

# HOUSE BILL No. 5458

January 30, 2018, Introduced by Rep. Cochran and referred to the Committee on Government Operations.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 74116 and 78119 (MCL 324.74116 and 324.78119),  
section 74116 as amended by 2016 PA 1 and section 78119 as amended  
by 2013 PA 81.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 74116. (1) Subject to subsection (4), the operator of a  
2 nonresident motor vehicle or commercial motor vehicle shall not  
3 enter any state park with that motor vehicle unless a valid motor  
4 vehicle park permit issued under section 74117 is affixed to the  
5 lower right-hand corner of the windshield. An annual motor vehicle  
6 park permit for a nonresident motor vehicle ~~shall~~ **MUST** be affixed  
7 permanently for that year. The department shall post signs at parks

1 that state that a motor vehicle park permit is required for entry  
2 by a nonresident motor vehicle or commercial motor vehicle.

3 (2) Subject to subsection (4), the operator of a resident  
4 motor vehicle shall not enter a state park with the resident motor  
5 vehicle unless the recreation passport fee has been paid for that  
6 motor vehicle. Payment of the recreation passport fee authorizes  
7 entry into all state parks and recreation areas and designated  
8 state-operated public boating access sites until expiration of the  
9 motor vehicle registration.

10 (3) Subject to subsection (4), if the secretary of state  
11 issues registration tabs or stickers as described in section 805 of  
12 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
13 of a resident motor vehicle shall not enter a state park with the  
14 resident motor vehicle unless the resident motor vehicle has a  
15 registration tab or sticker marked as provided under that section  
16 to show that the recreation passport fee has been paid.

17 (4) Subsections (1) to (3) do not apply under any of the  
18 following circumstances:

19 (a) While the motor vehicle is being driven or parked within  
20 an established federal, state, or county highway within a state  
21 park.

22 (b) If the motor vehicle is used in the operation or  
23 maintenance of a state park, is an emergency motor vehicle, is a  
24 state owned or law enforcement motor vehicle, or is a private motor  
25 vehicle being operated on official state business.

26 (c) If the motor vehicle is registered under section 803e(1)  
27 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is

1 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
2 300, MCL 257.803e, from the registration tax, or if the motor  
3 vehicle is registered under section 217d or 803f of the Michigan  
4 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

5 (d) At a state-operated public boating access site or a state  
6 park where there is an opportunity to fish on a day that the  
7 department has designated as a free winter fishing day or a free  
8 fishing day under section 43534.

9 (e) If and to the extent that the department waives the  
10 requirements for department-sponsored events or other circumstances  
11 as determined by the director or the director's designee.

12 **(F) AT A STATE PARK OR RECREATION AREA ON PUBLIC LANDS DAY.**

13 Sec. 78119. (1) Subject to subsection (4), a person shall not  
14 enter, in a nonresident motor vehicle or commercial motor vehicle,  
15 a state-operated public boating access site designated under  
16 section 78105(2) without a valid pass affixed to the lower right-  
17 hand corner of the windshield. A seasonal pass shall be affixed  
18 permanently for the season.

19 (2) Subject to subsection (4), the operator of a resident  
20 motor vehicle shall not enter a state-operated public boating  
21 access site designated under section 78105(2) with the resident  
22 motor vehicle unless the recreation passport fee has been paid for  
23 that motor vehicle. Payment of the recreation passport fee  
24 authorizes entry into all state parks and recreation areas and  
25 designated state-operated public boating access sites until  
26 expiration of the motor vehicle registration.

27 (3) Subject to subsection (4), if the secretary of state

1 issues registration tabs or stickers as described in section 805 of  
2 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
3 of a resident motor vehicle shall not enter a designated state-  
4 operated public boating access site with the resident motor vehicle  
5 unless the resident motor vehicle has a registration tab or sticker  
6 marked as provided under that section to show that the recreation  
7 passport fee has been paid.

8 (4) Subsections (1) to (3) do not apply under any of the  
9 following circumstances:

10 (a) If the motor vehicle is used in the operation or  
11 maintenance of the public boating access site, is an emergency  
12 motor vehicle, is a state-owned or law enforcement motor vehicle,  
13 or is a private motor vehicle being operated on official state  
14 business.

15 (b) If the motor vehicle is registered under section 803e(1)  
16 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is  
17 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
18 300, MCL 257.803e, from the registration tax, or if the motor  
19 vehicle is registered under section 217d or 803f of the Michigan  
20 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f.

21 (c) If and to the extent the department waives the  
22 requirements for department-sponsored events or other circumstances  
23 as determined by the director or the director's designee.

24 **(D) AT A STATE-OPERATED PUBLIC BOATING ACCESS SITE ON PUBLIC**  
25 **LANDS DAY.**

26 (5) A person who violates subsection (1), (2), or (3) is  
27 responsible for a state civil infraction and may be ordered to pay

1 a civil fine of not more than \$100.00. A person ~~shall~~**MUST** not be  
2 cited for a violation of both subsections (2) and (3) for the same  
3 incident.

4 (6) In any proceeding for the violation of this part or a rule  
5 promulgated under this part, if a motor vehicle is found parked in  
6 a designated state-operated public boating access site, the  
7 registration plate displayed on the motor vehicle constitutes prima  
8 facie evidence that the owner of the motor vehicle was the person  
9 who parked or placed it at the location where it was found.

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.

12 Enacting section 2. This amendatory act does not take effect  
13 unless Senate Bill No.\_\_\_\_ or House Bill No. 5457 (request no.  
14 03355'17) of the 99th Legislature is enacted into law.