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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 176

Sponsor: Senator James Barcia

Committee: State Affairs, Tourism, and Transportation

Date Completed: 5-9-89

SUMMARY OF SENATE BILL 176 as introduced 2-28-89:

The bill would amend Public Act 319 of 1975, which provides for the registration and regulation of off-road recreation vehicles (ORVs), to require the Department of Education to implement a comprehensive ATV safety education program, and to require all persons under 18 to complete a safety education course before operating an ORV or ATV. The term "ATV" would be defined as a motorized off-road vehicle that was not more than 50 inches in width, had a dry weight of not more than 600 pounds, traveled on three or more low pressure tires, had a seat designed to be straddled by the operator and had handle bars for steering control.

The bill would require persons under 18 years of age, before operating an ATV or ORV to complete an eight-hour ATV safety course provided by the Department of Education, or eight-hour ORV safety education training courses that are currently provided by the Department of Natural Resources (DNR), or both as applicable. 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.

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 an ATV safety education program.

Currently, the Act requires the DNR to implement a comprehensive ORV safety education and training program that includes the training of youthful operators. The DNR is required to cooperate with various agencies, including the Department of Education, to implement the program, and may designate a person it considers qualified to provide course instruction and award safety certificates.

The bill would require both the Department of Education and the DNR to promulgate rules regarding teacher qualifications, establishment and regulation of courses, and other requirements of the bill. Both the DNR and the Superintendent of Public Instruction would each be required to designate a person to be the State

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coordinator of the respective ORV and ATV safety educational programs and award safety certificates. The coordinators would have to have successfully completed an ATV or ORV safety chief instructor course as provided by the Departments. Further, the DNR and the Superintendent would each have to designate a person who had successfully completed a chief instructor course to perform annual inspections of safety course sites.

Finally, the bill would delete the provision allowing persons between 12 and 16 years of age to operate ORVs if they have an ORV safety certificate from another state or the province of Canada.

The bill is tie-barred to a bill that has not yet been introduced.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

This bill would have costs to the Departments of Education and Natural Resources of about \$57,800. This would be for two half-time positions, \$39,800; CSSM of \$10,000, and travel of \$8,000. There would be no costs to local units of government. Presumably this would be funded from off-road vehicle registration fee revenue which account had a six year end balance of \$904,144 for FY 1988.

Fiscal Analyst: A. Rich

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