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BILL ANALYSIS

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Senate Bill 296 (as introduced 3-1-07)
Sponsor: Senator Ron Jelinek
Committee: Transportation

Date Completed: 3-4-08

CONTENT

The bill would amend Part 811 (Off-Road Recreational Vehicles) of the Natural Resources and Environmental Protection Act to permit a child to operate an off-road vehicle (ORV) without an ORV safety card at organized riding or racing events under certain conditions.

Under Part 811, the parent or legal guardian of a child under the age of 16 may not permit the child to operate an ORV unless he or she is under the direct visual supervision of an adult and has in his or her possession an ORV safety certificate issued under the part or a comparable certificate issued by another state or a Canadian province.

A child under the age of 12 may not operate a four-wheeled all-terrain vehicle (ATV) unless he or she is at least 10 years old and is on private land owned by a parent or legal guardian of the child.

Under the bill, those restrictions would not apply if all the following requirements were met:

- The child was participating in an organized ORV riding or racing event held on land not owned by the State.
- The child's parent or legal guardian had given the event organizer written permission for the child to participate in the event.
- The event organizer had at least \$500,000 liability insurance coverage for the event.
- A physician or physician's assistant licensed or otherwise authorized under the Public Health Code, or a paramedic or emergency medical technician licensed under the Public Health Code was present at the site or available on call.
- The event was at all times under the supervision of adult staff of the event organizer, and a staff member served as a flagger to warn ORV riders if another ORV rider was injured or an ORV was inoperable in the ORV operating area.
- Fencing or another means of crowd control was used to keep spectators out of the ORV operating area.
- If the event were on a closed course, dust was controlled in the ORV operating area and the riding surface otherwise was prepared properly.
- Participants did not use three-wheeled ATVs.
- Any ATVs used by participants were equipped with a side step bar or comparable safety equipment and with a tether kill switch, and all participants used the tether.
- Each participant in the event wore a crash helmet approved by the U.S. Department of Transportation, a protective long-sleeved shirt or jacket, long pants, boots, and protective gloves.
- Any other applicable requirements of Part 811 or rules promulgated under it were met.

The bill would permit the Director of the Department of Natural Resources to promulgate rules to implement these provisions.

MCL 324.81129

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.