

Legislative Analysis



CIVIL INFRACTIONS FOR CERTAIN SNOWMOBILE VIOLATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4136 as introduced
Sponsor: Rep. Gregory Markkanen

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

House Bill 4138 as introduced
Sponsor: Rep. Julie Alexander

Committee: Judiciary
Complete to 3-21-21

SUMMARY:

House Bills 4136 and 4138 would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act (NREPA) to change penalties or sanctions for certain violations of that part.

House Bill 4136 would amend sections 82122 and 82123 of NREPA. Section 82122 prohibits a person from operating without properly working safety features (such as headlights and brakes) or from selling a snowmobile that does not meet specified safety standards. Section 82123 prohibits a person from operating or riding a snowmobile without wearing a crash helmet (except on his or her property).

Currently, a person who violates either section is guilty of a misdemeanor. The Michigan Penal Code provides that a misdemeanor for which no specific penalty is prescribed (as in this case) is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

Under the bill, a person who violated either section would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.82122 and 324.82123

House Bill 4138 would amend section 82113 of NREPA. Section 82113 requires a snowmobile owner who has been issued a certificate of registration to affix the registration decal to each side of the forward half of the cowl above the footwell of the snowmobile¹ and prohibits a number from being attached to, or otherwise displayed on, the snowmobile that is not the number awarded to the snowmobile on the registration certificate or granted reciprocity under Part 821.

¹ Note that section 82105 provides that "The registration decal shall be displayed as prescribed by rule promulgated by the Secretary of State." For an image from the Secretary of State that shows the location of decal placement (the same as prescribed by section 82113), see https://www.michigan.gov/documents/decals_16060_7.pdf

Currently, a person who violates section 82113 is guilty of a misdemeanor. The Michigan Penal Code provides that a misdemeanor for which no specific penalty is prescribed (as in this case) is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

Under the bill, a person who violated either of the provisions described above would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.82113

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local units of government. 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. The penalties for violations under the bills would be reduced from misdemeanor charges to civil infractions. Reducing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenues used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails, and how those costs are financed, vary by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the Revised Judicature Act (RJA), \$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. The fiscal impact on local court systems would depend on how provisions of the bills affected caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur under provisions of the bills, an estimate of the amount of additional revenue to the state cannot be made.

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Robin Risko

■ 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.