



SENATE BILL No. 938

December 1, 1993, Introduced by Senators McManus, Koivisto, Hoffman, Dingell, Carl, Cisky, Emmons and Geake and referred to the Committee on Transportation and Tourism

A bill to amend the title and sections 1, 4b, 4c, 4e, 9, 15, 15a, 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 permit tort immunity for certain governmental agencies under certain circumstances to create a recreational snowmobile trail improvement fund to provide for expenditure of appropriations and to prescribe penalties,"

section 1 as amended by Act No 473 of the Public Acts of 1982, section 4e as amended by Act No 334 of the Public Acts of 1984, section 15 as amended by Act No 13 of the Public Acts of 1992, and section 15a as added by Act No 402 of the Public Acts of 1980, being sections 257 1501, 257 1504b, 257 1504c, 257 1504e, 257 1509, 257 1515, 257 1515a, and 257 1516 of the Michigan Compiled Laws to add sections 1a, 4f, 10, 15b, 15c, 15d, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36,

37, 38, and 39 to repeal certain parts of the act and to repeal certain parts of the act on a specific date

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 1, 4b, 4c, 4e, 9, 15,
2 15a, and 16 of Act No 74 of the Public Acts of 1968, section 1
3 as amended by Act No 473 of the Public Acts of 1982, section 4e
4 as amended by Act No 334 of the Public Acts of 1984, section 15
5 as amended by Act No 13 of the Public Acts of 1992, and
6 section 15a as added by Act No 402 of the Public Acts of 1980,
7 being sections 257 1501, 257 1504b, 257 1504c, 257 1504e,
8 257 1509, 257 1515, 257 1515a, and 257 1516 of the Michigan
9 Compiled Laws, are amended and sections 1a, 4f, 10, 15b, 15c,
10 15d, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
11 34, 35, 36, 37, 38, and 39 are added to read as follows

12 TITLE

13 An act to register and regulate snowmobiles to provide for
14 education and training programs to provide for trails areas
15 and facilities to permit tort immunity for certain governmental
16 agencies under certain circumstances to create a recreational
17 snowmobile trail improvement fund TO CREATE AN ADVISORY BOARD
18 TO PRESCRIBE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL AGEN-
19 CIES AND OFFICIALS TO ESTABLISH CERTAIN RIGHTS AND REMEDIES FOR
20 CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES to provide for
21 expenditure of appropriations ~~and~~ to prescribe REMEDIES AND
22 penalties AND TO REPEAL CERTAIN PARTS OF THIS ACT ON A SPECIFIC
23 DATE

1 Sec 1 As used in this act

2 (a) "Operator" means any person who operates or is in actual
3 physical control of a snowmobile

4 (b) "Owner" means any of the following

5 (1) A person who holds the legal title to a snowmobile

6 (11) A vendee or lessee of a snowmobile which is the subject
7 of an agreement for conditional sale or lease with the right of
8 purchase upon performance of the conditions stated in the agree-
9 ment and with an immediate right of possession vested in the con-
10 ditional vendee or lessee

11 (111) A person renting a snowmobile or having the exclusive
12 use of a snowmobile for more than 30 days

13 (c) "Operate" means to ride in or on and be in actual physi-
14 cal control of the operation of a snowmobile

15 (d) "Person" means an individual, partnership, corporation,
16 the state and any of its agencies or subdivisions, and any body
17 of persons whether incorporated or not

18 (e) "Snowmobile" means any motor driven vehicle designed for
19 travel primarily on snow or ice of a type which utilizes sled
20 type runners or skis, or an endless belt tread or any combination
21 of these or other similar means of contact with the surface upon
22 which it is operated but is not a vehicle which must be regis-
23 tered under THE MICHIGAN VEHICLE CODE, Act No 300 of the Public
24 Acts of 1949, as amended, being sections 257 1 to 257 923 of the
25 Michigan Compiled Laws

26 (f) "Dealer" means any person engaged in the sale, lease, or
27 rental of snowmobiles as a regular business

1 (g) "Highway or street" means the entire width between the
2 boundary lines of every way publicly maintained if any part
3 thereof is open to the use of the public for purposes of vehicu-
4 lar travel

5 (h) "Roadway" means that portion of a highway or street
6 improved, designated, or ordinarily used for vehicular travel
7 If a highway or street includes 2 or more separate roadways the
8 term roadway refers to any such roadway separately, but not to
9 all such roadways collectively

10 (i) "Department" means the department of state

11 (j) "Right of way" means that portion of a highway or street
12 less the roadway and any shoulder

13 (k) "Shoulder" means that portion of a highway or street on
14 either side of the roadway which is normally snowplowed for the
15 safety and convenience of vehicular traffic

16 (l) "Zone 1" means all of the upper peninsula

17 (m) "Zone 2" means all of that part of the lower peninsula
18 north of a line beginning at and drawn from a point on the
19 Michigan-Wisconsin boundary line due west of the westerly termi-
20 nus of river road in Muskegon county thence due east to the
21 westerly terminus of river road thence north and east along the
22 center line of the river road to its intersection with highway
23 M-120 thence northeasterly and easterly along the center line of
24 highway M-120 to the junction of highway M-20 thence easterly
25 along the center line of M-20 to its junction with US-10 at the
26 Midland-Bay county line thence easterly along the center line of
27 the "business route" of highway US-10 to the intersection of

1 Garfield road in Bay county thence north along the center line
2 of Garfield road to the intersection of the Pinconning road
3 thence east along the center line of Pinconning road to the
4 intersection of the Seven Mile road thence north along the
5 center of the Seven Mile road to the Bay-Arenac county line
6 thence north along the center line of the Lincoln School road
7 (county road 25) in Arenac county to the intersection of highway
8 M-61 thence east along the center line of highway M-61 to the
9 junction of highway US-23 thence northerly and easterly along
10 the center line of highway US-23 to the center line of the Au
11 Gres river thence southerly along the center line of the river
12 to its junction with Saginaw Bay of Lake Huron thence north 78
13 east to the international boundary line between the United States
14 and the Dominion of Canada

15 (n) "Zone 3" means all that part of the lower peninsula
16 south of the line described in Zone 2

17 (O) "CONVICTION" MEANS A FINAL CONVICTION, THE PAYMENT OF A
18 FINE, A PLEA OF GUILTY OR NOLO CONTENDERE IF ACCEPTED BY THE
19 COURT, OR A FINDING OF GUILT OR PROBATE COURT DISPOSITION ON A
20 VIOLATION OF THIS ACT, REGARDLESS OF WHETHER THE PENALTY IS
21 REBATED OR SUSPENDED

22 (P) "LAW OF ANOTHER STATE" MEANS A LAW OR ORDINANCE ENACTED
23 BY ANOTHER STATE OR BY A LOCAL UNIT OF GOVERNMENT IN ANOTHER
24 STATE

25 (Q) "LONG-TERM INCAPACITATING INJURY" MEANS AN INJURY THAT
26 CAUSES A PERSON TO BE IN A COMATOSE, QUADRIPLEGIC, HEMIPLEGIC, OR

1 PARAPLEGIC STATE, WHICH STATE IS LIKELY TO CONTINUE FOR 1 YEAR OR
2 MORE

3 (R) "PROBATE COURT DISPOSITION" MEANS THE ENTRY OF A PROBATE
4 COURT ORDER OF DISPOSITION FOR A CHILD FOUND TO BE WITHIN THE
5 PROVISIONS OF CHAPTER XIIA OF ACT NO 288 OF THE PUBLIC ACTS OF
6 1939, BEING SECTIONS 712A 1 TO 712A 28 OF THE MICHIGAN COMPILED
7 LAWS

8 (S) "PROSECUTING ATTORNEY", EXCEPT AS THE CONTEXT OTHERWISE
9 REQUIRES, MEANS THE ATTORNEY GENERAL, THE PROSECUTING ATTORNEY OF
10 A COUNTY, OR THE ATTORNEY REPRESENTING A LOCAL UNIT OF
11 GOVERNMENT

12 (T) "FORMER SECTION 15A" MEANS SECTION 15A AS CONSTITUTED
13 BEFORE THE 1993 AMENDATORY ACT THAT ADDED THIS SUBDIVISION

14 SEC 1A THIS ACT SHALL BE KNOWN AND MAY BE CITED AS "THE
15 MICHIGAN SNOWMOBILE ACT"

16 Sec 4b (1) The annual budget request of the department
17 of natural resources, referred to in this section and section 4c
18 as department, shall include an amount for enforcement of this
19 act, for snowmobile safety education and training programs, and
20 for a state financial assistance program provided for under this
21 section

22 (2) Each county of the state shall be entitled to receive
23 financial assistance from the state as provided in this section
24 A COUNTY SHALL IMPLEMENT A SNOWMOBILE SAFETY EDUCATION AND TRAIN-
25 ING PROGRAM UNDER THE CRITERIA SET FORTH IN SECTION 4C BEFORE
26 BEING ELIGIBLE FOR FINANCIAL ASSISTANCE UNDER THIS SECTION A
27 county board of commissioners ~~desiring to conduct a snowmobile~~

1 ~~program~~ shall submit to the department by November 30 of each
2 year an estimate of authorized expenditures for the following
3 calendar year, in a form and containing the information which the
4 department requires The department shall review the entire
5 request and may approve the county request for financial
6 assistance The department shall annually survey the state
7 financial assistance program to assist in determining the amount
8 of financial assistance to be allocated to a county for its snow-
9 mobile program

10 (3) The amount of financial assistance from the state to be
11 allocated to a county pursuant to this section shall be deter-
12 mined by the department THE DEPARTMENT, AFTER CONSULTATION WITH
13 THE SNOWMOBILE ADVISORY BOARD, SHALL EVALUATE EACH REQUEST FROM A
14 COUNTY FOR FINANCIAL ASSISTANCE AND MAY GIVE PRIORITY TO COUNTIES
15 WHERE, IN THE DETERMINATION OF THE DEPARTMENT, A GREATER NEED FOR
16 FINANCIAL ASSISTANCE EXISTS The department shall review the
17 county's statement of authorized expenditures actually incurred
18 and if satisfied shall provide financial assistance in an amount
19 not to exceed 75% of the county's estimated authorized expendi-
20 tures for the past calendar year If the county's authorized
21 expenditures actually incurred for the past calendar year
22 exceeded the county's estimated authorized expenditures the
23 department may provide financial assistance in excess of 75% of
24 the county's estimated authorized expenditures but not in excess
25 of 75% of the county's authorized expenditures actually
26 incurred Financial assistance allocated to a county under this
27 section shall be used exclusively for the conduct of the county

1 snowmobile program as provided by this act and the rules
2 promulgated under this act Within 90 days after the close of
3 each calendar year, a county board of commissioners shall submit
4 to the department a statement of authorized expenditures actually
5 incurred, on a form and containing the information the department
6 requires A county submitting a statement or supplement to the
7 statement which is received subsequent to the 90-day period shall
8 not be eligible for financial assistance

9 (4) The department of treasury shall periodically audit the
10 county records pertaining to this program to assure the proper
11 disposition of these moneys in accordance with this section and
12 rules which are promulgated pursuant to this section If the
13 audit discloses a refund of state aid moneys is due the state,
14 the county treasurer, within 30 days of the completion of the
15 audit, shall send to the department the amount of the refund due
16 the state which the director shall return to the state treasury

17 (5) The department and the county sheriffs shall cooperate
18 in the conduct of the program The county sheriffs shall main-
19 tain records and submit reports in form and containing informa-
20 tion as the department may require

21 (6) The department may promulgate rules to implement this
22 section pursuant to THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
23 Act No 306 of the Public Acts of 1969, as amended, being sec-
24 tions 24 201 to ~~24 315~~ 24 328 of the Michigan Compiled Laws

