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BILL ANALYSIS

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Senate Bill 176 (as enrolled)

Sponsor: Senator James Barcia

Committee: State Affairs, Tourism, and Transportation

PUBLIC ACT 56 of 1990

Date Completed: 6-7-90

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 all persons under 16 to complete a safety education course before operating an ORV or ATV, specify who could conduct such courses and the maximum fees, and establish a safety education fund from which grants could be made to schools and governmental agencies to cover the costs of conducting the courses. The bill would take effect April 1, 1990.

Specifically, the bill would require persons under 16 years of age, before operating an ATV or ORV, to complete an ORV safety course provided by the Department of Education. The course 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 ORV safety certificate. The course 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. An agency or school conducting a course could apply to the Department for a grant from the safety education fund for costs associated with

S.B. 176 (6-7-90)

conducting a course. 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. A private business enterprise could charge a course fee that did not exceed the cost of conducting 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.

As of April 1, 1990, a safety education fund would be created in the State Treasury and administered by the Department of Education. From April 1, 1990 through March 31, 1993, \$1 of the revenue from each safety education course fee would be deposited in the fund. Further, the Department of Education could accept gifts, grants, or bequests from any public or private source or the Federal, State or a local unit of government for the purposes of the fund. Any money remaining in the fund at the end of a fiscal year would be carried over in the fund to succeeding years and would be used only to provide grants to schools and governmental agencies conducting safety education courses.

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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