



**House  
Legislative  
Analysis  
Section**

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**ORV TRAIL FUND**

**House Bill 4010**

**Sponsor: Rep. Tom Alley**

**Committee: Conservation, Recreation &  
Environment**

**Complete to 2-1-91**

**A SUMMARY OF HOUSE BILL 4010 AS INTRODUCED 1-31-91**

Public Act 71 of 1990 created the Off-road Vehicle Trail Improvement Fund within the state treasury for the signing, improvement, maintenance, and construction of ORV trails. The bill would amend the off-road vehicle act to specify that the ORV Trail Improvement Fund could also be used for ORV routes and for the administration and enforcement of the act. In addition, the bill would detail the way in which the fund should be spent and would clarify certain definitions and provisions within the act.

***The ORV Trail Improvement Fund.*** Under the bill, at least 40 percent of the annual amount of the fund would be distributed in the form of grants to public agencies and nonprofit incorporated clubs and organizations for the planning, improving, constructing, signing and maintenance of ORV trails and the routes and access to them, the agreements for the use of land for ORV trails, areas and routes, and the restoration of damage to natural resources on public land that was caused by ORV use. An application by an agency, club or organization would include a plan for restoration of the public land damaged due to ORV use. An entity applying for a grant would have to specify that the project was consistent with the Department of Natural Resources' plan and that the grant would be used to restore public land. Grants could not be approved unless the application met the requirements of the plan. Grants would be considered in consultation with the ORV Trails Advisory Committee. An allocation for the cost of leasing land and the acquisition of easements, permits, or other agreements could equal 100 percent of the incurred expense. A grant for the cost of leasing land and the acquisition of easements, permits or other agreements could equal 100 percent of the incurred expense.

At least 30 percent of the annual amount in the fund would have to be used for enforcement of the act. The department would make grants available to the county sheriffs' departments from the 30 percent in the following amounts: 60 percent of the funds available for the first year of operation; 50 percent for the second year; and 40 percent for each year thereafter. The balance of the funds would be used by the department. The department would have to require a county sheriff that received a grant to maintain records and submit an annual report to verify how money received was spent. In making grants available for distribution to county sheriffs' departments, the department would have to consider:

- \* the number of miles of ORV trails within a county;
- \* the number of sheriff's department employees who could enforce ORV laws in the county;

- \* the estimated number of ORVs operated within the county;
- \* the estimated number of days that ORVs could be used in the county; and
- \* any other factors considered relevant by the department.

Up to 5 percent of the annual amount of the fund could be used for administration of the act, and the remainder of the fund would be used for planning and maintenance of ORV trails and enforcement of the act's provisions, except that during the first year the remainder of the fund would be used for enforcement. Grants made under the bill would be available until expended once a contract or commitment had been entered into under the bill. A contract would be in effect for up to two years, and a grant not expended within the contract period could be renewed by the department by entering into a new contract.

***Management plan for ORV trails and routes.*** The bill would require the department to develop a comprehensive plan for the management of ORV use of areas, routes and trails by October 1, 1991. The act details the goals of the plan, and the bill would specify that the plan would include designation of areas, forest roads, and forest trails for use by handicappers. The bill would also require specifications for trails and areas. The plan would be revised every two years, and the plan and subsequent revisions would be submitted for approval to the House and Senate committees that consider natural resources matters. Within one year after the effective date of the bill, the department would designate an appropriate area in the northern lower peninsula and an appropriate area in southeast Michigan as a scramble area (an area where ORV users can ride their vehicles up and down hills).

***ORV Trails Advisory Committee.*** An ORV trails advisory committee would be created within the department to assist the department in developing criteria for grants, nominating forest roads to be included as ORV routes, nominating forest trails, and assisting in developing rules and the ORV trail and route management plan. The committee would advise the department on recommendations made by ORV users of forest trails, roads, and areas that should be designated for ORV use. The committee would consist of six members appointed by the director of the DNR. Initial members of the committee would be appointed by April 1, 1991. Three of the members would represent ORV trail users and dealers, two would represent environmentalists, and one would represent law enforcement. The committee would have to meet at least once per year.

