

HOUSE BILL No. 5408

December 12, 1991, Introduced by Reps. Alley, Middaugh, DeMars, Ostling and Knight and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 4, 4a, 4d, 4e, 5, 6, 7, 12, 15, and 16 of Act No. 74 of the Public Acts of 1968, entitled as amended

"An act to register and regulate snowmobiles; to provide for education and training programs; to provide for trails, areas, and facilities; to create a recreational snowmobile trail improvement fund; to provide for expenditure of appropriations; and to prescribe penalties,"

sections 4, 4e, and 6 as amended by Act No. 334 of the Public Acts of 1984, sections 4a and 4d as amended by Act No. 473 of the Public Acts of 1982, and section 15 as amended by Act No. 340 of the Public Acts of 1990, being sections 257.1504, 257.1504a, 257.1504d, 257.1504e, 257.1505, 257.1506, 257.1507, 257.1512, 257.1515, and 257.1516 of the Michigan Compiled Laws; and to add sections 4f, 10, and 15b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 4, 4a, 4d, 4e, 5, 6, 7,
2 12, 15, and 16 of Act No. 74 of the Public Acts of 1968, sections
3 4, 4e, and 6 as amended by Act No. 334 of the Public Acts of
4 1984, sections 4a and 4d as amended by Act No. 473 of the Public
5 Acts of 1982, and section 15 as amended by Act No. 340 of the
6 Public Acts of 1990, being sections 257.1504, 257.1504a,
7 257.1504d, 257.1504e, 257.1505, 257.1506, 257.1507, 257.1512,
8 257.1515, and 257.1516 of the Michigan Compiled Laws, are amended
9 and sections 4f, 10, and 15b are added to read as follows:

10 TITLE

11 An act to register and regulate snowmobiles; to provide for
12 education and training programs; to provide for trails, areas,
13 and facilities; to create a recreational snowmobile trail
14 improvement fund; TO CREATE AN ADVISORY COMMITTEE; to provide for
15 expenditure of appropriations; and to prescribe penalties.

16 Sec. 4. (1) The owner of each snowmobile requiring regis-
17 tration by this state BEFORE OPERATION OF THE SNOWMOBILE IN THIS
18 STATE shall file an application for registration with the depart-
19 ment on forms provided by the department. IF THE SNOWMOBILE WAS
20 PURCHASE FROM A RETAILER DEALER IN THIS STATE, APPLICATION FOR
21 INITIAL REGISTRATION SHALL BE MADE WITH THE DEALER AT THE POINT
22 OF SALE. THE DEALER SHALL ISSUE A TEMPORARY REGISTRATION PERMIT
23 IN A FORM RECEIVED FROM AND APPROVED BY THE DEPARTMENT THAT IS
24 VALID FOR 60 DAYS AFTER THE DATE OF SALE. EACH RETAIL DEALER
25 SHALL SUBMIT REGISTRATIONS AND FEES TO THE DEPARTMENT NOT LESS
26 THAN ONCE EACH WEEK. The application shall be signed by the owner
27 of the snowmobile and shall be accompanied by a fee of ~~-\$15.00-~~

1 \$30.00. Upon receipt of the application in approved form, the
2 department shall enter the application upon its records and issue
3 to the applicant a certificate of registration. The certificate
4 of registration shall contain the number awarded to the snowmo-
5 bile, the name and address of the owner, and other information
6 the department considers necessary. The certificate of registra-
7 tion shall be pocket size, shall accompany the vehicle, shall be
8 legible, and shall be made available for inspection upon demand
9 by a peace officer.

10 (2) The owner of a snowmobile at the time application for a
11 certificate of registration is made shall pay a fee of ~~-\$15.00-~~
12 \$30.00 and be issued a certificate of registration and a regis-
13 tration decal. The certificate of registration and registration
14 decal authorizes the operation of the snowmobile for a 3-year
15 period which begins on October 1 and expires on September 30 of
16 the third year. The certificate of registration and registration
17 decal may be renewed by payment of a fee of ~~-\$15.00-~~ \$30.00
18 beginning July 1 of the expiration year. The registration decal
19 shall be displayed as prescribed by rule promulgated by the
20 department.

21 (3) The department may destroy a record of a certificate of
22 registration 5 years after expiration of the certificate.