25 Sec 4c (1) The department ~~may implement~~ SHALL DESIGN
26 THE MINIMUM CONTENT OF a comprehensive snowmobile ~~information,~~
27 safety education and training program which shall BE CONDUCTED BY

1 THE COUNTIES AND WHICH SHALL include the preparation and
2 dissemination of snowmobile information and safety advice to the
3 public and training of operators The CONTENT OF THE program
4 shall ~~provide~~ INCLUDE PROVISION for the training of youthful
5 operators LESS THAN 18 YEARS OF AGE and for the issuance of snow-
6 mobile safety certificates to those who successfully complete the
7 training provided under the program A PERSON LESS THAN 18 YEARS
8 OF AGE WHO SUCCESSFULLY COMPLETES A TRAINING PROGRAM SHALL CARRY
9 THE SAFETY CERTIFICATE ON HIS OR HER PERSON WHENEVER OPERATING A
10 SNOWMOBILE IN THIS STATE THE DEPARTMENT AND THE COUNTIES SHALL
11 ENCOURAGE PERSONS 18 YEARS OF AGE OR OVER TO TAKE THE PROGRAM
12 (2) THE MINIMUM CONTENT OF A SNOWMOBILE SAFETY EDUCATION AND
13 TRAINING PROGRAM SHALL INCLUDE THE FOLLOWING
14 (A) DESCRIPTION OF THE SNOWMOBILE AND ITS MAIN PARTS
15 (B) DESCRIPTION OF MACHINE CONTROLS, SAFETY AND OPERATING
16 PROCEDURES, AND LOADING AND TOWING PROCEDURES
17 (C) GENERAL CONTENT OF SNOWMOBILE AND HIGHWAY LAWS AND
18 RULES
19 (D) SAFETY HAZARDS OF OPERATION INCLUDING POSSIBLE HEARING
20 DAMAGE, AND ENVIRONMENTAL CONSEQUENCES OF SNOWMOBILE USE
21 (E) PERFORMANCE AND WRITTEN TESTS
22 (F) FAMILIARIZATION WITH THE SNOWMOBILE TRAIL SYSTEM IN THIS
23 STATE
24 THE FEE CHARGED BY A COUNTY FOR A TRAINING PROGRAM SHALL BE NOT
25 MORE THAN \$5 00 A PERSON WHO FAILS TO PASS MAY REPEAT THE PRO-
26 GRAM WHEN AVAILABLE WITHOUT AN ADDITIONAL FEE

1 (3) ~~—(2)—~~ In implementing a program which is established
2 pursuant to this section, the department shall cooperate with
3 private organizations and associations, private and public corpo-
4 rations, schools and local governmental units The department
5 shall consult with the department of state police and county
6 sheriffs in regard to subject matter of a training program and
7 performance testing that leads to certification of snowmobile
8 operators HOWEVER, A COUNTY MAY EXPAND THE COURSE CONTENT
9 BEYOND THE MINIMUM REQUIREMENTS ESTABLISHED BY SUBSECTION (2)

10 ~~—(3) The department may designate any person it deems quali-~~
11 ~~fied to provide course instruction and to award snowmobile safety~~
12 ~~certificates—~~

13 Sec 4e (1) The recreational snowmobile trail improvement
14 fund is created in the state treasury The fund shall be admin-
15 istered by the department of natural resources and shall be used
16 solely for the improvement of snowmobile trails and other noncon-
17 flicting recreational purposes

18 (2) Six dollars of each fee collected under section 4, and
19 ~~—\$4 00—~~ \$8 00 OR \$20 00, AS APPLICABLE, of each fee collected
20 under section 10, shall be deposited in the fund

21 (3) The department of natural resources shall promulgate
22 rules for the administration of the fund pursuant to THE ADMINIS-
23 TRATIVE PROCEDURES ACT OF 1969, Act No 306 of the Public Acts of
24 1969, as amended, being sections 24 201 to ~~—24 315—~~ 24 328 of the
25 Michigan Compiled Laws

26 (4) All funds allocated under this act shall be for projects
27 which are open to the public

1 (5) Any money, INCLUDING ACCRUED INTEREST EARNED ON MONEY IN
2 THE FUND, remaining in the recreational snowmobile trail improve-
3 ment fund at the end of a fiscal year SHALL NOT BE CREDITED TO OR
4 REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE FUND AND shall
5 be carried over in the fund to the next and succeeding fiscal
6 years and shall only be used for the purposes stated in this
7 section ~~Pursuant to section 10 of Act No 98 of the Public~~
8 ~~Acts of 1919, as amended, being section 21 10 of the Michigan~~
9 ~~Compiled Laws, money in the recreational snowmobile trail~~
10 ~~improvement fund shall not be credited to or revert to the gen-~~
11 ~~eral fund—~~

12 SEC 4F (1) THE SNOWMOBILE TRAILS ADVISORY BOARD IS CRE-
13 ATED WITHIN THE DEPARTMENT OF NATURAL RESOURCES THE BOARD SHALL
14 ASSIST THE DEPARTMENT OF NATURAL RESOURCES IN DEVELOPING CRITERIA
15 FOR SAFETY EDUCATION AND TRAINING PROGRAMS, ADVISE THE DEPARTMENT
16 OF NATURAL RESOURCES REGARDING THE ALLOCATION OF FUNDS FROM THE
17 RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND, MAKE RECOMMENDA-
18 TIONS TO THE DEPARTMENT OF NATURAL RESOURCES FOR ALLOCATION OF
19 GRANTS TO LOCAL UNITS OF GOVERNMENT AND NONPROFIT INCORPORATED
20 SNOWMOBILE CLUBS AND ORGANIZATIONS UNDER SECTION 4D, ASSIST THE
21 DEPARTMENT IN EVALUATING APPLICATIONS FROM COUNTIES FOR FINANCIAL
22 ASSISTANCE UNDER SECTION 4B, ASSIST THE DEPARTMENT OF NATURAL
23 RESOURCES IN PROMULGATING RULES, CONSULT WITH THE TRAVEL BUREAU
24 TO ENSURE THAT THE SNOWMOBILE INDUSTRY IS ADEQUATELY REPRESENTED
25 IN THE COMPREHENSIVE LONG-RANGE MASTER PLAN BEING PREPARED PURSU-
26 ANT TO THE MICHIGAN TOURISM POLICY ACT, ACT NO 106 OF THE PUBLIC
27 ACTS OF 1945, BEING SECTIONS 2 101 TO 2 103A OF THE MICHIGAN

1 COMPILED LAWS, AND ASSIST THE DEPARTMENT OF NATURAL RESOURCES IN
2 UPDATING THE COMPREHENSIVE PLAN REQUIRED BY SECTION 4A THE
3 ADVISORY BOARD SHALL ADVISE THE DEPARTMENT OF NATURAL RESOURCES
4 ON RECOMMENDATIONS MADE BY SNOWMOBILE USERS OF TRAILS THAT SHOULD
5 BE DESIGNATED FOR SNOWMOBILE USE BY OCTOBER 1, 1995, THE BOARD,
6 IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND THE
7 HOUSE AND SENATE COMMITTEES THAT CONSIDER SNOWMOBILE LEGISLATION,
8 SHALL DEVELOP A COMPREHENSIVE PLAN FOR THE USE OF SNOWMOBILES IN
9 THIS STATE

10 (2) THE ADVISORY BOARD SHALL CONSIST OF 9 MEMBERS APPOINTED
11 BY THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES THE MEM-
12 BERS OF THE ADVISORY BOARD SERVING ON THE EFFECTIVE DATE OF THE
13 AMENDATORY ACT THAT ADDED THIS SECTION SHALL CONTINUE TO SERVE
14 UNTIL THE EXPIRATION OF THEIR TERMS ONE MEMBER SHALL BE
15 APPOINTED FROM EACH REGION REPRESENTING THE MICHIGAN SNOWMOBILE
16 ASSOCIATION AT LEAST 1 OF WHOM SHALL HAVE PREVIOUS EXPERIENCE AS
17 AN INSTRUCTOR IN A SNOWMOBILE SAFETY EDUCATION PROGRAM OF THE
18 REMAINING MEMBERS, 1 MEMBER SHALL REPRESENT TRAIL SPONSORS 2
19 MEMBERS SHALL BE FROM THE BUSINESS COMMUNITY, 1 FROM THE BUSINESS
20 COMMUNITY AT LARGE AND 1 FROM THE TOURISM INDUSTRY 1 MEMBER
21 SHALL REPRESENT LOCAL LAW ENFORCEMENT AGENCIES AND 2 MEMBERS
22 SHALL BE AT LARGE TRAIL USERS MEMBERS SHALL BE APPOINTED FOR
23 TERMS OF 2 YEARS EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, THE
24 3 MEMBERS REPRESENTING THE MICHIGAN SNOWMOBILE ASSOCIATION, THE
25 MEMBER FROM THE BUSINESS COMMUNITY REPRESENTING THE TOURISM
26 INDUSTRY, AND THE MEMBER REPRESENTING LOCAL LAW ENFORCEMENT
27 AGENCIES SHALL BE APPOINTED FOR 2 YEARS AND THE BALANCE OF THE

1 MEMBERS SHALL BE APPOINTED FOR 1 YEAR THE BOARD SHALL MEET AT
2 LEAST TWICE EACH YEAR

3 (3) THIS SECTION IS REPEALED OCTOBER 1, 1996

4 Sec 9 (1) A dealer shall maintain in safe operating con-
5 dition all snowmobiles, rented, leased, or furnished by him OR
6 HER The dealer, ~~his~~ THE DEALER'S agents or employees shall
7 explain the operation of the snowmobile being rented, leased, or
8 furnished and if ~~such~~ THE dealer, ~~his~~ THE DEALER'S agent or
9 employee believes the person to whom the snowmobile is to be
10 rented, leased, or furnished is not competent to operate ~~such~~
11 THE snowmobile with competency to himself OR HERSELF and to the
12 safety of others, ~~he~~ THE DEALER shall refuse to rent, lease, or
13 furnish the same THE DEPARTMENT OF NATURAL RESOURCES SHALL FUR-
14 NISH EACH DEALER WITH A SAFETY EDUCATION CHECKLIST OF NOT MORE
15 THAN 1 PAGE IN LENGTH WHICH THE DEALER SHALL DISTRIBUTE TO EACH
16 PERSON WHO PURCHASES, RENTS, OR LEASES A SNOWMOBILE FROM THAT
17 DEALER

18 (2) Any dealer renting, leasing, or furnishing any snowmo-
19 bile shall carry a policy of liability insurance subject to
20 limits exclusive of interests and costs, with respect to such
21 snowmobile, as follows \$20,000 00 because of bodily injury to
22 or death of 1 person in any 1 accident and subject to said limit
23 for 1 person, \$40,000 00 because of bodily injury to or death of
24 2 or more persons in any 1 accident, and \$10,000 00 because of
25 injury to or destruction of property of others in any 1 accident,
26 or, in the alternative, demand and be shown proof that the person
27 renting, leasing, or being furnished a snowmobile carries

1 liability policy of at least the type and coverage as specified
2 ~~above~~ IN THIS SUBSECTION

