

Legislative Analysis



ATVs: MORE WHEELS & LARGER ENGINES

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House Bill 5087 as introduced

Sponsor: Rep. Joel Sheltrown

Committee: Tourism, Outdoor Recreation & Natural Resources

First Analysis (6-23-09)

BRIEF SUMMARY: The bill would expand the definition of the term "ATV" (all-terrain vehicle) in the Natural Resources and Environmental Protection Act to include 6-wheelers, and to raise the maximum allowable engine size for an ATV from 500cc to 1,000cc. It would also revise the definition of "ORV" (off-road recreational vehicle), a broader category of which ATVs are a subset, to refer to 6-wheeled vehicles.

Although Michigan law has age requirements for operating 3-wheeled and 4-wheeled ATVs, the bill does not include an age requirement for operating a 6-wheeled ATV.

FISCAL IMPACT: The bill would not have a fiscal impact on the state or on local units of government.

THE APPARENT PROBLEM:

Reportedly some ATV manufacturers, including the Polaris Company, manufacture 6-wheeled ATVs, and would like them to qualify as ATVs and ORVs under Michigan's Natural Resources and Environmental Protection Act.

THE CONTENT OF THE BILL:

Under Michigan law, vehicles classified as "ATVs" (all-terrain vehicles) are a subset of the broader category of "ORVs" (off-road recreation vehicles). An "ATV" is a 3- or 4-wheeled vehicle designed for off-road use with low-pressure tires, a seat designed to be straddled by the rider, and an engine size in the range of 50cc to 500cc. The most common form of ATV is a "four-wheeler" or "quad." The ORV category includes many vehicles in addition to ATVs, such as sport utility vehicles, motorcycles, amphibious machines, and ground-effect air cushion vehicles, capable of cross-country travel without benefit of a road or trail.

House Bill 5087 would amend the definitions of the terms "ATV" and "ORV" in the Natural Resources and Environmental Protection Act (MCL 324.81101). The term "ATV" would include **six-wheeled vehicles** (in addition to 3-wheelers and 4-wheelers), and **the maximum engine size for an ATV would be raised from 500cc to 1,000cc**. To be classified as an ATV, the vehicle would still have to be designed for off-road use, have low-pressure tires, and have a seat designed to be straddled by the rider.

The portion of the **ORV** definition that currently refers to "an ATV, a motorcycle or related 2-wheel, 3-wheel or 4-wheel vehicle" would be amended to refer to an "ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or **6-wheel** vehicle."

[Note: MCL 324.81129 specifies if, when, and where children may operate 3 and 4-wheeled ATVs, subject to certain exceptions for ATVs used in agriculture and organized racing events. For instance, a child under the age of 16 may not operate a 3-wheeler, and a child under the age of 12 may not operate a 4-wheeler (unless he or she is at least 10 years old and is on private property owned by a parent or guardian).]

ARGUMENTS:

For:

Six-wheeled ATVs are already being sold and in use in Michigan, so the definition of the term "ATV" in state statute should be modified to reflect these larger-sized vehicles.

Against:

Children are injured or killed in a disproportionate number of ATV accidents. Under current Michigan law (MCL 324.81129), children under the age of 16 are prohibited from riding a 3-wheeled ATV, due to safety concerns. Children under the age of 12 are prohibited from riding a 4-wheeled ATV, except that children who are at least 10 years old may operate a 4-wheeled ATVs on a parent's or legal guardian's own land. If the definition of ATV is expanded to include 6-wheeled ATVs and those with larger engines up to 1,000cc in size, shouldn't the Legislature consider including corresponding age or place of operation restrictions as it has with the 3-wheeled and 4-wheeled ATVs? Is it wise to prohibit young children from operating 3-wheelers and 4-wheelers but to allow them to operate larger 6-wheelers?

According to the National Safety Council, ATVs with an engine size of 70cc to 90cc should be operated by people at least 12 years of age. ATVs with an engine size of greater than 90cc should only be operated by people at least 16 years of age. The bill as written would allow 6-wheeled ATVs with engine sizes of up to 1,000cc to be operated by children of any age.

POSITIONS:

The Polaris Company indicated support for the bill. (6-16-09)

The DNR indicated a neutral position on the bill. (6-23-09)

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