23 Sec. 4a. (1) Except as otherwise provided in this act, the
24 revenue received under this act and sections 2 and 18b of Act
25 No. 150 of the Public Acts of 1927, as amended, being sections
26 207.102 and 207.118b of the Michigan Compiled Laws, shall be
27 deposited in the general fund of the state. From the revenues

1 deposited in the general fund under this act, and sections 2 and
2 18b of Act No. 150 of the Public Acts of 1927, as amended, the
3 legislature shall make an annual appropriation OF NOT TO EXCEED
4 \$3.00 FROM EACH REGISTRATION FEE COLLECTED DURING EACH FISCAL
5 YEAR to the department for administration of the registration
6 provisions of this act and an annual appropriation to the depart-
7 ment of natural resources OF NOT LESS THAN \$4.50 FROM EACH REGIS-
8 TRATION FEE COLLECTED DURING EACH FISCAL YEAR for purposes set
9 forth in section 4b. ANY MONEY NOT REQUIRED FOR ADMINISTRATION
10 OF THE REGISTRATION PROVISIONS OF THIS ACT SHALL BE CREDITED EACH
11 YEAR TO THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND. The
12 balance of all revenues deposited in the general fund under this
13 act, including not less than ~~50% of the~~ \$22.50 FROM EACH regis-
14 tration ~~receipts~~ FEE COLLECTED DURING EACH FISCAL YEAR, shall
15 be appropriated to the department of natural resources for the
16 planning, construction, maintenance, and acquisition of trails
17 and areas for the use of snowmobiles, or access to those trails
18 and areas, and basic snowmobile facilities. Consideration shall
19 be given in planning the expenditures of the funds to providing
20 recreational opportunities for bicyclists, hikers, equestrians,
21 and other nonconflicting recreational trail users as ancillary
22 benefits of the program.

23 (2) The director of the department of natural resources
24 shall designate a state recreational trail coordinator and shall
25 maintain a comprehensive plan for implementing a statewide recre-
26 ational and snowmobile trails system. The comprehensive plan

1 shall be reviewed and updated each year by the director of the
2 department of natural resources.

3 (3) The money appropriated under this section to the depart-
4 ment of natural resources for snowmobile trails and areas, for
5 access to those trails or areas, and for basic snowmobile facili-
6 ties may be expended for the acquisition, development, and main-
7 tenance on any land in the state. The money may be used to pur-
8 chase lands or secure easements, leases, permits, or other appro-
9 priate agreements permitting use of private property for snowmo-
10 bile trails, basic facilities, and areas which may be used by
11 bicyclists, hikers, equestrians, and other nonconflicting
12 OFF-SEASON recreational trail users, if the easements, leases,
13 permits, or other agreements provide public access to the trail,
14 use areas, and support facilities.

15 (4) Recreational trail facilities OR MAJOR IMPROVEMENTS
16 shall not be constructed on private land unless a written agree-
17 ment having a term of not less than ~~3~~ 5 years is made between
18 the owner of the land and the department of natural resources.

19 (5) The money shall be expended in a manner and as part of
20 the overall plan of the department of natural resources for an
21 interconnecting network of statewide snowmobile trails and use
22 areas giving consideration to expected snowfall and availability
23 for use with adequate snow cover. Consideration shall be given
24 in the plan for alternative nonconflicting OFF-SEASON recrea-
25 tional trail uses.

26 Sec. 4d. (1) From the money appropriated to the department
27 of natural resources under section 4a for the purpose of

1 planning, constructing, maintaining, and acquiring trails and
2 areas for the use of snowmobiles, or access to those trails and
3 areas, and basic snowmobile facilities, an amount of not less
4 than 40% but not more than 80% shall be allocated upon applica-
5 tion to counties, townships, cities, villages, and nonprofit
6 incorporated snowmobile clubs and organizations considered eligi-
7 ble by the department of natural resources because of the inter-
8 est of the nonprofit incorporated club or association in snowmo-
9 bile activities, under rules promulgated by the department of
10 natural resources.

11 (2) Allocations for snowmobile trail maintenance costs shall
12 be according to a formula promulgated by the state recreational
13 trail coordinator which shall provide an amount up to 100% of the
14 actual cost of maintaining the trail per year. An allocation
15 shall not be made for a trail unless the trail is available for
16 snowmobile use and is approved by the department of natural
17 resources. An allocation for the cost of leasing of land and the
18 acquisition of easements, permits, or other agreements, AND FOR
19 TRAIL LIABILITY INSURANCE may equal 100% of incurred expense.
20 Money available for development shall be distributed on a 100%
21 grant basis, 75% at the time of approval but not later than April
22 1 of the year of development and 25% upon completion of the
23 development. A development shall be commenced the same year the
24 funds are distributed. An application may include a request for
25 leasing land or acquiring easements, permits, or other agreements
26 for the use of land, and for funds for development or maintenance

1 of trails. Trail specifications shall be prescribed by the
2 department of natural resources.