3 SEC 10 (1) IN ADDITION TO OR IN LIEU OF REGISTRATION OF A
4 SNOWMOBILE PURSUANT TO SECTION 4, BEGINNING OCTOBER 1, 1994, A
5 PERSON WHO DESIRES TO OPERATE A SNOWMOBILE IN THIS STATE SHALL
6 PURCHASE A MICHIGAN SNOWMOBILE TRAIL PERMIT STICKER THE
7 MICHIGAN SNOWMOBILE TRAIL PERMIT ISSUED UNDER THIS SECTION SHALL
8 BE VALID FOR A PERIOD OF EITHER 1 YEAR OR 3 YEARS BEGINNING ON
9 OCTOBER 1 AND ENDING ON THE APPLICABLE SEPTEMBER 30 THE FEE FOR
10 A 1-YEAR PERMIT SHALL BE \$10 00 AND THE FEE FOR A 3-YEAR PERMIT
11 SHALL BE \$25 00 FIFTY CENTS OF THE FEE SHALL BE RETAINED BY THE
12 DEPARTMENT FOR ADMINISTRATIVE COSTS FIFTY CENTS OF THE FEE
13 SHALL BE RETAINED BY THE AGENT SELLING THE PERMIT EIGHT DOLLARS
14 OF THE FEE SHALL BE CREDITED TO THE RECREATIONAL SNOWMOBILE TRAIL
15 IMPROVEMENT FUND CREATED IN SECTION 4E AND \$1 00 OF THE FEE SHALL
16 BE RETAINED BY THE DEPARTMENT OF NATURAL RESOURCES FOR THE STATE
17 FINANCIAL ASSISTANCE PROGRAM TO COUNTIES UNDER SECTION 4B IN
18 THE CASE OF A 3-YEAR PERMIT, THE FEE SHALL BE ALLOCATED AS
19 FOLLOWS

20 (A) ONE DOLLAR AND TWENTY-FIVE CENTS SHALL BE RETAINED BY
21 THE DEPARTMENT FOR ADMINISTRATIVE COSTS

22 (B) ONE DOLLAR AND TWENTY-FIVE CENTS SHALL BE RETAINED BY
23 THE AGENT SELLING THE PERMIT

24 (C) TWENTY DOLLARS SHALL BE CREDITED TO THE RECREATIONAL
25 SNOWMOBILE TRAIL IMPROVEMENT FUND CREATED IN SECTION 4E

1 (D) TWO DOLLARS AND FIFTY CENTS SHALL BE RETAINED BY THE
2 DEPARTMENT OF NATURAL RESOURCES FOR THE STATE FINANCIAL
3 ASSISTANCE PROGRAM TO COUNTIES UNDER SECTION 4B

4 (2) THE DEPARTMENT MAY CONTRACT WITH EITHER THE DEPARTMENT
5 OF NATURAL RESOURCES OR A PERSON, OR BOTH, TO ACT AS AN AGENT OF
6 THE DEPARTMENT FOR THE PURPOSE OF ISSUING MICHIGAN SNOWMOBILE
7 TRAIL PERMITS THE DEPARTMENT SHALL SELL THE PERMITS TO AGENTS
8 IN BULK AGENTS MAY OBTAIN A REFUND FROM THE DEPARTMENT FOR ANY
9 PERMITS THAT ARE NOT SOLD

10 (3) AN AGENT WHO USES OR ALLOWS THE USE OF A PERMIT BY
11 ANYONE EXCEPT THE SNOWMOBILE USER TO WHOM THE PERMIT IS SOLD IS
12 GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF \$50 00 FOR EACH
13 INSTANCE OF SUCH USE OR ALLOWED USE

14 (4) THE DEPARTMENT MAY SUSPEND A CERTIFICATE OF REGISTRATION
15 WHEN THE DEPARTMENT DETERMINES THAT THE REQUIRED FEE HAS NOT BEEN
16 PAID AND REMAINS UNPAID AFTER REASONABLE NOTICE OR DEMAND IN
17 ADDITION TO THE REQUIRED FEE, A \$10 00 PENALTY SHALL BE ASSESSED
18 AND COLLECTED AGAINST ANY PERSON WHO TENDERS AN INSUFFICIENT
19 CHECK OR DRAFT IN PAYMENT OF THE FEE

20 (5) A PERSON WHO FAILS TO SECURE A PERMIT UNDER THIS SECTION
21 IS RESPONSIBLE FOR A CIVIL INFRACTION AND SUBJECT TO A FINE OF
22 \$50 00 PLUS COURT COSTS

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 Act No 368~~
3 ~~of the Public Acts of 1978, as amended, being section 333-7104 of~~
4 ~~the Michigan Compiled Laws, or a combination of intoxicating~~
5 ~~liquor and a controlled substance~~

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

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

14 (D) ~~(e)~~ On the frozen surface of public waters within 100
15 feet of a person, including a skater, not in or upon a snowmobile
16 or within 100 feet of a fishing shanty or shelter except at the
17 minimum speed required to maintain forward movement of the snow-
18 mobile 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 (E) ~~(f)~~ Without a muffler in good working order and in
22 constant operation from which noise emission at 50 feet at right
23 angles from vehicle path under full throttle does not exceed 86
24 DBA, decibels on the "a" scale, on a sound meter having charac-
25 teristics 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 (F) ~~-(g)-~~ Within 100 feet of a dwelling between 12 midnight
9 and 6 a m , at a speed greater than the minimum required to main-
10 tain forward movement of the snowmobile

11 (G) ~~-(h)-~~ In or upon the lands of another without the writ-
12 ten consent of the owner of the land, or the agent or lessee of
13 the 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 (H) ~~-(i)-~~ In an area on which public hunting is permitted
17 during 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 (I) ~~-(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 (J) ~~—(k)—~~ On or across a cemetery or burial ground

4 (K) ~~—(l)—~~ Within 100 feet of a slide, ski, or skating area

5 A snowmobile may enter such an area for the purpose of servicing
6 the area or for medical emergencies

7 (l) ~~—(m)—~~ On a railroad or railroad ~~right of way, except~~

8 RIGHT-OF-WAY THIS PROHIBITION SHALL NOT APPLY TO railroad per-
9 sonnel, public utility personnel, law enforcement personnel while
10 in the performance of their duties, A RAILROAD OR RAILROAD
11 RIGHT-OF-WAY RENDERED INOPERABLE BY THE REMOVAL OR PARTIAL
12 REMOVAL OF THE RAILROAD TRACKS, and persons using, between
13 December 1, 1992 and March 31, 1993, between December 1, 1993 and
14 March 31, 1994, and between December 1, 1994 and March 31, 1995,
15 a demonstration snowmobile trail located on a state owned rail-
16 road right-of-way operated by the Detroit and Mackinaw railway
17 company, or on a railroad right-of-way owned by the Detroit and
18 Mackinaw railway company connecting to a state owned railroad
19 right-of-way operated by the Detroit and Mackinaw railway com-
20 pany, between Gaylord and Frederic, which also meets the condi-
21 tions imposed in subsections (2) and (3)

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

1 (a) Indemnify the person owning the railroad right-of-way
2 and the person operating the railroad against any claims
3 associated with or arising from the construction, maintenance,
4 operation, and use of the trail

5 (b) Provide liability insurance in the amount of
6 \$2,000,000 00 naming the person owning the railroad right-of-way
7 and the person operating the railroad as named insureds

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

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

1 railroad Signing shall conform to specifications issued by the
 2 department of natural resources to its snowmobile trail operator
 3 grantees

4 (4) The state transportation department, in cooperation with
 5 the Detroit and Mackinaw railway company and the person operating
 6 the demonstration snowmobile trail, shall conduct a study each
 7 year during development, construction, and operation of the trail
 8 to evaluate the demonstration snowmobile trail project, and to
 9 examine the feasibility and desirability of broadening statutory
 10 authority to establish snowmobile trails on functional railroad
 11 rights-of-way in Michigan The findings of each study shall be
 12 summarized in a report to the legislature to be submitted not
 13 later than September 1 of 1993, 1994, and 1995

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

16 Sec 15a (1) ~~The owner or person in charge or in control~~
 17 ~~of a snowmobile shall not authorize or knowingly permit the snow-~~
 18 ~~mobile to be driven or operated by a person who is under the~~
 19 ~~influence of intoxicating liquor, a controlled substance as~~
 20 ~~defined in section 7104 of Act No 368 of the Public Acts of~~
 21 ~~1978, as amended, or a combination of intoxicating liquor and a~~
 22 ~~controlled substance~~ A PERSON SHALL NOT OPERATE A SNOWMOBILE IN
 23 THIS STATE IF EITHER OF THE FOLLOWING APPLIES

24 (A) THE PERSON IS UNDER THE INFLUENCE OF INTOXICATING LIQUOR
 25 OR A CONTROLLED SUBSTANCE, OR BOTH

26 (B) THE PERSON HAS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
 27 BY WEIGHT OF ALCOHOL

1 (2) THE OWNER OF A SNOWMOBILE OR A PERSON IN CHARGE OR IN
2 CONTROL OF A SNOWMOBILE SHALL NOT AUTHORIZE OR KNOWINGLY PERMIT
3 THE SNOWMOBILE TO BE DRIVEN OR OPERATED BY A PERSON WHO IS UNDER
4 THE INFLUENCE OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE
5 OR BOTH, OR WHO HAS A BLOOD ALCOHOL CONTENT OF 0 10% OR MORE BY
6 WEIGHT OF ALCOHOL

7 (3) A PERSON SHALL NOT OPERATE A SNOWMOBILE WHEN, DUE TO THE
8 CONSUMPTION OF AN INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE,
9 OR BOTH, THE PERSON'S ABILITY TO OPERATE THE SNOWMOBILE IS VISI-
10 BLY IMPAIRED IF A PERSON IS CHARGED WITH VIOLATING SUBSECTION

11 (1), A FINDING OF GUILTY UNDER THIS SUBSECTION MAY BE RENDERED

12 (4) A PERSON WHO OPERATES A SNOWMOBILE UNDER THE INFLUENCE
13 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR BOTH, OR
14 WITH A BLOOD ALCOHOL CONTENT OF 0 10% OR MORE BY WEIGHT OF ALCO-
15 HOL, AND BY THE OPERATION OF THAT SNOWMOBILE CAUSES THE DEATH OF
16 ANOTHER PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
17 FOR NOT MORE THAN 15 YEARS, OR A FINE OF NOT LESS THAN \$2,500 00
18 OR MORE THAN \$10,000 00, OR BOTH

19 (5) A PERSON WHO OPERATES A SNOWMOBILE UNDER THE INFLUENCE
20 OF INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR BOTH, OR
21 WITH A BLOOD ALCOHOL CONTENT OF 0 10% OR MORE BY WEIGHT OF ALCO-
22 HOL, AND BY THE OPERATION OF THAT SNOWMOBILE CAUSES A LONG-TERM
23 INCAPACITATING INJURY TO ANOTHER PERSON IS GUILTY OF A FELONY
24 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE
25 OF NOT LESS THAN \$1,000 00 OR MORE THAN \$5,000 00, OR BOTH

26 SEC 15B (1) IF A PERSON IS CONVICTED OF VIOLATING SECTION
27 15A(1), THE FOLLOWING APPLY

1 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
2 (C), THE PERSON IS GUILTY OF A MISDEMEANOR AND MAY BE PUNISHED BY
3 1 OR MORE OF THE FOLLOWING

4 (1) COMMUNITY SERVICE FOR NOT MORE THAN 45 DAYS

5 (11) IMPRISONMENT FOR NOT MORE THAN 90 DAYS

6 (111) A FINE OF NOT LESS THAN \$100 00 OR MORE THAN \$500 00

7 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF A PRIOR CON-
8 VICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT LESS
9 THAN \$200 00 OR MORE THAN \$1,000 00 AND EITHER OF THE FOLLOWING

10 (1) COMMUNITY SERVICE FOR NOT LESS THAN 10 DAYS OR MORE THAN
11 90 DAYS, AND MAY BE IMPRISONED FOR NOT MORE THAN 1 YEAR

12 (11) IMPRISONMENT FOR NOT LESS THAN 48 CONSECUTIVE HOURS OR
13 MORE THAN 1 YEAR, AND MAY BE SENTENCED TO COMMUNITY SERVICE FOR
14 NOT MORE THAN 90 DAYS

15 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
16 PRIOR CONVICTIONS, THE PERSON IS GUILTY OF A FELONY AND SHALL BE
17 SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR OR MORE THAN 5
18 YEARS, OR A FINE OF NOT LESS THAN \$500 00 OR MORE THAN \$5 000 00
19 OR BOTH

