

Act No. 204
Public Acts of 1993
Approved by the Governor
October 12, 1993
Filed with the Secretary of State
October 18, 1993

STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993

Introduced by Senators Pridnia, Geake, Wartner, McManus, Koivisto, Gast and Gougeon

ENROLLED SENATE BILL No. 634

AN ACT to amend the title and section 18 of Act No. 319 of the Public Acts of 1975, entitled as amended "An act to provide for the titling, licensure, and regulation of off-road recreation vehicles; to create certain funds; to create certain advisory bodies and to prescribe their powers and duties; to prescribe powers and duties of certain officers, agencies, and institutions; to repeal certain parts of this act on a specific date; and to provide penalties and remedies," section 18 as amended by Act No. 17 of the Public Acts of 1991, being section 257.1618 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and section 18 of Act No. 319 of the Public Acts of 1975, section 18 as amended by Act No. 17 of the Public Acts of 1991, being section 257.1618 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to provide for the titling, licensure, and regulation of off-road recreation vehicles; to create certain funds; to create certain advisory bodies and to prescribe their powers and duties; to prescribe powers and duties of certain officers, agencies, and institutions; to provide certain tort immunity for certain governmental agencies under certain circumstances; to repeal certain parts of this act on a specific date; and to provide penalties and remedies.

Sec. 18. (1) A county, city, village, or township may pass an ordinance establishing access routes along streets and highways under its jurisdiction, if those access routes do not involve state or federal highways, and if they meet the requirements of the plan developed pursuant to section 16d. If necessary, consent of a state or federal land management agency shall be obtained for the location of the route.

(2) A city, village, or township may pass an ordinance allowing a permanently disabled person to operate an ORV in that city, village, or township.

(3) A board of county road commissioners, a county board of commissioners, and a county have no duty to maintain a highway under their jurisdiction in a condition reasonably safe and convenient for the operation of ORVs, except the following ORVs:

(a) ORVs registered as motor vehicles as provided in the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(b) ORVs permitted by an ordinance as provided in subsection (2).

(4) Beginning on the effective date of the 1993 amendatory act that added this subsection, a board of county road commissioners, a county board of commissioners, and a county are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained highways, shoulders, and rights-of-way over which the board of county road commissioners, the county board of commissioners, or the county has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.