

# HOUSE BILL NO. 4535

March 18, 2021, Introduced by Reps. Borton, Lightner, Bezotte, Paquette, Damoose, Roth, Bollin, Huizenga, Outman, O'Malley and Sabo and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101 and 82110 (MCL 324.82101 and 324.82110), section 82101 as amended by 2020 PA 385 and section 82110 as amended by 2004 PA 587, and by adding section 82163.

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

- 1           Sec. 82101. As used in this part:
- 2           (a) "Alcoholic liquor" means that term as defined in section
- 3 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

1 (b) "Auction" means the sale or offer for sale by bidding of  
2 real or personal property at a public or private location.

3 (c) "Auctioneer" means a person that is engaged in the  
4 business of conducting auctions or that offers to conduct an  
5 auction for compensation.

6 (d) "Conviction" means a final conviction, the payment of a  
7 fine, a plea of guilty or nolo contendere if accepted by the court,  
8 or a finding of guilt or probate court disposition on a violation  
9 of this part, regardless of whether the penalty is rebated or  
10 suspended.

11 (e) "Dealer" means any person engaged in the sale, lease, or  
12 rental of snowmobiles as a regular business, other than an  
13 auctioneer.

14 (f) "Former section 15a" means section 15a of former 1968 PA  
15 74, as constituted before May 1, 1994.

16 (g) "Highly restricted personal information" means an  
17 individual's photograph or image, Social Security number, digitized  
18 signature, and medical and disability information.

19 (h) "Highway or street" means the entire width between the  
20 boundary lines of every way publicly maintained if any part of it  
21 is open to public use for vehicular travel.

22 (i) "Historic snowmobile" means a snowmobile that is over 25  
23 years old and that is owned solely as a collector's item and for  
24 occasional use and for participation in club activities,  
25 exhibitions, tours, parades, and similar uses, including mechanical  
26 testing.

27 (j) "In-kind contributions" means services and goods as  
28 approved by the department that are provided by a grant recipient  
29 toward completion of a department-approved local snowmobile program

1 under section 82107.

2 (k) "Law of another state" means a law or ordinance enacted by  
3 any of the following:

4 (i) Another state.

5 (ii) A local unit of government in another state.

6 (iii) Canada or a province or territory of Canada.

7 (iv) A local unit of government in a province or territory of  
8 Canada.

9 (l) "Operate" means to ride in or on and be in actual physical  
10 control of the operation of a snowmobile.

11 (m) "Operator" means any individual who operates a snowmobile.

12 (n) "Owner" means any of the following:

13 (i) A person that holds the legal title to a snowmobile.

14 (ii) A vendee or lessee of a snowmobile that is the subject of  
15 an agreement for conditional sale or lease with the right of  
16 purchase upon performance of the conditions stated in the agreement  
17 and with an immediate right of possession vested in the conditional  
18 vendee or lessee.

19 (iii) A person renting a snowmobile or having the exclusive use  
20 of a snowmobile for more than 30 days.

21 (o) "Peace officer" means any of the following:

22 (i) A sheriff.

23 (ii) A sheriff's deputy.

24 (iii) A deputy who is authorized by a sheriff to enforce this  
25 part and who has satisfactorily completed at least 40 hours of law  
26 enforcement training, including training specific to this part.

27 (iv) A village or township marshal.

28 (v) An officer of the police department of any municipality.

1           (vi) An officer of the Michigan state police.

2           (vii) The director and conservation officers employed by the  
3 department.

4           (viii) A law enforcement officer who is licensed or certified  
5 under the Michigan commission on law enforcement standards act,  
6 1965 PA 203, MCL 28.601 to 28.615, and is policing within his or  
7 her jurisdiction.

8           (p) "Personal information" means information that identifies  
9 an individual, including an individual's driver identification  
10 number, name, address not including zip code, and telephone number,  
11 but does not include information on snowmobile operation or  
12 equipment-related violations or civil infractions, operator or  
13 snowmobile registration status, accidents, or other behaviorally-  
14 related information.