3 (3) ~~Not more than \$30,000.00 annually of the money appro-~~
4 ~~priated shall be used for a cooperative sign program for snowmo-~~
5 ~~bile trails open to the public.~~ Signs shall not be provided
6 under this section unless the snowmobile trails meet minimum
7 state snowmobile trail construction standards AND ARE FUNDED FOR
8 SNOWMOBILE SEASON MAINTENANCE. A snowmobile organization or
9 association may apply to the department of natural resources on
10 forms prescribed by the department of natural resources for signs
11 or funds for signs before October 1 of each year.

12 (4) Upon application by a county, city, village, township,
13 or nonprofit incorporated snowmobile clubs and organizations the
14 department of natural resources may allocate up to 100% of the
15 cost of initial signs of snowmobile routes which connect autho-
16 rized trails or which offer entrance to or exit from trails lead-
17 ing to the county, city, village, OR township. ~~, or nonprofit~~
18 ~~incorporated snowmobile clubs and organizations considered eligi-~~
19 ~~ble by the department of natural resources because of the inter-~~
20 ~~est of the nonprofit incorporated club or organization in snowmo-~~
21 ~~bile activities.~~ An application shall be submitted to the
22 department of natural resources by ~~February~~ MAY 1 of the year
23 for which the allocation is requested. The application shall be
24 on a form prescribed by the department of natural resources.

25 (5) Allocations under this section shall remain available
26 until expended if a contract or commitment has been entered into
27 under this section.

1 (6) The department of state and department of natural
2 resources shall include in their annual budget requests informa-
3 tion detailing their snowmobile programs.

4 Sec. 4e. (1) The recreational snowmobile trail improvement
5 fund is created in the state treasury. The fund shall be admin-
6 istered by the department of natural resources and shall be used
7 solely for the improvement of snowmobile trails and other noncon-
8 flicting recreational purposes.

9 (2) ~~Six~~ TWENTY-TWO dollars AND 50 CENTS of each fee col-
10 lected under section 4, ~~and \$4.00~~ \$9.00 of each fee collected
11 under section 10, AND NOT LESS THAN 75% OF THE REVENUE FROM THE
12 FEES COLLECTED UNDER SECTIONS 6 AND 7 shall be deposited in the
13 fund.

14 (3) The department of natural resources shall promulgate
15 rules for the administration of the fund pursuant to THE ADMINIS-
16 TRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of
17 1969, as amended, being sections 24.201 to ~~24.315~~ 24.328 of the
18 Michigan Compiled Laws.

19 (4) All funds allocated under this act shall be for projects
20 which are open to the public.

21 (5) Any money remaining in the recreational snowmobile trail
22 improvement fund at the end of a fiscal year SHALL NOT BE CRED-
23 ITED TO OR REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE
24 FUND AND shall be carried over in the fund to the next and suc-
25 ceeding fiscal years and shall only be used for the purposes
26 stated in this section. ~~Pursuant to section 10 of Act No. 98 of~~
27 ~~the Public Acts of 1919, as amended, being section 21.10 of the~~

~~1 Michigan Compiled Laws, money in the recreational snowmobile
2 trail improvement fund shall not be credited to or revert to the
3 general fund.~~

