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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 176 (Substitute S-1 as passed by the Senate)

Sponsor: Senator James Barcia

Committee: State Affairs, Tourism, and Transportation

Date Completed: 8-30-89

**RATIONALE**

In 1987, a Task Force on Recreational Vehicles, as part of a report by the Governor's Conference on Traffic Safety, made a number of recommendations to help reduce injuries and deaths among operators of off-road recreation vehicles (ORVs), especially all-terrain vehicles (ATVs). As proof that immediate action should be taken to address the dangers presented by the operation of such vehicles, the following data have been supplied by Specialty Vehicle Institute of America and the Consumer Product Safety Commission: the estimated number of ATVs in use nationwide grew from 1.6-1.7 million in 1984 to 2.3-2.4 million in 1986 while ATV-related injuries rose from about 26,900 in 1983 to 63,900 in 1984. Further, there were 1,186 ATV-related deaths between 1982 and 1988, of which 67 occurred in Michigan.

One of the Task Force's recommendations, which some argue would be a vital component of any plan to minimize ATV-related deaths and injuries, was that ORV and ATV training include more "hands-on" experience and that it be mandatory for operators under 16 years old. According to some reports, those ORV courses that currently exist are taught at irregular intervals, do not include practical experience in the operation of the vehicle, are not readily available to many operators, and are not specifically designed to cover ATVs. It has been argued that mandating training and driver testing programs for youthful ORV and ATV operators and providing for statewide coordination of such programs similar to that which exists for motorcycle driver programs

would contribute significantly to the reduction of ATV- and ORV-related accidents.

**CONTENT**

The bill would amend Public Act 319 of 1975, which provides for the registration and regulation of ORVs, to require the Department of Education to implement a comprehensive ATV safety education program, and to require all persons under 16 to complete a safety education course before operating an ORV or ATV. The term "ATV" would be defined as a three- or four-wheeled vehicle designed for off-road use that has low pressure tires, has a seat designed to be straddled by the operator, and is powered by a 50 cc to 500 cc gasoline engine or an engine of comparable size using other fuels.

The bill would require persons under 16 years of age, before operating an ATV or ORV, to complete an ATV or ORV safety course, or both, provided by the Department of Education. The courses would have to include a written examination and a driving test designed to test the applicant's competency. Upon successful completion of the course, the person would receive an ATV or ORV safety certificate, or both. The courses could be conducted by private business enterprises, colleges, universities, intermediate or local school districts, law enforcement agencies, other Michigan governmental agencies, or Department-approved nonprofit service organizations. Except for courses conducted by

private business enterprises, the maximum fee for a safety education course would be \$25 or in the case of a university or community college the cost of one credit hour of instruction. The course fees would be used only to fund the administration and implementation of the course.

Currently, the Act specifies that the Legislature is to appropriate funds from registration fees to the Department of State for administration of the Act's registration provisions and to the DNR to construct ORV trails and administer and implement an ORV safety education and training program. The bill specifies that the fees also would be appropriated to the Department of Education for the administration and implementation of ATV or ORV safety education programs.

The bill specifically would make the Department of Education responsible for the establishment and administration of the ATV and ORV safety education courses and would require the Department to promulgate rules regarding teacher qualifications, reimbursement procedures, the awarding of safety certificates, and the establishment and regulation of the courses, and other requirements of the bill. The Department would have to consult with Department of Natural Resources and the Department of State on the content of the course. The Superintendent of Public Instruction would be required to designate a person to be the State coordinator of the ORV and ATV safety educational programs. The coordinator would have to have successfully completed ATV and ORV safety chief instructor courses. Further, the Superintendent would have to designate a person who had successfully completed ATV and ORV chief instructor courses to perform annual inspections of safety course sites. A safety chief inspector would be a person who had been certified by a nationally recognized ATV and ORV organization to certify instructors and do "onsight" evaluations of instructors.

MCL 257.1601 et al.

### **FISCAL IMPACT**

This bill would result in costs to the Departments of Education and Natural Resources of about \$57,800. This would be for

two half-time positions, \$39,800 total; contractual services, supplies, and material of \$10,000, and travel of \$8,000. Presumably these costs would be funded from off-road vehicle registration fee revenue; that account had a six-year end balance of \$904,144 for FY 1988. There would be no costs to local units of government.

### **ARGUMENTS**

#### **Supporting Argument**

One of the most critical components of any attempt to ensure the safe operation of ATVs and ORVs is a requirement that operators receive sufficient training in the proper use of the vehicle and the appropriate driving practices for the type of vehicle used and the terrain upon which it is driven. The bill would mandate that young ATV and ORV operators receive the necessary education and training to make them safer drivers, provide for statewide coordination of such programs, and ensure that the course instructors were competent and qualified. Most importantly, by making these changes, the bill would reduce avoidable injuries and deaths that result from the use of CRVs and ATVs by inexperienced operators.

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HOUSE LEGISLATIVE

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SENATE BILL 176

ANALYSIS FIRST

SEE HB 4827

HOUSE LEGISLATIVE ANALYSIS SECTION

Senate Bill S.B. 176

Analysis 2<sup>nd</sup> Analysis

See H.B. 4827