20 (2) A TERM OF IMPRISONMENT IMPOSED UNDER
21 SUBSECTION (1)(B)(11) SHALL NOT BE SUSPENDED A PERSON SENTENCED
22 TO PERFORM SERVICE TO THE COMMUNITY UNDER THIS SECTION SHALL NOT
23 RECEIVE COMPENSATION AND SHALL REIMBURSE THE STATE OR APPROPRIATE
24 LOCAL UNIT OF GOVERNMENT FOR THE COST OF SUPERVISION INCURRED BY
25 THE STATE OR LOCAL UNIT OF GOVERNMENT AS A RESULT OF THE PERSON'S
26 ACTIVITIES IN THAT SERVICE

1 (3) IN ADDITION TO THE SANCTIONS PRESCRIBED UNDER
 2 SUBSECTION (1) AND SECTION 15A(4) AND (5), THE COURT MAY,
 3 PURSUANT TO THE CODE OF CRIMINAL PROCEDURE, ACT NO 175 OF THE
 4 PUBLIC ACTS OF 1927, BEING SECTIONS 760 1 TO 776 21 OF THE
 5 MICHIGAN COMPILED LAWS, ORDER THE PERSON TO PAY THE COSTS OF THE
 6 PROSECUTION THE COURT SHALL ALSO IMPOSE SANCTIONS UNDER SECTION
 7 26

8 (4) A PERSON WHO IS CONVICTED OF VIOLATING SECTION 15A(2) IS
 9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
 10 THAN 90 DAYS, OR A FINE OF NOT LESS THAN \$100 00 OR MORE THAN
 11 \$500 00, OR BOTH

12 (5) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CON-
 13 VICTION FOR A VIOLATION OF SECTION 15A(1), (4) OR (5) OR FORMER
 14 SECTION 15A, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
 15 SECTION 15A(1) OR FORMER SECTION 15A OR A LAW OF ANOTHER STATE
 16 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (4) OR (5) OR
 17 FORMER SECTION 15A

18 SEC 15C (1) IF A PERSON IS CONVICTED OF VIOLATING SECTION
 19 15A(3), THE FOLLOWING APPLY

20 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND
 21 (C), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY 1 OR
 22 MORE OF THE FOLLOWING

23 (1) COMMUNITY SERVICE FOR NOT MORE THAN 45 DAYS

24 (11) IMPRISONMENT FOR NOT MORE THAN 90 DAYS

25 (111) A FINE OF NOT MORE THAN \$300 00

26 (B) IF THE VIOLATION OCCURS WITHIN 7 YEARS OF 1 PRIOR
 27 CONVICTION, THE PERSON SHALL BE SENTENCED TO BOTH A FINE OF NOT

1 LESS THAN \$200 00 OR MORE THAN \$1 000 00, AND EITHER OF THE
2 FOLLOWING

3 (1) COMMUNITY SERVICE FOR NOT LESS THAN 10 DAYS OR MORE THAN
4 90 DAYS, AND MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN 1
5 YEAR

6 (11) IMPRISONMENT FOR NOT MORE THAN 1 YEAR, AND MAY BE SEN-
7 TENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS

8 (C) IF THE VIOLATION OCCURS WITHIN 10 YEARS OF 2 OR MORE
9 PRIOR CONVICTIONS, THE PERSON SHALL BE SENTENCED TO BOTH A FINE
10 OF NOT LESS THAN \$200 00 OR MORE THAN \$1 000 00 AND EITHER OF
11 THE FOLLOWING

12 (1) COMMUNITY SERVICE FOR A PERIOD OF NOT LESS THAN 10 DAYS
13 OR MORE THAN 90 DAYS, AND MAY BE SENTENCED TO IMPRISONMENT FOR
14 NOT MORE THAN 1 YEAR

15 (11) IMPRISONMENT FOR NOT MORE THAN 1 YEAR AND MAY BE SEN-
16 TENCED TO COMMUNITY SERVICE FOR NOT MORE THAN 90 DAYS

17 (2) IN ADDITION TO THE SANCTIONS PRESCRIBED IN SUBSECTION
18 (1), THE COURT MAY, PURSUANT TO THE CODE OF CRIMINAL PROCEDURE
19 ACT NO 175 OF THE PUBLIC ACTS OF 1927, BEING SECTIONS 760 1 TO
20 776 21 OF THE MICHIGAN COMPILED LAWS, ORDER THE PERSON TO PAY THE
21 COSTS OF THE PROSECUTION THE COURT SHALL ALSO IMPOSE SANCTIONS
22 UNDER SECTION 26

23 (3) A PERSON SENTENCED TO PERFORM SERVICE TO THE COMMUNITY
24 UNDER THIS SECTION SHALL NOT RECEIVE COMPENSATION, AND SHALL
25 REIMBURSE THE STATE OR APPROPRIATE LOCAL UNIT OF GOVERNMENT FOR
26 THE COST OF SUPERVISION INCURRED BY THE STATE OR LOCAL UNIT OF

1 GOVERNMENT AS A RESULT OF THE PERSON'S ACTIVITIES IN THAT
2 SERVICE

3 (4) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CON-
4 VICTION FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR
5 FORMER SECTION 15A, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
6 TO SECTION 15A(1) OR (3) OR FORMER SECTION 15A, OR A LAW OF
7 ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (3),
8 (4), OR (5) OR FORMER SECTION 15A

9 SEC 15D (1) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK
10 AN ENHANCED SENTENCE UNDER SECTION 15B OR 15C BASED UPON THE
11 DEFENDANT HAVING 1 OR MORE PRIOR CONVICTIONS, THE PROSECUTING
12 ATTORNEY SHALL INCLUDE ON THE COMPLAINT AND INFORMATION FILED IN
13 DISTRICT COURT, CIRCUIT COURT, RECORDER'S COURT, MUNICIPAL COURT,
14 OR PROBATE COURT A STATEMENT LISTING THE DEFENDANT'S PRIOR
15 CONVICTIONS

16 (2) A PRIOR CONVICTION SHALL BE ESTABLISHED AT SENTENCING BY
17 1 OR MORE OF THE FOLLOWING

18 (A) AN ABSTRACT OF CONVICTION

19 (B) AN ADMISSION BY THE DEFENDANT

20 (3) A PERSON WHO IS CONVICTED OF AN ATTEMPTED VIOLATION OF
21 SECTION 15A(1) OR (3) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
22 SPONDING TO SECTION 15A(1) OR (3) SHALL BE PUNISHED AS IF THE
23 OFFENSE HAD BEEN COMPLETED

24 (4) WHEN ISSUING AN ORDER UNDER THIS ACT, THE SECRETARY OF
25 STATE AND THE COURT SHALL TREAT A CONVICTION OF AN ATTEMPTED VIO-
26 LATION OF SECTION 15A(1) OR (3), A LOCAL ORDINANCE SUBSTANTIALLY
27 CORRESPONDING TO SECTION 15A(1) OR (3), OR A LAW OF ANOTHER STATE

1 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3) THE SAME AS
2 IF THE OFFENSE HAD BEEN COMPLETED

3 Sec 16 The operator of a snowmobile involved in an acci-
4 dent resulting in injuries to or death of any person, or property
5 damage in an estimated amount of \$100 00 or more shall immedi-
6 ately by the quickest means of communication notify a state
7 police officer or officers, or the sheriff's office of the county
8 ~~wherein~~ IN WHICH the accident occurred, or to the office of the
9 police department of the municipality ~~wherein~~ IN WHICH the
10 accident occurred The police agency receiving the notice shall
11 complete a report of the accident on forms prescribed by the
12 director of the department of state police and forward the report
13 to the department of state police WITHIN 14 DAYS AFTER THE DATE
14 OF THE ACCIDENT THE DEPARTMENT OF STATE POLICE SHALL FORWARD A
15 COPY OF ALL SNOWMOBILE ACCIDENT REPORTS TO THE DEPARTMENT OF NAT-
16 URAL RESOURCES WITHIN 14 DAYS AFTER RECEIPT OF THE ACCIDENT
17 REPORT

18 SEC 19 (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY ARREST
19 A PERSON IF THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE
20 THAT THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE OPERATOR OF
21 A SNOWMOBILE INVOLVED IN THE ACCIDENT IN THIS STATE WHILE IN VIO-
22 LATION OF SECTION 15A(1), (3), (4), OR (5) OR A LOCAL ORDINANCE
23 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3)

24 (2) A PEACE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE THAT
25 A PERSON WAS OPERATING A SNOWMOBILE AND THAT, BY THE CONSUMPTION
26 OF INTOXICATING LIQUOR, THE PERSON MAY HAVE AFFECTED HIS OR HER
27 ABILITY TO OPERATE A SNOWMOBILE, MAY REQUIRE THE PERSON TO SUBMIT

1 TO A PRELIMINARY CHEMICAL BREATH ANALYSIS THE FOLLOWING
2 PROVISIONS APPLY WITH RESPECT TO A PRELIMINARY CHEMICAL BREATH
3 ANALYSIS

4 (A) A PEACE OFFICER MAY ARREST A PERSON BASED IN WHOLE OR IN
5 PART UPON THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS

6 (B) THE RESULTS OF A PRELIMINARY CHEMICAL BREATH ANALYSIS
7 ARE ADMISSIBLE IN A CRIMINAL PROSECUTION FOR A CRIME ENUMERATED
8 IN SECTION 27(1) OR IN AN ADMINISTRATIVE HEARING SOLELY TO ASSIST
9 THE COURT OR HEARING OFFICER IN DETERMINING A CHALLENGE TO THE
10 VALIDITY OF AN ARREST THIS SUBDIVISION DOES NOT LIMIT THE
11 INTRODUCTION OF OTHER COMPETENT EVIDENCE OFFERED TO ESTABLISH THE
12 VALIDITY OF AN ARREST

13 (C) A PERSON WHO SUBMITS TO A PRELIMINARY CHEMICAL BREATH
14 ANALYSIS REMAINS SUBJECT TO THE REQUIREMENTS OF SECTIONS 27 TO 30
15 FOR THE PURPOSES OF CHEMICAL TESTS DESCRIBED IN THOSE SECTIONS

16 SEC 20 (1) THE FOLLOWING PROVISIONS APPLY WITH RESPECT TO
17 A CHEMICAL TEST AND ANALYSIS OF A PERSON'S BLOOD, URINE, OR
18 BREATH, OTHER THAN A PRELIMINARY CHEMICAL BREATH ANALYSIS

19 (A) THE AMOUNT OF ALCOHOL OR PRESENCE OF A CONTROLLED SUB-
20 STANCE, OR BOTH, IN AN OPERATOR'S BLOOD AT THE TIME ALLEGED AS
21 SHOWN BY CHEMICAL ANALYSIS OF THE PERSON'S BLOOD, URINE, OR
22 BREATH IS ADMISSIBLE INTO EVIDENCE IN ANY CIVIL OR CRIMINAL
23 PROCEEDING

24 (B) A PERSON ARRESTED FOR A CRIME DESCRIBED IN SECTION 27(1)
25 SHALL BE ADVISED OF ALL OF THE FOLLOWING

26 (1) THAT IF THE PERSON TAKES A CHEMICAL TEST OF HIS OR HER
27 BLOOD, URINE, OR BREATH ADMINISTERED AT THE REQUEST OF A PEACE

1 OFFICER, THE PERSON HAS THE RIGHT TO DEMAND THAT SOMEONE OF THE
2 PERSON'S OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL TESTS THAT
3 THE RESULTS OF THE TEST ARE ADMISSIBLE IN A JUDICIAL PROCEEDING
4 AS PROVIDED UNDER THIS ACT AND SHALL BE CONSIDERED WITH OTHER
5 COMPETENT EVIDENCE IN DETERMINING THE INNOCENCE OR GUILT OF THE
6 DEFENDANT AND THAT THE PERSON IS RESPONSIBLE FOR OBTAINING A
7 CHEMICAL ANALYSIS OF A TEST SAMPLE OBTAINED PURSUANT TO THE
8 PERSON'S OWN REQUEST