***Upper Peninsula Task Force.*** The provisions creating the ORV Trail Improvement Fund and detailing how the fund is to be spent and those regarding the ORV trail management plan, the ORV advisory committee, and the ORV system to be submitted to the legislature would not apply to the Upper Peninsula. However, the bill would create an Upper Peninsula Task Force on the use of ORVs within 60 days after the effective date of the bill. The task force would consist of nine members and would meet at least twice annually during the years 1991, 1992, and 1993. The task force would evaluate the extent of ORV use in the U.P. and damage caused due to the use of ORVs, and would have to submit a report with its recommendations to the director of the DNR and the Natural Resources Commission by January 1, 1994.

***ORV use system and closed-unless-posted-open policy.*** The department would develop a comprehensive system for the use of ORVs on routes, trails, and areas in state forests which would be submitted to the legislature for review before implementation. The legislature could reject the system (by concurrent resolution by both legislative committees that consider natural resources matters and by both houses of the legislature by recorded vote) within 60 days after it was submitted by the department. Once the system was approved, all state owned land under jurisdiction of the department would be closed to ORV use unless posted open. If the department submitted the system to the House and Senate natural resources committees and their chairpersons by January 1, 1993 and the Natural Resources Commission officially adopted an order accepting the system, then it would become effective May 1, 1993.

The department could implement the system before May 1, 1993 if it submitted the system to the House and Senate natural resources committees, the chairpersons of those committees and the commission. The respective committees and the chairpersons would have 30 days to file an objection to the system to the commission. The commission could officially adopt an order accepting the system. The order would be filed with the secretary of state's office after appropriate notice was given of the system becoming effective throughout the state. The bill would require the department to consider the needs of hunters, senior citizens, and handicappers when developing the system.

***Titling of an ORV.*** The bill would increase the application fee for processing an ORV title or duplicate title from \$10.50 to \$11. Revenue collected from the fees would be used to support the administrative costs of the secretary of state's office. Excess revenue and unspent appropriations would be credited to the ORV Trail Improvement Fund. If the office was not satisfied as to the ownership of an ORV which was not a late model ORV and whose value did not exceed \$1,500, the office would require the applicant to certify ownership. The act requires a purchaser or other transferee of an ORV to make application to the secretary of state's office for a title and details the application process. The bill would specify that a person who violated this provision would be responsible for a civil infraction.

***Penalties.*** The bill would prohibit removal, defacing, or destroying a sign or marker placed by the department indicating the boundaries of an ORV trail or area or that marked a route. The bill would specify that fines for violations of the act could range from \$100 to \$1,000. In addition to the penalties provided under the act, the department or any other law enforcement officer could impound the ORV of a person who violated the act. A court could also order condemnation and confiscation of an ORV and require the person to restore any land, water, stream bank, streambed, or other natural or geographic formation damaged by the violation of the act to the condition that it was in before the violation occurred in the following situations: damage to the area caused by operation of the ORV in a reckless or imprudent manner; trespass into areas not permitted for ORV use; operation of an ORV while under the influence of intoxicating liquor or a controlled substance; and fleeing or eluding a police or conservation officer.

***Other provisions.*** Under the act, a county, city, village, or township may pass an ordinance establishing access routes along streets and highways under its jurisdiction. The

bill would allow this to happen as long as the access routes met the requirements of the management plan and, where necessary, consent of a state or federal land management agency was obtained for the location of the route.

The act specifies areas in which operation of an ORV is prohibited. The bill would specify that the department could permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property. In addition, the bill would specify that handicappers using an ORV to access public lands during hunting and fishing seasons would be exempt from provisions prohibiting that action. Further, the bill would specify that operation of an ORV on an operating public utility right-of-way would be prohibited unless the right-of-way was designated under the trail system. The bill would also prohibit operation of an ORV on adjacent private land, in an area zoned residential within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under certain conditions.

MCL 257.1601 et al.