surface of public waters for the purpose of ice fishing is exempt
9 from the requirement of purchasing and displaying a snowmobile
10 trail permit sticker under this section.

11 (9) A person shall not charge a fee for a snowmobile trail
12 permit in an amount that is greater than the fee printed on the
13 face of the permit.

14 (10) To obtain a snowmobile trail permit, an applicant shall
15 provide all information required on the permit application.

16 (11) A person who fails to secure a permit under this section
17 or who violates subsection (4) is responsible for a state civil
18 infraction and may be ordered to pay a civil fine of not more than
19 ~~\$100.00.~~**\$150.00.**

20 (12) The department shall, by June 1 of each year, report to
21 the members of the appropriate standing committees and
22 appropriations subcommittees of the house and senate, a detailed
23 expenditure plan pertaining to the additional funds generated by
24 this act. The plan shall include information as to how funds were
25 expended in the prior year.

26 (13) This section does not apply to a historic snowmobile
27 registered under section 82105c.

28 Sec. 82119. (1) A person shall not operate a snowmobile upon a
29 public highway, land used as an airport or street, or on a public

1 or private parking lot not specifically designated for the use of
2 snowmobiles except under the following conditions and
3 circumstances:

4 (a) Subject to subsection (2), a snowmobile may be operated on
5 the right-of-way of a public highway, except a limited access
6 highway, if it is operated at the extreme right of the open portion
7 of the right-of-way and with the flow of traffic on the highway.
8 However, a snowmobile may be operated on the right-of-way of a
9 public highway against the flow of traffic if the right-of-way is a
10 snowmobile trail that is designated by the department in the plan
11 developed pursuant to section 82106(2) and that is approved by the
12 state transportation department. Snowmobiles operated on the right-
13 of-way of a public highway, as provided in this subdivision, shall
14 travel single file and shall not be operated abreast except when
15 overtaking and passing **or being overtaken and passed by** another
16 snowmobile. In the absence of a posted snowmobile speed limit, a
17 snowmobile operated on the right-of-way of a public highway, as
18 provided in this subdivision, shall not exceed the speed limit
19 posted on the public highway. **A person who violates this**
20 **subdivision is responsible for a state civil infraction and may be**
21 **ordered to pay a civil fine of not more than \$150.00.**

22 (b) Subject to subsection (2), a snowmobile may be operated on
23 the right-of-way of a limited access public highway if it is
24 operated on a snowmobile trail that is designated by the department
25 in the plan developed pursuant to section 82106(2) and that is
26 approved by the state transportation department. A snowmobile shall
27 only be operated on that right-of-way in the manner provided in
28 that plan. In addition, a snowmobile operated on the right-of-way
29 of a public highway, as provided in this subdivision, shall travel

1 single file and shall not be operated abreast except when
2 overtaking and passing **or being overtaken and passed by** another
3 snowmobile. In the absence of a posted snowmobile speed limit, a
4 snowmobile operated on the right-of-way of a public highway, as
5 provided in this subdivision, shall not exceed the speed limit
6 posted on the public highway.

7 (c) A snowmobile may be operated on the roadway or shoulder
8 when necessary to cross a bridge or culvert if the snowmobile is
9 brought to a complete stop before entering onto the roadway or
10 shoulder and the driver yields the right-of-way to an approaching
11 vehicle on the highway.

12 (d) In a court action, ~~in this state where~~ **if** competent
13 evidence demonstrates that a vehicle that is permitted to be
14 operated on a highway pursuant to the Michigan vehicle code, 1949
15 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a
16 roadway, the driver of the snowmobile involved in the collision
17 shall be considered prima facie negligent.