9 (11) THAT IF THE PERSON REFUSES THE REQUEST OF A PEACE OFFI-
10 CER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (1), THE TEST SHALL
11 NOT BE GIVEN WITHOUT A COURT ORDER, BUT THE PEACE OFFICER MAY
12 SEEK TO OBTAIN SUCH A COURT ORDER

13 (111) THAT THE PERSON'S REFUSAL OF THE REQUEST OF A PEACE
14 OFFICER TO TAKE A TEST DESCRIBED IN SUBPARAGRAPH (1) WILL RESULT
15 IN ISSUANCE OF AN ORDER THAT THE PERSON NOT OPERATE A
16 SNOWMOBILE

17 (2) A SAMPLE OR SPECIMEN OF URINE OR BREATH SHALL BE TAKEN
18 AND COLLECTED IN A REASONABLE MANNER ONLY A LICENSED PHYSICIAN
19 OR A LICENSED NURSE OR MEDICAL TECHNICIAN UNDER THE DIRECTION OF
20 A LICENSED PHYSICIAN, QUALIFIED TO WITHDRAW BLOOD AND ACTING IN A
21 MEDICAL ENVIRONMENT, MAY WITHDRAW BLOOD AT THE REQUEST OF A PEACE
22 OFFICER FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR
23 PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN A PERSON'S BLOOD,
24 AS PROVIDED IN THIS SUBSECTION A QUALIFIED PERSON WHO WITHDRAWS
25 OR ANALYZES BLOOD, OR ASSISTS IN THE WITHDRAWAL OR ANALYSIS, IN
26 ACCORDANCE WITH THIS ACT IS NOT LIABLE FOR A CRIME OR CIVIL
27 DAMAGES PREDICATED ON THE ACT OF WITHDRAWING OR ANALYZING BLOOD

1 AND RELATED PROCEDURES UNLESS THE WITHDRAWAL OR ANALYSIS IS
2 PERFORMED IN A NEGLIGENT MANNER

3 (3) A RULE RELATING TO A CHEMICAL TEST FOR ALCOHOL OR A CON-
4 TROLLED SUBSTANCE PROMULGATED UNDER THE MICHIGAN VEHICLE CODE,
5 ACT NO 300 OF THE PUBLIC ACTS OF 1949, BEING SECTIONS 257 1 TO
6 257 923 OF THE MICHIGAN COMPILED LAWS, APPLIES TO A CHEMICAL TEST
7 ADMINISTERED UNDER THIS ACT

8 SEC 21 (1) A CHEMICAL TEST DESCRIBED IN SECTION 20 SHALL
9 BE ADMINISTERED AT THE REQUEST OF A PEACE OFFICER HAVING REASON-
10 ABLE GROUNDS TO BELIEVE THE PERSON HAS COMMITTED A CRIME
11 DESCRIBED IN SECTION 27(1) A PERSON WHO TAKES A CHEMICAL TEST
12 ADMINISTERED AT THE REQUEST OF A PEACE OFFICER, AS PROVIDED IN
13 SECTION 20, SHALL BE GIVEN A REASONABLE OPPORTUNITY TO HAVE SOME-
14 ONE OF THE PERSON'S OWN CHOOSING ADMINISTER 1 OF THE CHEMICAL
15 TESTS DESCRIBED IN SECTION 20 WITHIN A REASONABLE TIME AFTER THE
16 PERSON'S DETENTION, AND THE RESULTS OF THE TEST ARE ADMISSIBLE
17 AND SHALL BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETER-
18 MINING THE INNOCENCE OR GUILT OF THE DEFENDANT IF THE PERSON
19 CHARGED IS ADMINISTERED A CHEMICAL TEST BY SOMEONE OF THE
20 PERSON'S OWN CHOOSING, THE PERSON CHARGED IS RESPONSIBLE FOR
21 OBTAINING A CHEMICAL ANALYSIS OF THE TEST SAMPLE

22 (2) IF, AFTER AN ACCIDENT, THE OPERATOR OF A SNOWMOBILE
23 INVOLVED IN AN ACCIDENT IS TRANSPORTED TO A MEDICAL FACILITY AND
24 A SAMPLE OF THE OPERATOR'S BLOOD IS WITHDRAWN AT THAT TIME FOR
25 THE PURPOSE OF MEDICAL TREATMENT, THE RESULTS OF A CHEMICAL ANAL-
26 YSIS OF THAT SAMPLE IS ADMISSIBLE IN ANY CIVIL OR CRIMINAL
27 PROCEEDING TO SHOW THE AMOUNT OF ALCOHOL OR PRESENCE OF A

1 CONTROLLED SUBSTANCE OR BOTH IN THE PERSON'S BLOOD AT THE TIME
2 ALLEGED, REGARDLESS OF WHETHER THE PERSON HAD BEEN OFFERED OR HAD
3 REFUSED A CHEMICAL TEST THE MEDICAL FACILITY OR PERSON PERFORM-
4 ING THE CHEMICAL ANALYSIS SHALL DISCLOSE THE RESULTS OF THE ANAL-
5 YSIS TO A PROSECUTING ATTORNEY WHO REQUESTS THE RESULTS FOR USE
6 IN A CRIMINAL PROSECUTION AS PROVIDED IN THIS SUBSECTION A MED-
7 ICAL FACILITY OR PERSON DISCLOSING INFORMATION IN COMPLIANCE WITH
8 THIS SUBSECTION IS NOT CIVILLY OR CRIMINALLY LIABLE FOR MAKING
9 THE DISCLOSURE

10 (3) IF, AFTER AN ACCIDENT, THE OPERATOR OF A SNOWMOBILE
11 INVOLVED IN AN ACCIDENT IS DECEASED A SAMPLE OF THE DECEDENT'S
12 BLOOD SHALL BE WITHDRAWN IN A MANNER DIRECTED BY THE MEDICAL
13 EXAMINER FOR THE PURPOSE OF DETERMINING THE AMOUNT OF ALCOHOL OR
14 THE PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN THE
15 DECEDENT'S BLOOD THE MEDICAL EXAMINER SHALL GIVE THE RESULTS OF
16 THE CHEMICAL ANALYSIS OF THE SAMPLE TO THE LAW ENFORCEMENT AGENCY
17 INVESTIGATING THE ACCIDENT, AND THAT AGENCY SHALL FORWARD THE
18 RESULTS TO THE DEPARTMENT OF STATE POLICE

19 SEC 22 (1) THE PROVISIONS OF SECTIONS 20 AND 21 RELATING
20 TO CHEMICAL TESTING DO NOT LIMIT THE INTRODUCTION OF ANY OTHER
21 COMPETENT EVIDENCE BEARING UPON THE QUESTION OF WHETHER A PERSON
22 WAS IMPAIRED BY, OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR
23 OR A CONTROLLED SUBSTANCE, OR BOTH, OR WHETHER THE PERSON HAD A
24 BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF ALCOHOL

25 (2) IF A CHEMICAL TEST DESCRIBED IN SECTIONS 20 AND 21 IS
26 ADMINISTERED, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO
27 THE PERSON CHARGED OR THE PERSON'S ATTORNEY UPON WRITTEN REQUEST

1 TO THE PROSECUTION, WITH A COPY OF THE REQUEST FILED WITH THE
2 COURT THE PROSECUTION SHALL FURNISH THE RESULTS AT LEAST 2 DAYS
3 BEFORE THE DAY OF THE TRIAL THE RESULTS OF THE TEST SHALL BE
4 OFFERED AS EVIDENCE BY THE PROSECUTION IN THAT TRIAL FAILURE TO
5 FULLY COMPLY WITH THE REQUEST BARS THE ADMISSION OF THE RESULTS
6 INTO EVIDENCE BY THE PROSECUTION

7 SEC 23 (1) EXCEPT IN A PROSECUTION RELATING SOLELY TO A
8 VIOLATION OF SECTION 15A(1)(B), THE AMOUNT OF ALCOHOL IN THE
9 DRIVER'S BLOOD AT THE TIME ALLEGED AS SHOWN BY CHEMICAL ANALYSIS
10 OF THE PERSON'S BLOOD, URINE, OR BREATH GIVES RISE TO THE FOLLOW-
11 ING PRESUMPTIONS

12 (A) IF THERE WAS AT THE TIME 0.07% OR LESS BY WEIGHT OF
13 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
14 DEFENDANT'S ABILITY TO OPERATE A SNOWMOBILE WAS NOT IMPAIRED DUE
15 TO THE CONSUMPTION OF INTOXICATING LIQUOR AND THAT THE DEFENDANT
16 WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR

17 (B) IF THERE WAS AT THE TIME IN EXCESS OF 0.07% BUT LESS
18 THAN 0.10% BY WEIGHT OF ALCOHOL IN THE DEFENDANT'S BLOOD, IT
19 SHALL BE PRESUMED THAT THE DEFENDANT'S ABILITY TO OPERATE A SNOW-
20 MOBILE WAS IMPAIRED WITHIN THE PROVISIONS OF SECTION 15A(3) DUE
21 TO THE CONSUMPTION OF INTOXICATING LIQUOR

22 (C) IF THERE WAS AT THE TIME 0.10% OR MORE BY WEIGHT OF
23 ALCOHOL IN THE DEFENDANT'S BLOOD, IT SHALL BE PRESUMED THAT THE
24 DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR

25 (2) A PERSON'S REFUSAL TO SUBMIT TO A CHEMICAL TEST AS PRO-
26 VIDED IN SECTIONS 20 AND 21 IS ADMISSIBLE IN A CRIMINAL
27 PROSECUTION FOR A CRIME DESCRIBED IN SECTION 27(1) ONLY FOR THE

1 PURPOSE OF SHOWING THAT A TEST WAS OFFERED TO THE DEFENDANT, BUT
2 NOT AS EVIDENCE IN DETERMINING INNOCENCE OR GUILT OF THE
3 DEFENDANT THE JURY SHALL BE INSTRUCTED ACCORDINGLY

4 SEC 24 (1) A PERSON ARRESTED FOR A MISDEMEANOR VIOLATION
5 OF SECTION 15A(1) OR (3), OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
6 RESPONDING TO SECTION 15A(1) OR (3), SHALL BE ARRAIGNED ON THE
7 CITATION, COMPLAINT, OR WARRANT NOT MORE THAN 14 DAYS AFTER THE
8 DATE OF ARREST OR, IF AN ARREST WARRANT IS REISSUED, NOT MORE
9 THAN 14 DAYS AFTER THE REISSUED ARREST WARRANT IS SERVED

10 (2) THE COURT SHALL SCHEDULE A PRETRIAL CONFERENCE BETWEEN
11 THE PROSECUTING ATTORNEY THE DEFENDANT AND THE DEFENDANT'S
12 ATTORNEY IN EACH CASE IN WHICH THE DEFENDANT IS CHARGED WITH A
13 MISDEMEANOR VIOLATION OF SECTION 15A(1) OR (3) OR A LOCAL ORDI-
14 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3) THE
15 PRETRIAL CONFERENCE SHALL BE HELD NOT MORE THAN 35 DAYS AFTER THE
16 DATE OF THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN ARREST
17 WARRANT IS REISSUED, NOT MORE THAN 35 DAYS AFTER THE DATE THE
18 REISSUED ARREST WARRANT IS SERVED IF THE COURT HAS ONLY 1 JUDGE
19 WHO SITS IN MORE THAN 1 LOCATION IN THE DISTRICT, THE PRETRIAL
20 CONFERENCE SHALL BE HELD NOT MORE THAN 42 DAYS AFTER THE DATE OF
21 THE PERSON'S ARREST FOR THE VIOLATION OR, IF AN ARREST WARRANT IS
22 REISSUED, NOT MORE THAN 42 DAYS AFTER THE DATE THE REISSUED
23 ARREST WARRANT IS SERVED