4 SEC. 4F. THE SNOWMOBILE TRAILS ADVISORY COMMITTEE IS CRE-
5 ATED WITHIN THE DEPARTMENT OF NATURAL RESOURCES. THE COMMITTEE
6 SHALL ASSIST THE DEPARTMENT OF NATURAL RESOURCES IN DEVELOPING
7 CRITERIA FOR SAFETY EDUCATION AND TRAINING PROGRAMS, ADVISE THE
8 DEPARTMENT OF NATURAL RESOURCES REGARDING THE ALLOCATION OF FUNDS
9 FROM THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND, ASSIST
10 THE DEPARTMENT OF NATURAL RESOURCES IN PROMULGATING RULES, AND
11 ASSIST THE DEPARTMENT OF NATURAL RESOURCES IN UPDATING THE COM-
12 PREHENSIVE PLAN REQUIRED BY SECTION 4A. THE ADVISORY COMMITTEE
13 SHALL ADVISE THE DEPARTMENT OF NATURAL RESOURCES ON RECOMMENDA-
14 TIONS MADE BY SNOWMOBILE USERS OF TRAILS THAT SHOULD BE DESIG-
15 NATED FOR SNOWMOBILE USE. THE ADVISORY COMMITTEE SHALL CONSIST
16 OF 7 MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF NATU-
17 RAL RESOURCES ON OR BEFORE MAY 15, 1992. ONE MEMBER SHALL BE
18 APPOINTED FROM EACH REGION REPRESENTING THE MICHIGAN SNOWMOBILE
19 ASSOCIATION. OF THE REMAINING MEMBERS, 1 MEMBER SHALL REPRESENT
20 TRAIL GROOMERS, 1 MEMBER SHALL BE FROM THE BUSINESS COMMUNITY,
21 AND 2 MEMBERS SHALL BE AT LARGE TRAIL USERS. MEMBERS SHALL BE
22 APPOINTED FOR TERMS OF 2 YEARS EXCEPT THAT OF THE MEMBERS FIRST
23 APPOINTED, THE 3 MEMBERS REPRESENTING THE MICHIGAN SNOWMOBILE
24 ASSOCIATION AND THE MEMBER REPRESENTING THE BUSINESS COMMUNITY
25 SHALL BE APPOINTED FOR 2 YEARS AND THE BALANCE OF THE MEMBERS
26 SHALL BE APPOINTED FOR 1 YEAR. THE COMMITTEE SHALL MEET AT LEAST
27 TWICE EACH YEAR.

1 Sec. 5. (1) The owner of a snowmobile having been issued a
2 certificate of registration for the snowmobile shall ~~paint on~~
3 ~~or~~ attach in a permanent manner to each side of the forward half
4 of the snowmobile the REGISTRATION DECAL ASSIGNED TO THAT
5 SNOWMOBILE. ~~identification number in block characters of good~~
6 ~~proportion, not less than 3 inches in height, reading from left~~
7 ~~to right. The numbers shall contrast so as to be distinctly vis-~~
8 ~~ible and legible. A number other than the number awarded to a~~
9 ~~snowmobile under this act, or granted reciprocity under this act,~~
10 ~~shall not be attached or otherwise displayed on the snowmobile.~~

11 (2) Not earlier than 90 days before the expiration date of a
12 certificate a registration decal or other device may be issued
13 indicating that the certificate of registration is in full force
14 and effect. ~~Display of the decal or other device shall be as~~
15 ~~prescribed by rule promulgated by the department.~~

16 (3) A certificate of registration shall expire pursuant to
17 section 4.

18 (4) The department may award a certificate of number
19 directly or may authorize a person to act as its agent for the
20 awarding of a certificate of number. Records of the department
21 made or kept pursuant to this act shall be made available to the
22 public in compliance with Act No. 442 of the Public Acts of
23 1976, being sections 15.231 to 15.246 of the Michigan Compiled
24 Laws.

25 Sec. 6. (1) The owner of a snowmobile shall notify the
26 department within 15 days if the snowmobile is destroyed or
27 abandoned, or is sold, or an interest in the snowmobile is

1 transferred either wholly or in part to another person, or if the
2 owner's address no longer conforms to the address appearing on
3 the certificate of registration. The notice shall consist of a
4 surrender of the certificate of registration on which the proper
5 information shall be noted on a place to be provided. If the
6 surrender of the certificate of registration is by reason of the
7 snowmobile being destroyed or abandoned, the department shall
8 cancel the certificate of registration and enter that fact in the
9 records of the department and the number may be then reassigned.
10 The department may destroy the record of a surrendered certifi-
11 cate of registration 1 year after its surrender.

12 (2) If the surrender of the certificate of registration is
13 by reason of a change of address on the part of the owner, the
14 new address shall be recorded by the department and a certificate
15 of registration bearing that information shall be returned to the
16 owner.

17 (3) The transferee of a snowmobile registered under this
18 act, within 15 days after acquiring the snowmobile, shall make
19 application to the department for issuance of a new certificate
20 of registration for the snowmobile, giving his or her name,
21 address, and the previous registration number of the snowmobile
22 and pay to the department the fee prescribed in section 4. Upon
23 receipt of the application and fee the department shall issue a
24 new certificate of registration for the snowmobile to the new
25 owner. Unless the application is made and the fee paid within 15
26 days of transfer of ownership, the snowmobile is without

1 certificate of registration, and a person shall not operate the
2 snowmobile until a valid certificate of registration is issued.

