

HOUSE BILL NO. 4459

April 25, 2023, Introduced by Reps. Martin, Outman, DeBoyer, Kunse, Roth, Hoadley and Farhat and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101 and 82110 (MCL 324.82101 and 324.82110), section 82101 as amended by 2020 PA 385 and section 82110 as amended by 2004 PA 587, and by adding section 82163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 82101. As used in this part:
- 2 (a) "Alcoholic liquor" means that term as defined in section
- 3 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- 4 (b) "Auction" means the sale or offer for sale by bidding of

1 real or personal property at a public or private location.

2 (c) "Auctioneer" means a person that is engaged in the
3 business of conducting auctions or that offers to conduct an
4 auction for compensation.

5 (d) "Conviction" means a final conviction, the payment of a
6 fine, a plea of guilty or nolo contendere if accepted by the court,
7 or a finding of guilt or probate court disposition on a violation
8 of this part, regardless of whether the penalty is rebated or
9 suspended.

10 (e) "Dealer" means any person engaged in the sale, lease, or
11 rental of snowmobiles as a regular business, other than an
12 auctioneer.

13 (f) "Former section 15a" means section 15a of former 1968 PA
14 74, as constituted before May 1, 1994.

15 (g) "Highly restricted personal information" means an
16 individual's photograph or image, Social Security number, digitized
17 signature, and medical and disability information.

18 (h) "Highway or street" means the entire width between the
19 boundary lines of every way publicly maintained if any part of it
20 is open to public use for vehicular travel.

21 (i) "Historic snowmobile" means a snowmobile that is over 25
22 years old and that is owned solely as a collector's item and for
23 occasional use and for participation in club activities,
24 exhibitions, tours, parades, and similar uses, including mechanical
25 testing.

26 (j) "In-kind contributions" means services and goods as
27 approved by the department that are provided by a grant recipient
28 toward completion of a department-approved local snowmobile program
29 under section 82107.

1 (k) "Law of another state" means a law or ordinance enacted by
2 any of the following:

3 (i) Another state.

4 (ii) A local unit of government in another state.

5 (iii) Canada or a province or territory of Canada.

6 (iv) A local unit of government in a province or territory of
7 Canada.

8 (l) "Operate" means to ride in or on and be in actual physical
9 control of the operation of a snowmobile.

10 (m) "Operator" means any individual who operates a snowmobile.

11 **(n) "ORV" means that term as defined in section 81101.**

12 **(o)** ~~(n)~~—"Owner" means any of the following:

13 (i) A person that holds the legal title to a snowmobile.

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

19 (iii) A person renting a snowmobile or having the exclusive use
20 of a snowmobile for more than 30 days.

21 **(p)** ~~(o)~~—"Peace officer" means any of the following:

22 (i) A sheriff.

23 (ii) A sheriff's deputy.

24 (iii) A deputy who is authorized by a sheriff to enforce this
25 part and who has satisfactorily completed at least 40 hours of law
26 enforcement training, including training specific to this part.

27 (iv) A village or township marshal.

28 (v) An officer of the police department of any municipality.

1 (vi) An officer of the Michigan state police.

2 (vii) The director and conservation officers employed by the
3 department.

4 (viii) A law enforcement officer who is licensed or certified
5 under the Michigan commission on law enforcement standards act,
6 1965 PA 203, MCL 28.601 to 28.615, and is policing within his or
7 her jurisdiction.

8 **(q)** ~~(p)~~ "Personal information" means information that
9 identifies an individual, including an individual's driver
10 identification number, name, address not including zip code, and
11 telephone number, but does not include information on snowmobile
12 operation or equipment-related violations or civil infractions,
13 operator or snowmobile registration status, accidents, or other
14 behaviorally-related information.

15 **(r)** ~~(q)~~ "Prior conviction" means a conviction for any of the
16 following, whether under a law of this state, a local ordinance
17 substantially corresponding to a law of this state, a law of the
18 United States substantially corresponding to a law of this state,
19 or a law of another state substantially corresponding to a law of
20 this state:

21 (i) A violation or an attempted violation of section 82127(1),
22 (3), (4), (5), (6), or (7), except that only 1 violation or
23 attempted violation of section 82127(6), a local ordinance
24 substantially corresponding to section 82127(6), or a law of
25 another state substantially corresponding to section 82127(6), or a
26 law of the United States substantially corresponding to section
27 82127(6) may be used as a prior conviction other than for
28 enhancement purposes as provided in section 82129a(1)(b).

