

Legislative Analysis



CIVIL INFRACTION FOR IMPROPER DISPLAY OF SNOWMOBILE REGISTRATION

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<http://www.house.mi.gov/hfa>

House Bill 5551 as referred to second committee
Sponsor: Rep. Julie Alexander
1st Committee: Natural Resources and Outdoor Recreation
2nd Committee: Judiciary
Complete to 6-17-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5551 would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act (NREPA) to specify penalties and sanctions for certain violations of that part.¹

FISCAL IMPACT: House Bill 5551 would have an indeterminate fiscal impact on the state and on local units of government. (Please see **Fiscal Information**, below, for a detailed discussion.)

THE APPARENT PROBLEM:

Currently under NREPA, improperly displaying a snowmobile registration is a misdemeanor, which can come with a punishment of imprisonment for up to 90 days in jail, a fine of up to \$500, or both. For many, a criminal record with a misdemeanor is a tough sentence, which oftentimes hinders employment and economic opportunities. One individual who displayed a registration on the back of a snowmobile instead of the front was faced with either accepting the misdemeanor charge and possibly losing job opportunities or fighting it and spending thousands of dollars on legal and court fees, missing work days, and traveling to the jurisdiction where charged. Legislation has been proposed to ensure that no one else is faced with such a decision for a nonviolent infraction.

THE CONTENT OF THE BILL:

Under the bill, a person who displayed a registration decal or trail permit sticker on a snowmobile somewhere other than as required by Part 821 or its rules would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

Additionally, section 82133 currently provides that a person who violates Part 821 is guilty of a misdemeanor unless another penalty or sanction is specifically provided. Although the section does not prescribe a penalty for those misdemeanor violations of the part, section 504 of the Michigan Penal Code provides that a misdemeanor with no specified penalty is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

The bill would amend section 82133 to specify that a person who commits a violation of Part 821 for which no other penalty or sanction is provided is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

MCL 324.82133

¹ HB 5551 is similar to other bills introduced this legislative session that would amend NREPA to change certain violations of the act from misdemeanors to civil infractions. A summary of several of those bills is available here: <https://www.legislature.mi.gov/documents/2019-2020/billanalysis/House/pdf/2019-HLA-5684-6A7D3299.pdf>

FISCAL INFORMATION:

The number of convictions that would result under provisions of the bill is not known. Currently, under section 82133 of NREPA, unless otherwise stated, a person who violates any provision within Part 821 of the act is guilty of a misdemeanor. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision, and fewer misdemeanor convictions would reduce those costs. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any change in penal fine revenue received from misdemeanor convictions would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Also under House Bill 5551, a person displaying a registration decal or trail permit sticker on a snowmobile at a location other than where required would be responsible for a civil infraction and may be ordered to pay a civil fine. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, and, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. There is no way to determine the number of violations that will occur under provisions of the bill, so it is not possible to estimate the amount of additional revenue the state would collect.

ARGUMENTS:

For:

Many argue that a nonviolent violation such as improperly displaying snowmobile registration should not yield a criminal misdemeanor charge. Among other things, charges connected with recreational activities can often require traveling some distance from home for court appearances and other obligations. Moreover, misdemeanors on a background check can limit economic and job prospects in Michigan. A civil charge and fine are sufficient sanctions to promote compliance with the law.

Against:

No arguments against the bill were presented in committee.

POSITIONS:

The Department of Natural Resources indicated support for the bill. (6-9-20)

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