

# HOUSE BILL No. 6215

November 8, 1990, Introduced by Reps. Alley, DeMars, Dolan and Kosteva and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 1 of Act No. 319 of the Public Acts of 1975, entitled as amended

"An act to provide for the registration and regulation of off-road recreation vehicles; to create certain funds; to prescribe the powers and duties of certain officers, agencies, and institutions; and to provide penalties,"

as amended by Act No. 71 of the Public Acts of 1990, being section 257.1601 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 319 of the Public Acts of  
2 1975, as amended by Act No. 71 of the Public Acts of 1990, being  
3 section 257.1601 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 1. As used in this act:

6 (a) "ATV" means a 3- or 4-wheeled vehicle designed for  
7 off-road use that has low pressure tires, has a seat designed to

1 be straddled by the rider, and is powered by a 50cc to 500cc  
2 gasoline engine or an engine of comparable size using other  
3 fuels.

4 (b) "Code" means the Michigan vehicle code, Act No. 300 of  
5 the Public Acts of 1949, being sections 257.1 to 257.923 of the  
6 Michigan Compiled Laws.

7 (c) "Commission" means the commission of ~~natural resources~~  
8 CONSERVATION AND RECREATION.

9 (d) "Dealer" means a person engaged in the sale, lease, or  
10 rental of an ORV as a regular business.

11 (e) "Department" means the department of natural resources.

12 (f) "Designated" means posted open for ORV use with appro-  
13 priate signs by the department.

14 (g) "Forest road" means a hard surfaced road, gravel or dirt  
15 road, fire lane, abandoned railroad right-of-way, logging road,  
16 or other way capable of travel by a 4-wheel vehicle, except an  
17 interstate, state, or county highway.

18 (h) "Forest trail" means a designated path or way capable of  
19 travel only by a vehicle less than 50 inches in width.

20 (i) "Highway" means the entire width between the boundary  
21 lines of a way publicly maintained when any part of the way is  
22 open to the use of the public for purposes of vehicular travel.

23 (j) "Manufacturer" means a person, partnership, corporation,  
24 or association engaged in the production and manufacture of ORVs  
25 as a regular business.

26 (k) "Operate" means to ride in or on, and be in actual  
27 physical control of, the operation of an ORV.

1 (l) "Operator" means a person who operates, or is in actual  
2 physical control of the operation of an ORV.

3 (m) "ORV" or "vehicle" means a motor driven off-road recre-  
4 ation vehicle capable of cross-country travel without benefit of  
5 a road or trail, on or immediately over land, snow, ice, marsh,  
6 swampland, or other natural terrain. It includes, but is not  
7 limited to a multitrack or multiwheel drive vehicle, an ATV, a  
8 motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an  
9 amphibious machine, a ground effect air cushion vehicle, or other  
10 means of transportation deriving motive power from a source other  
11 than muscle or wind. "ORV" or "vehicle" does not include a reg-  
12 istered snowmobile, a farm vehicle being used for farming, a  
13 vehicle used for military, fire, emergency, or law enforcement  
14 purposes, a construction or logging vehicle used in performance  
15 of its common function, or a registered aircraft.

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

17 (i) A vendee or lessee of an ORV which is the subject of an  
18 agreement for the conditional sale or lease of the ORV, with the  
19 right of purchase upon performance of the conditions stated in  
20 the agreement, and with an immediate right of possession vested  
21 in the conditional vendee or lessee.

22 (ii) A person renting an ORV, or having the exclusive use of  
23 an ORV, for more than 30 days.

24 (iii) A person who holds legal ownership of an ORV.

25 (o) "Person" means an individual, partnership, corporation,  
26 the state or any of its agencies or subdivisions, or a body of  
27 persons whether incorporated or not.

1 (p) "Public agency" means the department or a local unit of  
2 government.

3 (q) "Roadway" means that portion of a highway improved, des-  
4 igned, or ordinarily used for vehicular travel. If a highway  
5 includes 2 or more separate roadways, the term roadway refers to  
6 a roadway separately, but not to all roadways collectively.

7 (r) "Safety education fund" means the safety education fund  
8 created pursuant to section 6b.

9 (s) "Safety chief instructor" means a person who has been  
10 certified by a nationally recognized ATV and ORV organization to  
11 certify instructors and to do on-sight evaluations of  
12 instructors.

13 (t) "Trail improvement fund" means the ORV trail improvement  
14 fund created pursuant to section 6a.

15 (u) "Visual supervision" means the direct observation of the  
16 operator with the unaided or normally corrected eye, where the  
17 observer is able to come to the immediate aid of the operator.

18 Section 2. This amendatory act shall not take effect unless  
19 all of the following bills of the 85th Legislature are enacted  
20 into law:

21 (a) House Bill No. 5725.

22 (b) House Bill No. 5726.