29 (ii) Negligent homicide, manslaughter, or murder resulting from

1 the operation of a snowmobile or an attempt to commit any of those
2 crimes.

3 (iii) Former section 15a(1), (3), (4), or (5) of 1968 PA 74.

4 (iv) Former section 15a.

5 (s) ~~(r)~~—"Probate court or family division disposition" means
6 the entry of a probate court order of disposition or family
7 division order of disposition for a child found to be within the
8 provisions of chapter XIIIA of the probate code of 1939, 1939 PA
9 288, MCL 712A.1 to 712A.32.

10 (t) ~~(s)~~—"Prosecuting attorney", unless the context requires
11 otherwise, means the attorney general, the prosecuting attorney of
12 a county, or the attorney representing a local unit of government.

13 (u) ~~(t)~~—"Recreational snowmobile trail improvement subaccount"
14 means the recreational snowmobile trail improvement subaccount of
15 the snowmobile account created in section 82110.

16 (v) ~~(u)~~—"Right-of-way" means that portion of a highway or
17 street not including the roadway and any shoulder.

18 (w) ~~(v)~~—"Roadway" means that portion of a highway or street
19 improved, designated, or ordinarily used for vehicular travel. If a
20 highway or street includes 2 or more separate roadways, the term
21 roadway refers to any roadway separately, but not to all of the
22 roadways collectively.

23 (x) ~~(w)~~—"Shoulder" means that portion of a highway or street
24 on either side of the roadway that is normally snowplowed for the
25 safety and convenience of vehicular traffic.

26 (y) ~~(x)~~—"Snowmobile", **subject to subdivision (z)**, means ~~any~~
27 ~~motor-driven vehicle that is designed for travel primarily on snow~~
28 ~~or ice and that utilizes sled-type runners or skis, an endless belt~~
29 ~~tread, or any combination of these or other similar means of~~

1 ~~contact with the surface upon which it is operated, but is not a~~
2 ~~vehicle that must~~ **a vehicle that meets all of the following**
3 **requirements:**

4 **(i) Is engine-driven.**

5 **(ii) Has an endless belt tread.**

6 **(iii) Was originally manufactured solely for operation over**
7 **snow.**

8 **(iv) Is steered by 2 sled-type runners or skis that are in**
9 **contact with the snow and the distance between the centers of the**
10 **spindles of which is, except for a historic snowmobile, not more**
11 **than 48 inches.**

12 **(z) Snowmobile does not include any of the following:**

13 **(i) An ORV required to be licensed under section 81115.**

14 **(ii) A vehicle required to be registered under the Michigan**
15 **vehicle code, 1949 PA 300, MCL 257.1 to 257.923.**

16 **(aa) ~~(y)~~"Snowmobile account"** means the snowmobile account of
17 the Michigan conservation and recreation legacy fund provided for
18 in section 2025.

19 **(bb) ~~(z)~~"Snowmobile registration fee subaccount"** means the
20 snowmobile registration fee subaccount of the snowmobile account
21 created in section 82111.

22 **(cc) ~~(aa)~~"Specialty court program"** means a program under any
23 of the following:

24 **(i) A drug treatment court, as defined in section 1060 of the**
25 **revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which**
26 **the participant is an adult.**

27 **(ii) A DWI/sobriety court, as defined in section 1084 of the**
28 **revised judicature act of 1961, 1961 PA 236, MCL 600.1084.**

29 **(iii) A hybrid of the programs under subparagraphs (i) and (ii).**

1 (iv) A mental health court as defined in section 1090 of the
2 revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

3 (v) A veterans treatment court, as defined in section 1200 of
4 the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

5 (dd) ~~(bb)~~ "Zone 1" means all of the Upper Peninsula.

6 (ee) ~~(cc)~~ "Zone 2" means all of that part of the Lower
7 Peninsula north of a line beginning at and drawn from a point on
8 the Michigan-Wisconsin boundary line due west of the westerly
9 terminus of River Road in Muskegon County; thence due east to the
10 westerly terminus of River Road; thence north and east along the
11 center line of the River Road to its intersection with highway M-
12 120; thence northeasterly and easterly along the center line of
13 highway M-120 to the junction of highway M-20; thence easterly
14 along the center line of M-20 to its junction with US-10 at the
15 Midland-Bay County line; thence easterly along the center line of
16 the "business route" of highway US-10 to the intersection of
17 Garfield Road in Bay County; thence north along the center line of
18 Garfield Road to the intersection of the Pinconning Road; thence
19 east along the center line of Pinconning Road to the intersection
20 of the Seven Mile Road; thence north along the center of the Seven
21 Mile Road to the Bay-Arenac County line; thence north along the
22 center line of the Lincoln School Road (county road 25) in Arenac
23 County to the intersection of highway M-61; thence east along the
24 center line of highway M-61 to the junction of highway US-23;
25 thence northerly and easterly along the center line of highway US-
26 23 to the center line of the Au Gres River; thence southerly along
27 the center line of the river to its junction with Saginaw Bay of
28 Lake Huron; thence north 78° east to the international boundary
29 line between the United States and the Dominion of Canada.