18 (e) A snowmobile may be operated across a public highway other
19 than a limited access highway, at **a right angles**~~angle~~ to the
20 highway, ~~for the purpose of getting from 1 area to another when~~ **if**
21 the operation can be done in safety and another vehicle is not
22 crossing the highway at the same time in the same general area. An
23 operator shall bring his or her snowmobile to a complete stop
24 before proceeding across the public highway and shall yield the
25 right-of-way to ~~all~~ oncoming traffic. **A person who violates this**
26 **subdivision is responsible for a state civil infraction and may be**
27 **ordered to pay a civil fine of not more than \$150.00.**

28 (f) Snowmobiles may be operated on a highway in a county road
29 system that is not normally snowplowed for vehicular traffic and on

1 the plowed right-of-way or shoulder when no right-of-way exists on
 2 a snowplowed highway in the county road system, outside the
 3 corporate limits of a city or village, that is designated and
 4 marked for snowmobile use by the county road commission having
 5 jurisdiction. Upon the request of a county road commission that has
 6 designated all county roads outside the corporate limits of a city
 7 or village for snowmobile use, the state transportation department
 8 shall erect at county road commission expense and shall maintain,
 9 in accordance with the Michigan ~~manual of uniform traffic control~~
 10 ~~devices~~ **"Manual of Uniform Traffic Control Devices"** standards, the
 11 basic snowmobile sign unit together with a supplemental panel
 12 stating "permitted on right-of-way or shoulder of all
 13 (county name) roads - MCL 324.82119" at the county line on all
 14 state trunk line highways and county roads. A sign erected before
 15 ~~the effective date of the 2005 amendatory act that amended this~~
 16 ~~section~~ **December 27, 2005** may cite 1968 PA 74 instead of citing
 17 this section.

18 (g) A law enforcement officer of a local unit of government or
 19 ~~the~~ **this** state may authorize use of a snowmobile on a public
 20 highway or street within his or her jurisdiction ~~when~~ **during** an
 21 emergency ~~occurs and~~ **when** conventional motor vehicles cannot be
 22 used for transportation ~~due to~~ **because of** snow or other extreme
 23 highway conditions.

24 (h) A snowmobile may be operated on a highway or street for a
 25 special event of limited duration conducted according to a
 26 prearranged schedule only under permit from the governmental unit
 27 having jurisdiction. The event may be conducted on the frozen
 28 surface of public waters only under permit from the department.

29 (i) A city or village by ordinance may designate 1 or more

specific public highways or streets within its jurisdiction as egress and ingress routes for the use of snowmobiles. A city or village acting under the authority of this subdivision shall erect and maintain, in accordance with the Michigan ~~manual of uniform traffic control devices~~ **"Manual of Uniform Traffic Control Devices"** standards, a sign unit giving proper notice of the designation.

(2) The state transportation department and the department of natural resources may permanently prohibit snowmobile use as described in subsection (1)(a) or (b) in a highway right-of-way if, ~~within 10 years after the effective date of the amendatory act that added this subsection,~~ **by December 27, 2015,** all of the following requirements are met:

(a) The right-of-way is designated in a closure plan developed by the state transportation department and the department of natural resources and approved by the state transportation commission and the ~~commission of~~ natural resources **commission.**

(b) The state transportation department and the department of natural resources have held a public hearing on the proposed prohibition in the county where the prohibition is to apply. The state transportation department and the department of natural resources shall give notice of the hearing by publication in a newspaper of general circulation in the county not more than 21 or less than 7 days before the hearing.

(c) The state transportation department and the department have consulted on the proposed prohibition with the snowmobile advisory committee created under section 82102a.

(d) Snowmobile use in that right-of-way poses a particular and demonstrable threat to public safety.

(e) The department has designated and, if required under

1 subsection (1)(a) or (b), the state transportation department has
2 approved an alternative snowmobile trail that meets all of the
3 following requirements:

4 (i) Is open for use and functional during snowmobile season.

5 (ii) Bypasses the highway right-of-way on which snowmobile use
6 is to be prohibited.

7 (iii) Provides access to any qualified business that, when the
8 alternative snowmobile trail is designated, is located along the
9 highway right-of-way on which snowmobile use is to be prohibited.

10 As used in this subparagraph, "qualified business" means a gas
11 station, restaurant, hotel, motel, convenience store, or grocery
12 store or any other business that relies on snowmobile-based
13 commerce.

14 (3) The state transportation department and the department of
15 natural resources may promulgate rules to implement subsections
16 (1)(b) and (2).