15           (q) "Prior conviction" means a conviction for any of the  
16 following, whether under a law of this state, a local ordinance  
17 substantially corresponding to a law of this state, a law of the  
18 United States substantially corresponding to a law of this state,  
19 or a law of another state substantially corresponding to a law of  
20 this state:

21           (i) A violation or an attempted violation of section 82127(1),  
22 (3), (4), (5), (6), or (7), except that only 1 violation or  
23 attempted violation of section 82127(6), a local ordinance  
24 substantially corresponding to section 82127(6), or a law of  
25 another state substantially corresponding to section 82127(6), or a  
26 law of the United States substantially corresponding to section  
27 82127(6) may be used as a prior conviction other than for  
28 enhancement purposes as provided in section 82129a(1)(b).

29           (ii) Negligent homicide, manslaughter, or murder resulting from

1 the operation of a snowmobile or an attempt to commit any of those  
2 crimes.

3 (iii) Former section 15a(1), (3), (4), or (5) of 1968 PA 74.

4 (iv) Former section 15a.

5 (r) "Probate court or family division disposition" means the  
6 entry of a probate court order of disposition or family division  
7 order of disposition for a child found to be within the provisions  
8 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
9 712A.1 to 712A.32.

10 (s) "Prosecuting attorney", unless the context requires  
11 otherwise, means the attorney general, the prosecuting attorney of  
12 a county, or the attorney representing a local unit of government.

13 (t) "Recreational snowmobile trail improvement subaccount"  
14 means the recreational snowmobile trail improvement subaccount of  
15 the snowmobile account created in section 82110.

16 (u) "Right-of-way" means that portion of a highway or street  
17 not including the roadway and any shoulder.

18 (v) "Roadway" means that portion of a highway or street  
19 improved, designated, or ordinarily used for vehicular travel. If a  
20 highway or street includes 2 or more separate roadways, the term  
21 roadway refers to any roadway separately, but not to all of the  
22 roadways collectively.

23 (w) "Shoulder" means that portion of a highway or street on  
24 either side of the roadway that is normally snowplowed for the  
25 safety and convenience of vehicular traffic.

26 (x) "Snowmobile", **subject to subdivision (y)**, means ~~any motor-~~  
27 ~~driven vehicle that is not a vehicle that must designed for travel~~  
28 ~~primarily on snow or ice and that utilizes sled-type runners or~~  
29 ~~skis, an endless belt tread, or any combination of these or other~~

1 ~~similar means of contact with the surface upon which it is operated~~  
 2 ~~, but is a vehicle that meets all of the following requirements:~~

3 (i) Is engine-driven.

4 (ii) Has an endless belt tread.

5 (iii) Was originally manufactured solely for operation over  
 6 snow.

7 (iv) Is steered by 2 sled-type runners or skis that are in  
 8 contact with the snow and the distance between the centers of the  
 9 spindles of which is, except for a historic snowmobile, not more  
 10 than 48 inches.

11 (y) Snowmobile does not include any of the following:

12 (i) An ORV required to be licensed under section 81115.

13 (ii) A vehicle required to be registered under the Michigan  
 14 vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

15 (z) ~~(y)~~—"Snowmobile account" means the snowmobile account of  
 16 the Michigan conservation and recreation legacy fund provided for  
 17 in section 2025.

18 (aa) ~~(z)~~—"Snowmobile registration fee subaccount" means the  
 19 snowmobile registration fee subaccount of the snowmobile account  
 20 created in section 82111.

21 (bb) ~~(aa)~~—"Specialty court program" means a program under any  
 22 of the following:

23 (i) A drug treatment court, as defined in section 1060 of the  
 24 revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which  
 25 the participant is an adult.

26 (ii) A DWI/sobriety court, as defined in section 1084 of the  
 27 revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

28 (iii) A hybrid of the programs under subparagraphs (i) and (ii).

29 (iv) A mental health court as defined in section 1090 of the

1 revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

2 (v) A veterans treatment court, as defined in section 1200 of  
3 the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

4 (cc) ~~(bb)~~ "Zone 1" means all of the Upper Peninsula.

