

**SUBSTITUTE FOR  
SENATE BILL NO. 923**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 81133 (MCL 324.81133), as amended by 2018 PA  
206.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 81133. (1) An individual shall not operate an ORV:  
2           (a) At a rate of speed greater than is reasonable and proper,  
3 or in a careless manner, having due regard for conditions then  
4 existing.  
5           (b) During the hours of 1/2 hour after sunset to 1/2 hour  
6 before sunrise without displaying a lighted headlight and lighted  
7 taillight. The requirements of this subdivision are in addition to  
8 any applicable requirements of section 81131(12).



1 (c) Unless the vehicle is equipped with a braking system that  
2 may be operated by hand or foot, capable of producing deceleration  
3 at 14 feet per second on level ground at a speed of 20 miles per  
4 hour; a brake light, brighter than the taillight, visible from  
5 behind the vehicle when the brake is activated, if the vehicle is  
6 operated during the hours of 1/2 hour after sunset and 1/2 hour  
7 before sunrise; and a throttle so designed that when the pressure  
8 used to advance the throttle is removed, the engine speed will  
9 immediately and automatically return to idle.

10 (d) In a state game area or state park or recreation area,  
11 except on roads, trails, or areas designated for this purpose,  
12 notwithstanding section 72118; on other state-owned lands under the  
13 control of the department where the operation would be in violation  
14 of rules promulgated by the department; in a forest nursery or  
15 planting area; on public lands posted or reasonably identifiable as  
16 an area of forest reproduction, and when growing stock may be  
17 damaged; in a dedicated natural area of the department; or in any  
18 area in such a manner as to create an erosive condition, or to  
19 injure, damage, or destroy trees or growing crops. However, the  
20 department may permit an owner and guests of the owner to use an  
21 ORV within the boundaries of a state forest in order to access the  
22 owner's property.

23 (e) On the frozen surface of public waters within 100 feet of  
24 an individual not in or upon a vehicle, or within 100 feet of a  
25 fishing shanty or shelter or an area that is cleared of snow for  
26 skating purposes, except at the minimum speed required to maintain  
27 controlled forward movement of the vehicle, or as may be authorized  
28 by permit in special events.

29 (f) Unless the vehicle is equipped with a spark arrester type



1 United States Forest Service approved muffler, in good working  
2 order and in constant operation. Exhaust noise emission shall not  
3 exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January  
4 1, 1986, when the vehicle is under full throttle, traveling in  
5 second gear, and measured 50 feet at right angles from the vehicle  
6 path with a sound level meter that meets the requirement of ANSI  
7 S1.4 1983, using procedure and ancillary equipment therein  
8 described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after  
9 January 1, 1986, or that level comparable to the current sound  
10 level as provided for by the United States Environmental Protection  
11 Agency when tested according to the provisions of the current SAE  
12 J1287, June 86 test procedure for exhaust levels of stationary  
13 motorcycles, using sound level meters and ancillary equipment  
14 therein described. A vehicle subject to this part, manufactured or  
15 assembled after December 31, 1972 and used, sold, or offered for  
16 sale in this state, shall conform to the noise emission levels  
17 established by the United States Environmental Protection Agency  
18 under the noise control act of 1972, 42 USC 4901 to 4918.

19 (g) Within 100 feet of a dwelling at a speed greater than the  
20 minimum required to maintain controlled forward movement of the  
21 vehicle, except under any of the following circumstances:

22 (i) On property owned by or under the operator's control or on  
23 which the operator is an invited guest.

24 (ii) On a forest road or forest trail if the forest road or  
25 forest trail is maintained by or under the jurisdiction of the  
26 department.

27 (iii) On a street, county road, or highway on which ORV use is  
28 authorized under section 81131(2), (3), (5), or (6).

29 (h) In or upon the lands of another without the written



1 consent of the owner, the owner's agent, or a lessee, when required  
2 by part 731. The operator of the vehicle is liable for damage to  
3 private property caused by operation of the vehicle, including, but  
4 not limited to, damage to trees, shrubs, or growing crops, injury  
5 to other living creatures, or erosive or other ecological damage.  
6 The owner of the private property may recover from the individual  
7 responsible nominal damages of not less than the amount of damage  
8 or injury. Failure to post private property or fence or otherwise  
9 enclose **private property** in a manner to exclude intruders or of the  
10 private property owner or other authorized person to personally  
11 communicate against trespass does not imply consent to ORV use.

12 (i) In an area on which public hunting is permitted during the  
13 regular November firearm deer season, from 7 a.m. to 11 a.m. and  
14 from 2 p.m. to 5 p.m., except as follows:

15 (i) During an emergency.

16 (ii) For law enforcement purposes.

17 (iii) To go to and from a permanent residence or a hunting camp  
18 otherwise inaccessible by a conventional wheeled vehicle.

19 (iv) To remove legally harvested deer, bear, or elk from public  
20 land. An individual shall operate an ORV under this subparagraph at  
21 a speed not exceeding 5 miles per hour, using the most direct route  
22 that complies with subdivision (n).

23 (v) To conduct necessary work ~~functions~~ involving land ~~and or~~  
24 timber survey, communication ~~and or~~ transmission line patrol, or  
25 timber harvest operations.

26 (vi) On property owned or under control of the operator or on  
27 which the operator is an invited guest.

28 (vii) While operating a vehicle registered under the code on a  
29 private road capable of sustaining automobile traffic or a street,



1 county road, or highway.

