

Legislative Analysis



REVISE ALL TERRAIN VEHICLE (ATV) AND OFF-ROAD VEHICLE (ORV) DEFINITIONS

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House Bill 5343

Sponsor: Rep. Dave Hildenbrand

Committee: Conservation, Forestry, and Outdoor Recreation

Complete to 10-25-05

A SUMMARY OF HOUSE BILL 5343 AS INTRODUCED 10-20-05

House Bill 5343 would amend the Natural Resources and Environmental Protection Act (MCL 324.81101 and 324.81101a) to revise the definitions for all-terrain and off-road vehicles, in order to include larger and more powerful models. The bill also would re-define the term "forest trail" to mean a designated path or way capable of travel only by a vehicle 60 inches or less in width. Currently the standard is less than 50 inches in width.

Currently under the law, "ATV" means a three- or four-wheeled vehicle 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 500cc gasoline engine or an engine of comparable size using other fuels. House Bill 5343 would amend the definition so that "ATV" would mean a three-, four- *or six-wheel* vehicle designed for off-road use that has low-pressure tires, *a bench seat* or a seat designed to be straddled by the rider, and is powered by a 50cc to 900cc gasoline engine, or an engine of comparable size using other fuels.

Further, the law currently defines "ORV" to mean a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related two-wheel, three-wheel, or 4-wheel vehicle, or other means of transportation deriving motive power from a source other than muscle or wing. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle using in performance of its common function, or a registered aircraft. House Bill 5343 would retain these provisions, but expand the definition to include *a six-wheel* vehicle.

The bill also would add to Part 811 a new Section 81101a, which would only take effect if House Joint Resolution Z becomes part of the State Constitution as a result of voter approval in November 2006. That resolution would put a new Michigan Conservation and Recreation Legacy Fund, along with two existing funds, the Game and Fish Protection Trust Fund and the Nongame Fish and Wildlife Trust Fund, within the State Constitution. The new section contains definitions currently found in Section 81101.

Section 81101 would be repealed if the constitutional amendment is approved. The new section also contains an additional definition ("off road vehicle account") not found in current law that would apply if the new constitutional funds are created.

FISCAL IMPACT:

The bill would have no fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.