5 (dd) ~~(cc)~~ "Zone 2" means all of that part of the Lower  
6 Peninsula north of a line beginning at and drawn from a point on  
7 the Michigan-Wisconsin boundary line due west of the westerly  
8 terminus of River Road in Muskegon County; thence due east to the  
9 westerly terminus of River Road; thence north and east along the  
10 center line of the River Road to its intersection with highway M-  
11 120; thence northeasterly and easterly along the center line of  
12 highway M-120 to the junction of highway M-20; thence easterly  
13 along the center line of M-20 to its junction with US-10 at the  
14 Midland-Bay County line; thence easterly along the center line of  
15 the "business route" of highway US-10 to the intersection of  
16 Garfield Road in Bay County; thence north along the center line of  
17 Garfield Road to the intersection of the Pinconning Road; thence  
18 east along the center line of Pinconning Road to the intersection  
19 of the Seven Mile Road; thence north along the center of the Seven  
20 Mile Road to the Bay-Arenac County line; thence north along the  
21 center line of the Lincoln School Road (county road 25) in Arenac  
22 County to the intersection of highway M-61; thence east along the  
23 center line of highway M-61 to the junction of highway US-23;  
24 thence northerly and easterly along the center line of highway US-  
25 23 to the center line of the Au Gres River; thence southerly along  
26 the center line of the river to its junction with Saginaw Bay of  
27 Lake Huron; thence north 78° east to the international boundary  
28 line between the United States and the Dominion of Canada.

29 (ee) ~~(dd)~~ "Zone 3" means all of that part of the Lower

1 Peninsula south of the line described in subdivision (bb).

2       Sec. 82110. (1) The recreational snowmobile trail improvement  
3 subaccount is created as a subaccount of the snowmobile account.  
4 Money in the subaccount shall be used upon appropriation solely for  
5 the improvement of snowmobile trails and other nonconflicting  
6 recreational purposes.

7       (2) ~~Five~~ **All of the following shall be deposited in the**  
8 **recreational snowmobile trail improvement subaccount:**

9       (a) **Five** dollars of each fee collected under section 82105. ~~7~~  
10 a

11       (b) **A** portion of each trail permit fee collected as provided  
12 under section 82118. ~~7~~ ~~and not~~

13       (c) **Not** less than 80% of the revenue from the fees collected  
14 under sections 82114 and 82115.

15       (d) **Fines collected under section 82163.** ~~shall be deposited in~~  
16 ~~the recreational snowmobile trail improvement subaccount.~~

17       (3) The department shall promulgate rules for the  
18 administration of the recreational snowmobile trail improvement  
19 subaccount.

20       (4) All funds allocated under this part shall be for projects  
21 that are open to the public.

22       **Sec. 82163. (1) Subject to subsection (2), during the period**  
23 **from December 1 through March 31 annually, a person shall not**  
24 **operate a motor vehicle other than a snowmobile on a trail if both**  
25 **of the following apply:**

26       (a) **The trail is part of the statewide trail network**  
27 **established under section 72114 and is designated for snowmobile**  
28 **use.**

29       (b) **The trail is snow covered, and the snow is groomed for**



1 snowmobile use.

2 (2) Subsection (1) does not apply under any of the following  
3 circumstances:

4 (a) If the motor vehicle is being used for emergency or law  
5 enforcement purposes.

6 (b) If the portion of the snowmobile trail on which the motor  
7 vehicle is operated is a crossing with a highway or street or a  
8 trail where operation of the motor vehicle is otherwise authorized.

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

12 (3) A person who violates subsection (1) is responsible for a  
13 state civil infraction and may be ordered to pay a civil fine of  
14 not more than \$200.00. A fine collected under this section shall be  
15 deposited in the recreational snowmobile trail improvement  
16 subaccount created in section 82110.

17 Enacting section 1. This amendatory act does not take effect  
18 unless Senate Bill No. \_\_\_\_ or House Bill No. 4536 (request no.  
19 01338'21 a \*) of the 101st Legislature is enacted into law.