24 (3) THE COURT SHALL ORDER THE DEFENDANT TO ATTEND THE PRE-
25 TRIAL CONFERENCE AND MAY ACCEPT A PLEA BY THE DEFENDANT AT THE
26 CONCLUSION OF THE PRETRIAL CONFERENCE THE COURT MAY ADJOURN THE
27 PRETRIAL CONFERENCE UPON THE MOTION OF A PARTY FOR GOOD CAUSE

1 SHOWN NOT MORE THAN 1 ADJOURNMENT SHALL BE GRANTED TO A PARTY,
2 AND THE LENGTH OF AN ADJOURNMENT SHALL NOT EXCEED 14 DAYS

3 (4) UNLESS THERE IS A DELAY ATTRIBUTABLE TO THE UNAVAILABIL-
4 ITY OF THE DEFENDANT, A WITNESS, OR MATERIAL EVIDENCE OR TO AN
5 INTERLOCUTORY APPEAL OR EXCEPTIONAL CIRCUMSTANCES, BUT NOT A
6 DELAY ATTRIBUTABLE TO DOCKET CONGESTION, THE COURT SHALL FINALLY
7 ADJUDICATE A CASE IN WHICH THE DEFENDANT IS CHARGED WITH A MISDE-
8 MEANOR VIOLATION OF SECTION 15A(1) OR (3) OR A LOCAL ORDINANCE
9 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3), BY A PLEA
10 OF GUILTY OR NOLO CONTENDERE, BY THE ENTRY OF A VERDICT, OR BY
11 OTHER FINAL DISPOSITION WITHIN 77 DAYS AFTER THE PERSON IS
12 ARRESTED FOR THE VIOLATION OR, IF AN ARREST WARRANT IS REISSUED,
13 NOT MORE THAN 77 DAYS AFTER THE DATE THE REISSUED ARREST WARRANT
14 IS SERVED

15 SEC 25 (1) BEFORE ACCEPTING A PLEA OF GUILTY OR NOLO CON-
16 TENDERE UNDER SECTION 15A OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
17 RESPONDING TO SECTION 15A(1), (2) OR (3), THE COURT SHALL ADVISE
18 THE ACCUSED OF THE MAXIMUM POSSIBLE TERM OF IMPRISONMENT AND THE
19 MAXIMUM POSSIBLE FINE THAT MAY BE IMPOSED FOR THE VIOLATION

20 (2) BEFORE IMPOSING SENTENCE, OTHER THAN COURT-ORDERED OPER-
21 ATING SANCTIONS, FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR
22 (5) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
23 15A(1) OR (3), THE COURT SHALL ORDER THE PERSON TO UNDERGO
24 SCREENING AND ASSESSMENT BY A PERSON OR AGENCY DESIGNATED BY THE
25 OFFICE OF SUBSTANCE ABUSE SERVICES TO DETERMINE WHETHER THE
26 PERSON IS LIKELY TO BENEFIT FROM REHABILITATIVE SERVICES,
27 INCLUDING ALCOHOL OR DRUG EDUCATION OR TREATMENT PROGRAMS AS

1 PART OF THE SENTENCE THE COURT MAY ORDER THE PERSON TO
2 PARTICIPATE IN AND SUCCESSFULLY COMPLETE 1 OR MORE APPROPRIATE
3 REHABILITATIVE PROGRAMS THE PERSON SHALL PAY FOR THE COSTS OF
4 THE SCREENING, ASSESSMENT, AND REHABILITATIVE SERVICES

5 SEC 26 (1) IMMEDIATELY UPON ACCEPTANCE BY THE COURT OF A
6 PLEA OF GUILTY OR NOLO CONTENDERE OR UPON ENTRY OF A VERDICT OF
7 GUILTY FOR A VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR A
8 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR
9 (3) WHETHER OR NOT THE PERSON IS ELIGIBLE TO BE SENTENCED AS A
10 MULTIPLE OFFENDER, THE COURT SHALL CONSIDER ALL PRIOR CONVICTIONS
11 ESTABLISHED UNDER SECTION 15D, EXCEPT THOSE CONVICTIONS THAT
12 UPON MOTION BY THE DEFENDANT, ARE DETERMINED BY THE COURT TO BE
13 CONSTITUTIONALLY INVALID, AND SHALL IMPOSE THE FOLLOWING
14 SANCTIONS

15 (A) FOR A CONVICTION UNDER SECTION 15A(4) OR (5), THE COURT
16 SHALL ORDER, WITHOUT AN EXPIRATION DATE, THAT THE PERSON NOT
17 OPERATE A SNOWMOBILE

18 (B) FOR A CONVICTION UNDER SECTION 15A(1) OR A LOCAL ORDI-
19 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1)

20 (1) IF THE COURT FINDS THAT THE PERSON HAS NO PRIOR CONVIC-
21 TIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1), (3), (4),
22 OR (5) OR FORMER SECTION 15A OR ANOTHER SNOWMOBILE SUBSTANCE
23 ABUSE OFFENSE OR THAT THE PERSON HAS 1 PRIOR CONVICTION WITHIN 7
24 YEARS FOR A VIOLATION OF SECTION 15A(3), A LOCAL ORDINANCE SUB-
25 STANTIALLY CORRESPONDING TO SECTION 15A(3), OR A LAW OF ANOTHER
26 STATE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(3), THE COURT
27 SHALL ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE FOR NOT LESS

1 THAN 6 MONTHS OR MORE THAN 2 YEARS AND SHALL REQUIRE THAT THE
2 PERSON TAKE AND SUCCESSFULLY COMPLETE THE SNOWMOBILE SAFETY EDU-
3 CATION AND TRAINING PROGRAM BEFORE OPERATING A SNOWMOBILE

4 (11) IF THE COURT FINDS THAT THE PERSON HAS 1 OR MORE PRIOR
5 CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1),
6 (4), OR (5) OR FORMER SECTION 15A, A LOCAL ORDINANCE SUBSTAN-
7 Tially CORRESPONDING TO SECTION 15A(1) OR FORMER SECTION 15A, OR
8 A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO SECTION
9 15A(1), (4), OR (5) OR FORMER SECTION 15A, OR THAT THE PERSON HAS
10 2 OR MORE PRIOR CONVICTIONS WITHIN 10 YEARS FOR A VIOLATION OF
11 SECTION 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A, OR
12 ANOTHER SNOWMOBILE SUBSTANCE ABUSE OFFENSE, THE COURT SHALL
13 ORDER, WITHOUT AN EXPIRATION DATE, THAT THE PERSON NOT OPERATE A
14 SNOWMOBILE

15 (C) FOR A CONVICTION UNDER SECTION 15A(3) OR A LOCAL ORDI-
16 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(3)

17 (1) IF THE COURT FINDS THAT THE CONVICTED PERSON HAS NO
18 PRIOR CONVICTION WITHIN 7 YEARS FOR A VIOLATION OF SECTION
19 15A(1), (3), (4), OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMO-
20 BILE SUBSTANCE ABUSE OFFENSE, THE COURT SHALL ORDER THAT THE
21 PERSON NOT OPERATE A SNOWMOBILE FOR NOT LESS THAN 90 DAYS OR MORE
22 THAN 1 YEAR

23 (11) IF THE COURT FINDS THAT THE PERSON HAS 1 PRIOR CONVIC-
24 TION WITHIN 7 YEARS FOR A VIOLATION OF SECTION 15A(1), (3), (4),
25 OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMOBILE SUBSTANCE ABUSE
26 OFFENSE, THE COURT SHALL ORDER THAT THE PERSON NOT OPERATE A
27 SNOWMOBILE FOR NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS

1 (111) IF THE COURT FINDS THAT THE PERSON HAS 2 OR MORE PRIOR
2 CONVICTIONS WITHIN 10 YEARS FOR A VIOLATION OF SECTION 15A(1),
3 (3), (4), OR (5), FORMER SECTION 15A, OR ANOTHER SNOWMOBILE SUB-
4 STANCE ABUSE OFFENSE, THE COURT SHALL ORDER, WITHOUT AN EXPIRA-
5 TION DATE, THE PERSON NOT TO OPERATE A SNOWMOBILE

6 (2) AS USED IN THIS SECTION, "ANOTHER SNOWMOBILE SUBSTANCE
7 ABUSE OFFENSE" MEANS A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
8 ING TO SECTION 15A(1) OR (3) OR A LAW OF ANOTHER STATE SUBSTAN-
9 Tially CORRESPONDING TO SECTION 15A(1), (3), (4), OR (5)

10 SEC 27 (1) A PERSON WHO OPERATES A SNOWMOBILE IS CONSID-
11 ERED TO HAVE GIVEN CONSENT TO CHEMICAL TESTS OF HIS OR HER BLOOD,
12 BREATH, OR URINE FOR THE PURPOSE OF DETERMINING THE AMOUNT OF
13 ALCOHOL OR PRESENCE OF A CONTROLLED SUBSTANCE, OR BOTH, IN HIS OR
14 HER BLOOD IN ALL OF THE FOLLOWING CIRCUMSTANCES

15 (A) THE PERSON IS ARRESTED FOR A VIOLATION OF SECTION
16 15A(1), (3), (4), OR (5) OR A LOCAL ORDINANCE SUBSTANTIALLY COR-
17 RESPONDING TO SECTION 15A(1) OR (3)

18 (B) THE PERSON IS ARRESTED FOR NEGLIGENT HOMICIDE, MAN-
19 SLAUGHTER, OR MURDER RESULTING FROM THE OPERATION OF A SNOWMO-
20 BILE, AND THE PEACE OFFICER HAD REASONABLE GROUNDS TO BELIEVE
21 THAT THE PERSON WAS OPERATING THE SNOWMOBILE WHILE IMPAIRED BY,
22 OR UNDER THE INFLUENCE OF, INTOXICATING LIQUOR OR A CONTROLLED
23 SUBSTANCE, OR BOTH, OR WHILE HAVING A BLOOD ALCOHOL CONTENT OF
24 0.10% OR MORE BY WEIGHT OF ALCOHOL

25 (2) A PERSON WHO IS AFFLICTED WITH HEMOPHILIA, DIABETES, OR
26 A CONDITION REQUIRING THE USE OF AN ANTICOAGULANT UNDER THE

1 DIRECTION OF A PHYSICIAN SHALL NOT BE CONSIDERED TO HAVE GIVEN
2 CONSENT TO THE WITHDRAWAL OF BLOOD

3 (3) A CHEMICAL TEST DESCRIBED IN SUBSECTION (1) SHALL BE
4 ADMINISTERED AS PROVIDED IN SECTIONS 20 AND 21

5 SEC 28 (1) IF A PERSON REFUSES THE REQUEST OF A PEACE
6 OFFICER TO SUBMIT TO A CHEMICAL TEST OFFERED PURSUANT TO SECTION
7 20 OR 21, A TEST SHALL NOT BE GIVEN WITHOUT A COURT ORDER, BUT
8 THE OFFICER MAY SEEK TO OBTAIN THE COURT ORDER