3 (4) If a certificate of registration is lost, mutilated, or
4 illegible, the owner of the snowmobile shall obtain a duplicate
5 of the certificate of registration upon application and payment
6 of a fee of ~~-\$2.00-~~ \$5.00.

7 (5) If a valid registration decal is lost, mutilated, or
8 illegible, the owner of the snowmobile may obtain a replacement
9 registration decal upon submission of proof of registration and
10 payment of a fee of ~~-\$2.00-~~ \$5.00.

11 Sec. 7. A dealer or manufacturer, upon application to the
12 department upon forms provided by it, may obtain certificates of
13 registration for use in the testing or demonstrating of ~~such~~
14 ~~snowmobile~~ SNOWMOBILES upon payment of \$10.00 for each of the
15 first 2 registration certificates. Additional certificates as
16 the dealer may require may be issued at a cost of \$5.00 each and
17 used by the applicant only in the testing or demonstrating of
18 snowmobiles by temporary placement of the ~~numbers~~ REGISTRATION
19 DECAL on the snowmobile being tested or demonstrated. Any 1 cer-
20 tificate issued pursuant to this section may be used on only 1
21 snowmobile at any given time. The temporary placement of
22 ~~numbers~~ REGISTRATION DECALS shall be as prescribed by this act
23 or rules ~~adopted hereunder~~ PROMULGATED UNDER THIS ACT.

24 SEC. 10. (1) A SNOWMOBILE REGISTERED IN ANOTHER STATE OR IN
25 A PROVINCE OF CANADA TO A NONRESIDENT OF THIS STATE SHALL NOT BE
26 OPERATED WITHIN THIS STATE WITHOUT A YEARLY USE PERMIT. THE
27 DEPARTMENT SHALL ISSUE A YEARLY USE PERMIT FOR A SNOWMOBILE

1 OPERATED BY A RESIDENT OF ANOTHER STATE OR COUNTRY. A YEARLY USE
2 PERMIT ISSUED UNDER THIS SECTION SHALL BE VALID FOR A PERIOD OF 1
3 YEAR WHICH BEGINS ON OCTOBER 1 AND ENDS ON THE FOLLOWING
4 SEPTEMBER 30. THE FEE FOR THIS YEARLY USE PERMIT SHALL BE
5 \$10.00.

6 (2) A SNOWMOBILE FROM ANOTHER STATE, PROVINCE, OR COUNTRY
7 THAT DOES NOT HAVE A REGISTRATION PROGRAM SHALL NOT BE OPERATED
8 WITHIN THIS STATE WITHOUT FIRST BEING REGISTERED UNDER
9 SECTION 3. THE FEE FOR THIS REGISTRATION SHALL BE \$10.00 AND
10 SHALL BE FOR A PERIOD OF 1 YEAR, WHICH BEGINS OCTOBER 1 AND ENDS
11 ON THE FOLLOWING SEPTEMBER 30.

12 (3) THE DEPARTMENT MAY CONTRACT WITH THE DEPARTMENT OF NATU-
13 RAL RESOURCES OR A PERSON TO ACT AS AN AGENT OF THE DEPARTMENT
14 FOR THE PURPOSE OF ISSUING NONRESIDENT YEARLY USE PERMITS. THE
15 DEPARTMENT SHALL SELL YEARLY USE PERMITS TO AGENTS IN BULK AT THE
16 RATE OF \$9.50 PER PERMIT. AGENTS MAY OBTAIN A REFUND FROM THE
17 DEPARTMENT FOR ANY YEARLY USE PERMITS THAT ARE NOT SOLD.

18 (4) AN AGENT WHO USES OR ALLOWS THE USE OF NONRESIDENT PER-
19 MITS BY ANYONE EXCEPT THE SNOWMOBILE USER TO WHOM THE PERMIT IS
20 SOLD IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF \$50.00
21 FOR EACH INSTANCE OF SUCH USE OR ALLOWED USE.

22 (5) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF REGISTRATION
23 WHEN THE DEPARTMENT DETERMINES THAT THE REQUIRED FEE HAS NOT BEEN
24 PAID AND REMAINS UNPAID AFTER REASONABLE NOTICE OR DEMAND. IN
25 ADDITION TO THE REQUIRED FEE, A \$10.00 PENALTY SHALL BE ASSESSED
26 AND COLLECTED AGAINST ANY PERSON WHO TENDERS AN INSUFFICIENT
27 CHECK OR DRAFT IN PAYMENT OF THE FEE.