1 **(ff)** ~~(dd)~~ "Zone 3" means all of that part of the Lower
2 Peninsula south of the line described in subdivision ~~(bb)~~ **(ee)** .

3 Sec. 82110. (1) The recreational snowmobile trail improvement
4 subaccount is created as a subaccount of the snowmobile account.
5 Money in the subaccount shall be used upon appropriation solely for
6 the improvement of snowmobile trails and other nonconflicting
7 recreational purposes.

8 ~~(2) Five dollars of each fee collected under section 82105, a~~
9 **All of the following shall be deposited in the recreational**
10 **snowmobile trail improvement subaccount:**

11 **(a) A portion of each registration fee collected for a**
12 **historic snowmobile as provided under section 82106.**

13 **(b) A portion of each trail permit fee collected as provided**
14 **under section 82118. ~~and not~~**

15 **(c) Not** less than 80% of the revenue from the fees collected
16 under sections 82114 and 82115. ~~shall be deposited in the~~
17 ~~recreational snowmobile trail improvement subaccount.~~

18 **(d) Fines collected under section 82163.**

19 (3) The department shall promulgate rules for the
20 administration of the recreational snowmobile trail improvement
21 subaccount.

22 (4) All funds allocated under this part shall be for projects
23 that are open to the public.

24 **Sec. 82163. (1) Subject to subsection (2), during the period**
25 **from December 1 through March 31 annually, a person shall not**
26 **operate a motor vehicle other than a snowmobile on a trail if all**
27 **of the following apply:**

28 **(a) The trail is part of the statewide trail network**
29 **established under section 72114 and is designated for snowmobile**

1 use alone or for snowmobile use in combination with ORV use.

2 (b) The trail is snow covered, and the snow is groomed for
3 snowmobile use.

4 (c) At major points where the trail may be accessed by motor
5 vehicles, it is marked as a groomed trail with an official sign
6 designed by the department.

7 (d) If the segment of the trail on which the motor vehicle
8 would be operated is a highway or street that is not normally
9 snowplowed, the authority having jurisdiction over the highway or
10 street has issued to the department a permit for that segment of
11 the trail to be located on the highway or street.

12 (2) Subsection (1) does not apply under any of the following
13 circumstances:

14 (a) If the motor vehicle is being operated for emergency or
15 law enforcement purposes.

16 (b) If the motor vehicle is being operated for approved
17 grooming activities on the trail.

18 (c) If the segment of the trail on which the motor vehicle is
19 being operated is a crossing with a highway or street or a trail
20 where operation of the motor vehicle is otherwise authorized.

21 (d) If the motor vehicle is used in logging operations.

22 (e) If the motor vehicle is an ORV and is being operated
23 pursuant to section 81131(9).

24 (f) The motor vehicle is being operated to access property
25 owned by or under the control of the operator or on which the
26 operator is an invited guest, using the safest route from a highway
27 or street on which the operator is authorized to operate the motor
28 vehicle.

29 (g) If and to the extent that the department waives the

1 prohibition for department-sponsored events or other circumstances
2 as determined by the director or the director's designee.

3 (3) A person who violates subsection (1) is responsible for a
4 state civil infraction and may be ordered to pay a civil fine of
5 not more than \$200.00. A fine collected under this section shall be
6 deposited in the recreational snowmobile trail improvement
7 subaccount.

8 (4) As used in this section, "motor vehicle" means any vehicle
9 that is self-propelled. However, motor vehicle does not include a
10 power-driven mobility device, as defined in section 43c of the
11 Michigan vehicle code, 1949 PA 300, MCL 257.43c, when that power-
12 driven mobility device is being used by an individual with a
13 mobility disability.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 4458 (request no.
16 01879'23 a) of the 102nd Legislature is enacted into law.