9 (2) IF A PERSON REFUSES A CHEMICAL TEST OFFERED PURSUANT TO
10 SECTION 20 OR 21, OR SUBMITS TO THE CHEMICAL TEST AND THE TEST
11 REVEALS A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE BY WEIGHT OF
12 ALCOHOL, THE PEACE OFFICER WHO REQUESTED THE PERSON TO SUBMIT TO
13 THE TEST SHALL IMMEDIATELY FORWARD A WRITTEN REPORT TO THE SECRE-
14 TARY OF STATE THE REPORT SHALL STATE THAT THE OFFICER HAD REA-
15 SONABLE GROUNDS TO BELIEVE THAT THE PERSON HAD COMMITTED A CRIME
16 DESCRIBED IN SECTION 27(1), AND EITHER THAT THE PERSON HAS
17 REFUSED TO SUBMIT TO THE TEST UPON THE REQUEST OF THE PEACE OFFI-
18 CER AND HAS BEEN ADVISED OF THE CONSEQUENCES OF THE REFUSAL OR
19 THAT THE TEST REVEALED A BLOOD ALCOHOL CONTENT OF 0.10% OR MORE
20 BY WEIGHT OF ALCOHOL THE FORM OF THE REPORT SHALL BE PRESCRIBED
21 AND FURNISHED BY THE SECRETARY OF STATE

22 SEC 29 (1) IF A PERSON REFUSES TO SUBMIT TO A CHEMICAL
23 TEST PURSUANT TO SECTION 28, THE PEACE OFFICER SHALL IMMEDIATELY
24 NOTIFY THE PERSON IN WRITING THAT WITHIN 14 DAYS OF THE DATE OF
25 THE NOTICE THE PERSON MAY REQUEST A HEARING AS PROVIDED IN SEC-
26 TION 30 THE FORM OF THE NOTICE SHALL BE PRESCRIBED AND
27 FURNISHED BY THE SECRETARY OF STATE

1 (2) THE NOTICE SHALL SPECIFICALLY STATE THAT FAILURE TO
2 REQUEST A HEARING WITHIN 14 DAYS WILL RESULT IN ISSUANCE OF AN
3 ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE THE NOTICE SHALL
4 ALSO STATE THAT THERE IS NOT A REQUIREMENT THAT THE PERSON RETAIN
5 COUNSEL FOR THE HEARING, THOUGH COUNSEL IS PERMITTED TO REPRESENT
6 THE PERSON AT THE HEARING

7 SEC 30 (1) IF A PERSON WHO REFUSES TO SUBMIT TO A CHEMI-
8 CAL TEST PURSUANT TO SECTION 28 DOES NOT REQUEST A HEARING WITHIN
9 14 DAYS OF THE DATE OF NOTICE PURSUANT TO SECTION 29, THE SECRE-
10 TARY OF STATE SHALL ISSUE AN ORDER THAT THE PERSON NOT OPERATE A
11 SNOWMOBILE FOR 6 MONTHS OR, FOR A SECOND OR SUBSEQUENT REFUSAL
12 WITHIN 7 YEARS, FOR 1 YEAR

13 (2) IF A HEARING IS REQUESTED, THE SECRETARY OF STATE SHALL
14 HOLD THE HEARING IN THE SAME MANNER AND UNDER THE SAME CONDITIONS
15 AS PROVIDED IN SECTION 322 OF THE MICHIGAN VEHICLE CODE, ACT
16 NO 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257 322 OF THE
17 MICHIGAN COMPILED LAWS A PERSON SHALL NOT ORDER A HEARING OFFI-
18 CER TO MAKE A PARTICULAR FINDING ON ANY ISSUE ENUMERATED UNDER
19 SUBDIVISIONS (A) TO (D) NOT LESS THAN 5 DAYS' NOTICE OF THE
20 HEARING SHALL BE MAILED TO THE PERSON REQUESTING THE HEARING, TO
21 THE PEACE OFFICER WHO FILED THE REPORT UNDER SECTION 28, AND IF
22 THE PROSECUTING ATTORNEY REQUESTS RECEIPT OF THE NOTICE, TO THE
23 PROSECUTING ATTORNEY OF THE COUNTY WHERE THE ARREST WAS MADE
24 THE HEARING OFFICER MAY ADMINISTER OATHS, ISSUE SUBPOENAS FOR THE
25 ATTENDANCE OF NECESSARY WITNESSES, AND GRANT A REASONABLE REQUEST
26 FOR AN ADJOURNMENT NOT MORE THAN 1 ADJOURNMENT SHALL BE GRANTED
27 TO A PARTY, AND THE LENGTH OF AN ADJOURNMENT SHALL NOT EXCEED 14

1 DAYS A HEARING UNDER THIS SUBSECTION SHALL BE SCHEDULED TO BE
2 HELD WITHIN 45 DAYS AFTER THE DATE OF ARREST AND, EXCEPT FOR
3 DELAY ATTRIBUTABLE TO THE UNAVAILABILITY OF THE DEFENDANT, A WIT-
4 NESS, OR MATERIAL EVIDENCE OR TO AN INTERLOCUTORY APPEAL OR
5 EXCEPTIONAL CIRCUMSTANCES, BUT NOT FOR DELAY ATTRIBUTABLE TO
6 DOCKET CONGESTION, SHALL BE FINALLY ADJUDICATED WITHIN 77 DAYS
7 AFTER THE DATE OF ARREST THE HEARING SHALL COVER ONLY THE FOL-
8 LOWING ISSUES

9 (A) WHETHER THE PEACE OFFICER HAD REASONABLE GROUNDS TO
10 BELIEVE THAT THE PERSON HAD COMMITTED A CRIME DESCRIBED IN SEC-
11 TION 27(1)

12 (B) WHETHER THE PERSON WAS PLACED UNDER ARREST FOR A CRIME
13 DESCRIBED IN SECTION 27(1)

14 (C) IF THE PERSON REFUSED TO SUBMIT TO THE TEST UPON THE
15 REQUEST OF THE OFFICER, WHETHER THE REFUSAL WAS REASONABLE

16 (D) WHETHER THE PERSON WAS ADVISED OF HIS OR HER RIGHTS
17 UNDER SECTION 20

18 (3) THE HEARING OFFICER SHALL MAKE A RECORD OF PROCEEDINGS
19 HELD PURSUANT TO SUBSECTION (2) THE RECORD SHALL BE PREPARED
20 AND TRANSCRIBED IN ACCORDANCE WITH SECTION 86 OF THE ADMINISTRA-
21 TIVE PROCEDURES ACT OF 1969, ACT NO 306 OF THE PUBLIC ACTS OF
22 1969, BEING SECTION 24 286 OF THE MICHIGAN COMPILED LAWS UPON
23 NOTIFICATION OF THE FILING OF A PETITION FOR JUDICIAL REVIEW PUR-
24 SUANT TO SECTION 34 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER
25 IS SET FOR REVIEW, THE HEARING OFFICER SHALL TRANSMIT TO THE
26 COURT IN WHICH THE PETITION IS FILED THE ORIGINAL OR A CERTIFIED
27 COPY OF THE OFFICIAL RECORD OF THE PROCEEDINGS THE PARTIES TO

1 THE PROCEEDINGS FOR JUDICIAL REVIEW MAY STIPULATE THAT THE RECORD
2 BE SHORTENED A PARTY UNREASONABLY REFUSING TO STIPULATE TO A
3 SHORTENED RECORD MAY BE TAXED BY THE COURT IN WHICH THE PETITION
4 IS FILED FOR THE ADDITIONAL COSTS THE COURT MAY PERMIT SUBSE-
5 QUENT CORRECTIONS TO THE RECORD

6 (4) AFTER A HEARING, IF THE PERSON WHO REQUESTED THE HEARING
7 DOES NOT PREVAIL, THE SECRETARY OF STATE SHALL ORDER THAT THE
8 PERSON NOT OPERATE A SNOWMOBILE FOR 6 MONTHS OR, FOR A SECOND OR
9 SUBSEQUENT REFUSAL WITHIN 7 YEARS, FOR 1 YEAR THE PERSON MAY
10 FILE A PETITION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE
11 ARREST WAS MADE TO REVIEW THE ORDER AS PROVIDED IN SECTION 34
12 IF AFTER THE HEARING THE PERSON WHO REQUESTED THE HEARING PRE-
13 VAILS, THE PEACE OFFICER WHO FILED THE REPORT UNDER SECTION 28
14 MAY, WITH THE CONSENT OF THE PROSECUTING ATTORNEY, FILE A PETI-
15 TION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ARREST WAS
16 MADE TO REVIEW THE DETERMINATION OF THE HEARING OFFICER AS PRO-
17 VIDED IN SECTION 34

18 SEC 31 (1) NOTWITHSTANDING A COURT ORDER ISSUED UNDER
19 SECTION 15A(1), (3), (4), OR (5), SECTIONS 24 TO 26, OR A LOCAL
20 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3),
21 OR SECTIONS 24 TO 26, IF A COURT HAS NOT ORDERED A PERSON NOT TO
22 OPERATE A SNOWMOBILE AS AUTHORIZED BY THIS ACT, THE SECRETARY OF
23 STATE SHALL ISSUE AN ORDER THAT THE PERSON NOT OPERATE A SNOWMO-
24 BILE AS FOLLOWS

25 (A) FOR NOT LESS THAN 90 DAYS OR MORE THAN 1 YEAR, UPON
26 RECEIVING A RECORD OF THE CONVICTION OF THE PERSON FOR A
27 VIOLATION OF SECTION 15A(3), A LOCAL ORDINANCE SUBSTANTIALLY

1 CORRESPONDING TO SECTION 15A(3), OR A LAW OF ANOTHER STATE
2 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(3), IF THE PERSON HAS
3 NO PRIOR CONVICTIONS WITHIN 7 YEARS FOR A VIOLATION OF SECTION
4 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A, A LOCAL ORDINANCE
5 SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1) OR (3) OR FORMER
6 SECTION 15A, OR A LAW OF ANOTHER STATE SUBSTANTIALLY CORRESPOND-
7 ING TO SECTION 15A(1), (3), (4), OR (5) OR FORMER SECTION 15A
8 (B) FOR NOT LESS THAN 6 MONTHS OR MORE THAN 2 YEARS, IF THE
9 PERSON HAS THE FOLLOWING CONVICTIONS WITHIN A 7-YEAR PERIOD,
10 WHETHER UNDER THE LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTAN-
11 Tially CORRESPONDING TO A LAW OF THIS STATE, OR A LAW OF ANOTHER
12 STATE SUBSTANTIALLY CORRESPONDING TO A LAW OF THIS STATE
13 (1) ONE CONVICTION UNDER SECTION 15A(1) OR FORMER
14 SECTION 15A
15 (11) TWO CONVICTIONS UNDER SECTION 15A(3) OR FORMER
16 SECTION 15A
17 (111) ONE CONVICTION UNDER SECTION 15A(1) AND 1 CONVICTION
18 UNDER SECTION 15A(3) OR FORMER SECTION 15A
19 (1V) ONE CONVICTION UNDER SECTION 15A(4) OR (5) FOLLOWED BY
20 1 CONVICTION UNDER SECTION 15A(3)
21 (2) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
22 1 CONVICTION OR PROBATE COURT DISPOSITION OF A PERSON RESULTING
23 FROM THE SAME INCIDENT, A SUSPENSION SHALL BE IMPOSED ONLY FOR
24 THE VIOLATION TO WHICH THE LONGEST PERIOD OF SUSPENSION APPLIES
25 UNDER THIS SECTION
26 SEC 32 (1) UPON RECEIPT OF THE APPROPRIATE RECORDS OF
27 CONVICTION, THE SECRETARY OF STATE SHALL ISSUE AN ORDER WITH NO

1 EXPIRATION DATE THAT THE PERSON NOT OPERATE A SNOWMOBILE TO A
2 PERSON HAVING ANY OF THE FOLLOWING CONVICTIONS, WHETHER UNDER A
3 LAW OF THIS STATE, A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
4 TO A LAW OF THIS STATE, OR A LAW OF ANOTHER STATE SUBSTANTIALLY
5 CORRESPONDING TO A LAW OF THIS STATE