1 Sec. 12. A person shall not operate a snowmobile upon a
2 public highway, land used as an airport or street, or on a public
3 or private parking lot not specifically designated for the use of
4 snowmobiles except under the following conditions and
5 circumstances:

6 (a) A snowmobile may be operated on the right-of-way of a
7 public highway, except a limited access highway, if it is oper-
8 ated at the extreme right of the open portion of the right-of-way
9 and with the flow of traffic on the highway. HOWEVER, A SNOWMO-
10 BILE MAY BE OPERATED ON THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY
11 AGAINST THE FLOW OF TRAFFIC IF THE RIGHT-OF-WAY IS A SNOWMOBILE
12 TRAIL DESIGNATED BY THE STATE WITH A VISUAL OR PHYSICAL BARRIER
13 THAT BREAKS THE SNOWMOBILE LIGHT PATTERN. Snowmobiles operated on
14 the right-of-way of a public highway, as ~~herein~~ provided IN
15 THIS SUBDIVISION, shall travel single file and shall not be oper-
16 ated abreast except when overtaking and passing another
17 snowmobile. IN THE ABSENCE OF A POSTED SNOWMOBILE SPEED LIMIT, A
18 SNOWMOBILE OPERATED ON THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY, AS
19 PROVIDED IN THIS SUBDIVISION, SHALL BE LIMITED TO THE SPEED LIMIT
20 POSTED ON THE PUBLIC HIGHWAY.

21 (b) A snowmobile may be operated on the roadway or shoulder
22 when necessary to cross a bridge or culvert if the snowmobile is
23 brought to a complete stop before entering onto the roadway or
24 shoulder and the driver yields the right-of-way to an approaching
25 vehicle on the highway.

26 (c) In a court action in this state where competent evidence
27 demonstrates that a vehicle which is permitted to be operated on

1 a highway pursuant to THE MICHIGAN VEHICLE CODE, Act No. 300 of
2 the Public Acts of 1949, as amended, being sections 257.1 to
3 257.923 of the Michigan Compiled Laws, is in a collision with a
4 snowmobile on a roadway, the driver of the snowmobile involved in
5 the collision shall be considered prima facie negligent.

6 (d) A snowmobile may be operated across a public highway
7 other than a limited access highway, at right angles to the high-
8 way for the purpose of getting from one area to another when the
9 operation can be done in safety and another vehicle is not cross-
10 ing the highway at the same time in the same general area. An
11 operator shall bring his OR HER snowmobile to a complete stop
12 before proceeding across the public highway and shall yield the
13 right-of-way to all oncoming traffic.

14 (e) Snowmobiles may be operated on a highway in a county
15 road system, which is not normally snowplowed for vehicular traf-
16 fic, and on the PLOWED right-of-way or shoulder when no
17 right-of-way exists on a snowplowed highway in the county road
18 system, outside the corporate limits of a city or village, which
19 is designated and marked for snowmobile use by the county road
20 commission having jurisdiction. Upon the request of a county
21 road commission which has designated all county roads outside the
22 corporate limits of a city or village for snowmobile use, the
23 STATE TRANSPORTATION department ~~of state highways~~ shall erect
24 at county road commission expense and maintain, in accordance
25 with the Michigan manual of uniform traffic control devices stan-
26 dards, the basic snowmobile sign unit together with a
27 supplemental panel stating "permitted on right-of-way or shoulder

1 of all (county name) roads-Act 74 of P.A. 1968" at
2 the county line on all state trunk line highways and county
3 roads.

4 (f) A duly constituted law enforcement officer of a city,
5 village, township, county, or the state may authorize use of a
6 snowmobile on a public highway or street within his OR HER juris-
7 diction when an emergency occurs and conventional motor vehicles
8 cannot be used for transportation due to snow or other extreme
9 highway conditions.

10 (g) A snowmobile may be operated on a street or highway for
11 a special event of limited duration conducted according to a pre-
12 arranged schedule only under permit from the governmental unit
13 having jurisdiction. The event may be conducted on the frozen
14 surface of public waters only under permit from the department of
15 natural resources.

16 (h) A city or village by ordinance may designate 1 or more
17 specific public highways or streets within its jurisdiction as
18 egress and ingress routes for the use of snowmobiles. A city or
19 village acting under the authority of this ~~subsection~~
20 SUBDIVISION shall erect and maintain, in accordance with the
21 Michigan manual of uniform traffic control devices standards, a
22 sign unit giving proper notice thereof.

