



**House
Legislative
Analysis
Section**

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ORVS: FARM EXEMPTION

House Bill 4592 with committee
amendment
First Analysis (5-5-93)

Sponsor: Rep. Sandra Hill
Committee: Conservation, Environment,
and Great Lakes Affairs

THE APPARENT PROBLEM:

Public Act 319 of 1975 (enrolled House Bill 4729) regulates the operation of off-road recreational vehicles (ORVs). The act prohibits people from operating unregistered ORVs on public highways, streets, or rights-of-way, though it does allow unregistered ORVs to cross highways other than limited access highways and to be driven in parades (in "special events of limited duration" as allowed by the unit of government having jurisdiction). A 1990 amendment (Public Act 71 of 1990, enrolled House Bill 4827) requires ORVs to be licensed before being driven on or over land, snow, ice, marsh, swampland, or other natural terrain. The act also allows local units of government to pass ordinances establishing a minimum number of access routes along streets and highways (other than state or federal highways) under their jurisdiction.

Farmers often use ORVs in the course of their work, and have requested legislation that would exempt them from licensing their ORVs used only in the course of farming.

THE CONTENT OF THE BILL:

Currently, under Public Act 319 of 1975, off-road recreation vehicles (ORVs) may only be operated on a street or highway for a special event of limited duration, provided that a permit is obtained from the local governmental unit. House Bill 4592 would amend the act to permit a farmer to operate an ORV on the extreme right side of a roadway or highway right-of-way when it is not practicable to operate off the roadway or right-of-way. Under the bill, such operation would be limited to traveling to or from the farmer's residence, work location, or field, during the course of farming operations. However, operation of an ORV on a roadway would continue to be prohibited in the following situations:

**During the period beginning 30 minutes after sunset to 30 minutes before sunrise.

**When visibility was substantially reduced due to weather conditions.

**In a manner so as to interfere with traffic.

MCL 257.14

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would result in a small loss of state revenues from off-road recreation vehicle (ORV) license fees. (5-4-93)

ARGUMENTS:

For:

Farmers often drive ORVs to fields in which they are working, using the ORV to return home for lunch, or, in the case of irrigation fields, where a pickup truck would be too heavy, to check irrigation lines. (Sometimes farmers will have a number of other vehicles in the field -- such as fertilizer spreaders, planters, herbicide applicators, etc. -- which would be awkward to drive home for lunch.) Reportedly, a number of farmers have been stopped by sheriffs or state police, and believe they should be exempted from the current ORV licensing provisions.

Against:

Why shouldn't farmers license their ORVs like other citizens? Surely farmers could afford the seven to ten dollars a year it costs to license an ORV. (As of April 1, 1993, and until April 1, 1995, licenses cost \$8 a year; after April 1, 1995, a license will cost \$10 a year.) Having their ORVs licensed also would mean that should the farmer want or

need to drive his or her ORV other than in the course of farming operations he or she would be able to legally do so.

Response:

In the first place, the act regulating ORVs refers to recreational vehicles. Obviously, if farmers are using their ORVs only for work the ORV is not a "recreational" vehicle and should not be licensed as one. Secondly, though, the Michigan Vehicle Code currently exempts "implements of husbandry" from its licensing requirements, and ORVs used only for farming should similarly be exempt.

Reply:

The Michigan Vehicle Code defines "implement of husbandry" as "a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field." ORVs do not fit any of the vehicle descriptions in this definition. Besides, farmers still must get licenses for their pickup trucks, even if they only use their trucks for farming. Why should ORVs, vehicles that (like pickups) can be used for farm and non-farm purposes, be exempted from licensure?

POSITIONS:

The Michigan Farm Bureau supports the bill. (5-4-93)

The Department of State Police holds a neutral position on the bill. (5-4-93)

The Department of Transportation has no position on the bill. (5-4-93)