2 (viii) If the individual holds a valid permit to hunt from a  
3 standing vehicle issued under part 401 or is a person with a  
4 disability using an ORV to access public lands for purposes of  
5 hunting or fishing through use of a designated trail or forest  
6 road. An individual holding a valid permit to hunt from a standing  
7 vehicle issued under part 401, or a person with a disability using  
8 an ORV to access public lands for purposes of hunting or fishing,  
9 may display a flag, the color of which the department shall  
10 determine, to identify himself or herself as a person with a  
11 disability or an individual holding a permit to hunt from a  
12 standing vehicle under part 401.

13 (j) Except as otherwise provided in section 40111, while  
14 transporting on the vehicle a bow unless unstrung or encased, or a  
15 firearm unless unloaded and securely encased, or equipped with and  
16 made inoperative by a manufactured keylocked trigger housing  
17 mechanism.

18 (k) On or across a cemetery or burial ground, or land used as  
19 an airport.

20 (l) Within 100 feet of a slide, ski, or skating area, unless  
21 the vehicle is being used for the purpose of servicing the area or  
22 is being operated pursuant to section 81131(2), (3), (5), or (6).

23 (m) On an operating or nonabandoned railroad or railroad  
24 right-of-way, or public utility right-of-way, other than for the  
25 purpose of crossing at a clearly established site intended for  
26 vehicular traffic, except railroad, public utility, or law  
27 enforcement personnel while in performance of their duties, and  
28 except if the right-of-way is designated as provided for in section  
29 81127.



1 (n) In or upon the waters of any stream, river, bog, wetland,  
2 swamp, marsh, or quagmire except over a bridge, culvert, or similar  
3 structure.

4 (o) To hunt, pursue, worry, kill, or attempt to hunt, pursue,  
5 worry, or kill an animal, whether wild or domesticated.

6 (p) In a manner so as to leave behind litter or other debris.

7 (q) On public land, in a manner contrary to operating  
8 regulations.

9 (r) While transporting or possessing, in or on the vehicle,  
10 alcoholic liquor in a container that is open or uncapped or upon  
11 which the seal is broken, except under either of the following  
12 circumstances:

13 (i) The container is in a trunk or compartment separate from  
14 the passenger compartment of the vehicle.

15 (ii) If the vehicle does not have a trunk or compartment  
16 separate from the passenger compartment, the container is encased  
17 or enclosed.

18 (s) While transporting any passenger in or upon an ORV unless  
19 the manufacturing standards for the vehicle make provisions for  
20 transporting passengers.

21 (t) On adjacent private land, in an area zoned residential,  
22 within 300 feet of a dwelling at a speed greater than the minimum  
23 required to maintain controlled forward movement of the vehicle  
24 except under any of the following circumstances:

25 (i) On a forest road or forest trail if the forest road or  
26 forest trail is maintained by or under the jurisdiction of the  
27 department.

28 (ii) On a street, county road, or highway on which ORV use is  
29 authorized under section 81131(2), (3), (5), or (6).



1 (u) On a forest trail if the ORV is greater than 50 inches in  
2 width.

3 (2) An individual who is operating or is a passenger on an ORV  
4 shall wear a crash helmet and protective eyewear that are approved  
5 by the United States Department of Transportation. This subsection  
6 does not apply to any of the following:

7 (a) An individual who owns the property on which the ORV is  
8 operating, is a family member of the owner and resides at that  
9 property, or is an invited guest of ~~an individual who owns~~ **an owner**  
10 **of** the property. An exception under this subdivision does not apply  
11 to any of the following:

12 (i) An individual less than 16 years of age.

13 (ii) An individual 16 or 17 years of age, unless the individual  
14 has consent from his or her parent or guardian to ride without a  
15 crash helmet.

16 (iii) An individual participating in an organized ORV riding or  
17 racing event if an individual who owns the property receives  
18 consideration for use of the property for operating ORVs.

19 (b) An individual wearing a properly adjusted and fastened  
20 safety belt if the ORV is equipped with a roof that meets or  
21 exceeds United States Department of Transportation standards for a  
22 crash helmet.

23 **(c) An individual who possesses a written verification from a**  
24 **physician that the individual, for physical or medical reasons, is**  
25 **unable to wear a helmet. The individual shall exhibit the written**  
26 **verification upon the request of a peace officer.**

27 **(d) ~~(e)~~**—An ORV operated on a state-licensed game bird hunting  
28 preserve at a speed of not greater than 10 miles per hour.

29 **(e) ~~(d)~~**—An ORV operated for the purpose of towing a fishing



1 shanty or supply shed over the frozen surface of public waters at  
2 the minimum speed required to maintain controlled forward movement  
3 of the vehicle or while traveling to and from a fishing shanty at a  
4 speed of not greater than 10 miles per hour. An owner of private  
5 property is not liable for personal injuries, including death, to  
6 an individual who operates an ORV as described in this subdivision  
7 without wearing a helmet while traveling on the owner's property.

8 (3) Each person who participates in the sport of ORV riding  
9 accepts the risks associated with that sport insofar as the dangers  
10 are inherent. Those risks include, but are not limited to, injuries  
11 to persons or property that can result from variations in terrain;  
12 defects in traffic lanes; surface or subsurface snow or ice  
13 conditions; bare spots; rocks, trees, and other forms of natural  
14 growth or debris; and collisions with fill material, decks,  
15 bridges, signs, fences, trail maintenance equipment, or other ORVs.  
16 Those risks do not include injuries to persons or property that  
17 result from the use of an ORV by another person in a careless or  
18 negligent manner likely to endanger person or property. When an ORV  
19 is operated in the vicinity of a railroad right-of-way, each person  
20 who participates in the sport of ORV riding additionally assumes  
21 risks including, but not limited to, entanglement with railroad  
22 tracks, switches, and ties and collisions with trains and train-  
23 related equipment and facilities.