23 Sec. 15. (1) A person shall not operate a snowmobile under
24 any of the following circumstances:

25 (a) At a rate of speed greater than is reasonable and proper
26 having due regard for conditions then existing.

1 (b) While under the influence of intoxicating liquor; a
2 controlled substance as defined in section 7104 of THE PUBLIC
3 HEALTH CODE, Act No. 368 of the Public Acts of 1978, as amended,
4 being section 333.7104 of the Michigan Compiled Laws; or a combi-
5 nation of intoxicating liquor and a controlled substance.

6 (c) During the hours from 1/2 hour after sunset to 1/2 hour
7 before sunrise without displaying a lighted headlight and a
8 lighted taillight.

9 (d) In a forest nursery, planting area, or public lands
10 posted or reasonably identifiable as an area of forest reproduc-
11 tion when growing stock may be damaged or posted or reasonably
12 identifiable as a natural dedicated area which is in zone 2 or
13 zone 3.

14 (e) On the frozen surface of public waters within 100 feet
15 of a person, including a skater, not in or upon a snowmobile or
16 within 100 feet of a fishing shanty or shelter except at the min-
17 imum speed required to maintain forward movement of the snowmo-
18 bile or on an area which has been cleared of snow for skating
19 purposes unless the area is necessary for access to the public
20 water.

21 (f) Without a muffler in good working order and in constant
22 operation from which noise emission at 50 feet at right angles
23 from vehicle path under full throttle does not exceed 86 DBA,
24 decibels on the "a" scale, on a sound meter having characteris-
25 tics defined by American standards association S1, 4-1966
26 "general purpose sound meter". ~~A snowmobile manufactured after~~
27 ~~February 1, 1972, and sold or offered for sale in this state~~

1 ~~shall not exceed 82 DBA of the 1970 society of automotive~~
2 ~~engineers code J-192.~~ A snowmobile manufactured after July 1,
3 1977, and sold or offered for sale in this state shall not exceed
4 78 decibels of sound pressure at 50 feet as measured under the
5 1974 society of automobile engineers code J-192a. This subdivi-
6 sion does not apply to a snowmobile which is being used in an
7 organized race on a course which is used solely for racing.

8 (g) Within 100 feet of a dwelling between 12 midnight and 6
9 a.m., at a speed greater than minimum required to maintain for-
10 ward movement of the snowmobile.

11 (h) In or upon the lands of another without the written con-
12 sent of the owner of the land, or the agent or lessee of the
13 owner of the land, when required by the recreational trespass
14 act, Act No. 323 of the Public Acts of 1976, being sections
15 317.171 to 317.181 of the Michigan Compiled Laws.

16 (i) In an area on which public hunting is permitted during
17 the season open to the taking of deer with firearms from 7
18 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emer-
19 gency, for law enforcement purposes, to go to and from a per-
20 manent residence or a hunting camp otherwise inaccessible by a
21 conventional wheeled vehicle or for the conduct of necessary work
22 functions involving land and timber survey, communication and
23 transmission line patrol, and timber harvest operations, or on
24 the person's own property or property under the person's control
25 or as an invited guest.

26 (j) While transporting on the snowmobile a bow, unless
27 unstrung, or a firearm, unless securely encased or equipped with,

1 and made inoperative by, a manufactured keylocked trigger housing
2 mechanism.

3 (k) On or across a cemetery or burial ground.

4 (l) Within 100 feet of a slide, ski, or skating area, EXCEPT
5 WHEN TRAVELING ON A COUNTY ROAD RIGHT-OF-WAY PURSUANT TO
6 SECTION 12. A snowmobile may enter such an area for the purpose
7 of servicing the area or for medical emergencies.

8 (m) On a railroad or railroad right-of-way. ~~except~~ THIS
9 PROHIBITION SHALL NOT APPLY TO railroad personnel, public utility
10 personnel, law enforcement personnel while in the performance of
11 their duties, A RAILROAD OR RAILROAD RIGHT-OF-WAY RENDERED INOP-
12 ERABLE BY THE REMOVAL OR PARTIAL REMOVAL OF THE RAILROAD TRACKS,
13 persons using, between December 1, 1990 and March 31, 1991, a
14 demonstration snowmobile trail located on a state owned railroad
15 right-of-way operated by the Detroit and Mackinaw railway com-
16 pany, or on a railroad right-of-way owned by the Detroit and
17 Mackinaw railway company connecting to a state owned railroad
18 right-of-way operated by the Detroit and Mackinaw railway company
19 right-of-way between Gaylord and Frederic which also meets the
20 conditions imposed in subsections (2) and (3).

21 (2) The demonstration snowmobile trail shall be constructed,
22 operated, and maintained by a person other than the person owning
23 the railroad right-of-way and the person operating the railroad
24 pursuant to terms of a lease agreement under which the person
25 operating the trail agrees to do all of the following:

26 (a) Indemnify the person owning the railroad right-of-way
27 and the person operating the railroad against any claims

1 associated with or arising from the construction, maintenance,
2 operation, and use of the trail.

3 (b) Provide liability insurance in the amount of
4 \$2,000,000.00 naming the person owning the railroad right-of-way
5 and the person operating the railroad as named insureds.

6 (c) Meet any other obligations or provisions considered
7 appropriate by the person owning the railroad right-of-way
8 including, but not limited to, the payment of rent that the
9 person owning the railroad right-of-way or the person operating
10 the railroad is authorized to charge under this act and the meet-
11 ing of all construction, operating, and maintenance conditions
12 imposed by the person owning the railroad right-of-way and the
13 person operating the railroad regarding the demonstration snowmo-
14 bile trail project.

15 (3) The demonstration snowmobile trail shall be clearly
16 demarcated by fencing and signing and shall occupy the outer edge
17 of the railroad right-of-way, as far from the edge of the rail-
18 road tracks as possible, but in any case not closer than 20 feet
19 from the edge of the railroad tracks unless topography or other
20 natural or manmade features require the trail to lie within 20
21 feet of the edge of those railroad tracks. The design of the
22 trail at such a location shall be approved in writing by the
23 person owning the right-of-way and the person operating the
24 railroad.

25 (4) The state transportation department in cooperation with
26 the Detroit and Mackinaw railway company and the person operating
27 the demonstration snowmobile trail shall conduct a study during

1 development, construction, and operation of the trail to evaluate
2 the demonstration snowmobile trail project, and to examine the
3 feasibility and desirability of broadening statutory authority to
4 establish snowmobile trails on functional railroad rights-of-way
5 in Michigan. The findings of the study shall be summarized in a
6 report to the legislature to be submitted not later than
7 September 1, 1991.

8 (5) Notwithstanding section 1(c) and for purposes of this
9 section, "operate" means to cause to function, run, or manage.

10 SEC. 15B. A PERSON OPERATING OR RIDING ON A SNOWMOBILE
11 SHALL WEAR A CRASH HELMET ON HIS OR HER HEAD. CRASH HELMETS
12 SHALL BE APPROVED BY THE DEPARTMENT OF STATE POLICE. THE DEPART-
13 MENT OF STATE POLICE SHALL PROMULGATE RULES FOR THE IMPLEMENTA-
14 TION OF THIS SECTION PURSUANT TO THE ADMINISTRATIVE PROCEDURES
15 ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SEC-
16 TIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS. RULES IN
17 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION AND PROMULGATED PUR-
18 SUANT TO SECTION 658 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF
19 THE PUBLIC ACTS OF 1949, BEING SECTION 257.658 OF THE MICHIGAN
20 COMPILED LAWS, SHALL APPLY, AS APPLICABLE, TO HELMETS REQUIRED BY
21 THIS SECTION.

22 Sec. 16. The operator of a snowmobile involved in an acci-
23 dent resulting in injuries to or death of any person, or property
24 damage in an estimated amount of \$100.00 or more shall immedi-
25 ately by the quickest means of communication notify a state
26 police officer or officers, or the sheriff's office of the county
27 ~~wherein~~ IN WHICH the accident occurred, or to the office of the

1 police department of the municipality ~~wherein~~ IN WHICH the
2 accident occurred. The police agency receiving the notice shall
3 complete a report of the accident on forms prescribed by the
4 director of the department of state police and forward the report
5 to the department of state police WITHIN 30 DAYS AFTER THE DATE
6 OF THE ACCIDENT. THE DEPARTMENT OF STATE POLICE SHALL FORWARD A
7 COPY OF ALL SNOWMOBILE ACCIDENT REPORTS TO THE DEPARTMENT OF NAT-
8 URAL RESOURCES WITHIN 30 DAYS AFTER RECEIPT OF THE ACCIDENT
9 REPORT.