6 (A) TWO CONVICTIONS OF A FELONY INVOLVING THE USE OF A SNOW-
7 MOBILE WITHIN 7 YEARS

8 (B) ANY COMBINATION OF 2 CONVICTIONS WITHIN 7 YEARS FOR 1 OR
9 MORE OF THE FOLLOWING

10 (1) A VIOLATION OF SECTION 15A(1) OR FORMER SECTION 15A

11 (11) A VIOLATION OF SECTION 15A(4) OR (5)

12 (C) ONE CONVICTION UNDER SECTION 15A(4) OR (5)

13 (D) ANY COMBINATION OF 3 CONVICTIONS WITHIN 10 YEARS FOR A
14 VIOLATION OF SECTION 15A(1), (3), (4), OR (5) OR FORMER
15 SECTION 15A

16 (2) THE SECRETARY OF STATE SHALL ISSUE AN ORDER WITH NO
17 EXPIRATION DATE THAT A PERSON NOT OPERATE A SNOWMOBILE NOTWITH-
18 STANDING A COURT ORDER ISSUED UNDER SECTION 15A, SECTIONS 24 TO
19 26, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
20 15A OR SECTIONS 24 TO 26 THE SECRETARY OF STATE SHALL NOT TER-
21 MINATE AN INDEFINITE ORDER ISSUED UNDER THIS ACT UNTIL BOTH OF
22 THE FOLLOWING OCCUR

23 (A) THE LATER OF THE FOLLOWING

24 (1) THE EXPIRATION OF NOT LESS THAN 1 YEAR AFTER THE ORDER
25 WAS ISSUED

1 (11) THE EXPIRATION OF NOT LESS THAN 5 YEARS AFTER THE DATE
2 OF A SUBSEQUENT ISSUANCE OF AN INDEFINITE ORDER OCCURRING WITHIN
3 7 YEARS AFTER THE DATE OF A PRIOR ORDER

4 (B) THE PERSON MEETS THE REQUIREMENTS OF THE DEPARTMENT

5 (3) MULTIPLE CONVICTIONS OR PROBATE COURT DISPOSITIONS
6 RESULTING FROM THE SAME INCIDENT SHALL BE TREATED AS A SINGLE
7 VIOLATION FOR PURPOSES OF ISSUANCE OF AN ORDER UNDER THIS
8 SECTION

9 (4) A PERSON WHO IS AGGRIEVED BY THE ISSUANCE OF AN ORDER BY
10 THE SECRETARY OF STATE UNDER THIS SECTION MAY REQUEST A HEARING
11 WITH THE SECRETARY OF STATE THE HEARING SHALL BE REQUESTED
12 WITHIN 14 DAYS AFTER ISSUANCE OF AN ORDER UNDER THIS SECTION BY
13 THE SECRETARY OF STATE IF A HEARING IS REQUESTED, THE SECRETARY
14 OF STATE SHALL HOLD THE HEARING IN THE SAME MANNER AND UNDER THE
15 SAME CONDITIONS AS PROVIDED IN SECTION 322 OF THE MICHIGAN VEHI-
16 CLE CODE, ACT NO 300 OF THE PUBLIC ACTS OF 1949, BEING
17 SECTION 257 322 OF THE MICHIGAN COMPILED LAWS

18 (5) THE HEARING OFFICER SHALL MAKE A RECORD OF PROCEEDINGS
19 HELD PURSUANT TO SUBSECTION (2) THE RECORD SHALL BE PREPARED
20 AND TRANSCRIBED IN ACCORDANCE WITH SECTION 86 OF THE ADMINISTRA-
21 TIVE PROCEDURES ACT OF 1969, ACT NO 306 OF THE PUBLIC ACTS OF
22 1969, BEING SECTION 24 286 OF THE MICHIGAN COMPILED LAWS UPON
23 NOTIFICATION OF THE FILING OF A PETITION FOR JUDICIAL REVIEW PUR-
24 SUANT TO SECTION 34 AND NOT LESS THAN 10 DAYS BEFORE THE MATTER
25 IS SET FOR REVIEW, THE HEARING OFFICER SHALL TRANSMIT TO THE
26 COURT IN WHICH THE PETITION IS FILED THE ORIGINAL OR A CERTIFIED
27 COPY OF THE OFFICIAL RECORD OF THE PROCEEDINGS THE PARTIES TO

1 THE PROCEEDINGS FOR JUDICIAL REVIEW MAY STIPULATE THAT THE RECORD
2 BE SHORTENED A PARTY UNREASONABLY REFUSING TO STIPULATE TO A
3 SHORTENED RECORD MAY BE TAXED BY THE COURT IN WHICH THE PETITION
4 IS FILED FOR THE ADDITIONAL COSTS THE COURT MAY PERMIT SUBSE-
5 QUENT CORRECTIONS TO THE RECORD

6 (6) JUDICIAL REVIEW OF AN ADMINISTRATIVE SANCTION UNDER THIS
7 SECTION IS GOVERNED BY THE LAW IN EFFECT AT THE TIME THE OFFENSE
8 WAS COMMITTED OR ATTEMPTED

9 SEC 33 (1) IF A PERSON IS CHARGED WITH, OR CONVICTED OF,
10 A VIOLATION OF SECTION 15A(1), (2), (3), (4), OR (5) OR A LOCAL
11 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 15A(1), (2), OR
12 (3), AND THE PERSON FAILS TO ANSWER A CITATION OR A NOTICE TO
13 APPEAR IN COURT, OR FOR ANY MATTER PENDING, OR FAILS TO COMPLY
14 WITH AN ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT NOT
15 LIMITED TO, PAYING ALL FINES, COSTS, AND CRIME VICTIM'S RIGHTS
16 ASSESSMENTS, THE COURT SHALL IMMEDIATELY GIVE NOTICE BY
17 FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS THAT IF
18 THE PERSON FAILS TO APPEAR WITHIN 7 DAYS AFTER THE NOTICE IS
19 ISSUED OR FAILS TO COMPLY WITH THE ORDER OR JUDGMENT OF THE
20 COURT, INCLUDING, BUT NOT LIMITED TO, PAYING ALL FINES, COSTS,
21 AND CRIME VICTIM'S RIGHTS ASSESSMENTS, WITHIN 14 DAYS AFTER THE
22 NOTICE IS ISSUED, THE SECRETARY OF STATE WILL ISSUE AN ORDER WITH
23 NO EXPIRATION DATE THAT THE PERSON NOT OPERATE A SNOWMOBILE IF
24 THE PERSON FAILS TO APPEAR WITHIN THE 7-DAY PERIOD OR FAILS TO
25 COMPLY WITH THE ORDER OR JUDGMENT OF THE COURT, INCLUDING, BUT
26 NOT LIMITED TO, PAYING ALL FINES, COSTS, AND CRIME VICTIM RIGHTS
27 ASSESSMENTS, WITHIN THE 14-DAY PERIOD, THE COURT SHALL

1 IMMEDIATELY INFORM THE SECRETARY OF STATE WHO SHALL IMMEDIATELY
2 ISSUE THE ORDER AND SEND A COPY TO THE PERSON BY PERSONAL SERVICE
3 OR FIRST-CLASS MAIL SENT TO THE PERSON'S LAST KNOWN ADDRESS

4 (2) AN ORDER IMPOSED UNDER SUBSECTION (1) REMAINS IN EFFECT
5 UNTIL BOTH OF THE FOLLOWING OCCUR

6 (A) THE COURT INFORMS THE SECRETARY OF STATE THAT THE PERSON
7 HAS APPEARED BEFORE THE COURT AND THAT ALL MATTERS RELATING TO
8 THE VIOLATION ARE RESOLVED

9 (B) THE PERSON HAS PAID TO THE COURT A \$25 00 ADMINISTRATIVE
10 ORDER PROCESSING FEE

11 SEC 34 (1) A PERSON WHO IS AGGRIEVED BY A FINAL DETERMI-
12 NATION OF THE SECRETARY OF STATE UNDER THIS ACT MAY PETITION FOR
13 A REVIEW OF THE DETERMINATION IN THE CIRCUIT COURT IN THE COUNTY
14 WHERE THE PERSON WAS ARRESTED THE PETITION SHALL BE FILED
15 WITHIN 63 DAYS AFTER THE DETERMINATION IS MADE EXCEPT THAT, FOR
16 GOOD CAUSE SHOWN, THE COURT MAY ALLOW THE PETITION TO BE FILED
17 WITHIN 182 DAYS AFTER THE DETERMINATION IS MADE AS PROVIDED IN
18 SECTION 30, A PEACE OFFICER WHO IS AGGRIEVED BY A DETERMINATION
19 OF A HEARING OFFICER IN FAVOR OF A PERSON WHO REQUESTED A HEARING
20 UNDER SECTION 30 MAY, WITH THE CONSENT OF THE PROSECUTING ATTOR-
21 NEY, PETITION FOR REVIEW OF THE DETERMINATION IN THE CIRCUIT
22 COURT IN THE COUNTY WHERE THE ARREST WAS MADE THE PETITION
23 SHALL BE FILED WITHIN 63 DAYS AFTER THE DETERMINATION IS MADE
24 EXCEPT THAT, FOR GOOD CAUSE SHOWN, THE COURT MAY ALLOW THE PETI-
25 TION TO BE FILED WITHIN 182 DAYS AFTER THE DETERMINATION IS
26 MADE

1 (2) THE CIRCUIT COURT SHALL ENTER AN ORDER SETTING THE CAUSE
2 FOR HEARING FOR A DAY CERTAIN THAT IS NOT MORE THAN 63 DAYS AFTER
3 THE DATE OF THE ORDER THE ORDER, A COPY OF THE PETITION, WHICH
4 SHALL INCLUDE THE PERSON'S FULL NAME, CURRENT ADDRESS, AND BIRTH
5 DATE, AND ALL SUPPORTING AFFIDAVITS SHALL BE SERVED ON THE SECRE-
6 TARY OF STATE'S OFFICE IN LANSING NOT LESS THAN 20 DAYS BEFORE
7 THE DATE SET FOR THE HEARING IF THE PERSON IS SEEKING A REVIEW
8 OF THE RECORD PREPARED PURSUANT TO SECTION 30, THE SERVICE UPON
9 THE SECRETARY OF STATE SHALL BE MADE NOT LESS THAN 50 DAYS BEFORE
10 THE DATE SET FOR THE HEARING

11 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (6), THE COURT
12 MAY TAKE TESTIMONY AND EXAMINE ALL THE FACTS AND CIRCUMSTANCES
13 INCIDENT TO THE ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE
14 THE COURT MAY AFFIRM, MODIFY, OR SET ASIDE THE ORDER THE ORDER
15 OF THE COURT SHALL BE DULY ENTERED, AND THE PETITIONER SHALL FILE
16 A CERTIFIED COPY OF THE ORDER WITH THE SECRETARY OF STATE'S
17 OFFICE IN LANSING WITHIN 7 DAYS AFTER ENTRY OF THE ORDER

18 (4) IN REVIEWING A DETERMINATION UNDER SECTION 30, THE COURT
19 SHALL CONFINE ITS CONSIDERATION TO A REVIEW OF THE RECORD PRE-
20 PARED PURSUANT TO SECTION 30 TO DETERMINE WHETHER THE HEARING
21 OFFICER PROPERLY DETERMINED THE ISSUES ENUMERATED IN SECTION 30

22 (5) IN REVIEWING A DETERMINATION RESULTING IN ISSUANCE OF AN
23 ORDER UNDER SECTION 32(1)(B), (C), OR (D), THE COURT SHALL CON-
24 FINE ITS CONSIDERATION TO A REVIEW OF THE RECORD PREPARED PURSU-
25 ANT TO SECTION 32 THE COURT SHALL SET ASIDE THE DETERMINATION
26 OF THE SECRETARY OF STATE ONLY IF SUBSTANTIAL RIGHTS OF THE

1 PETITIONER HAVE BEEN PREJUDICED BECAUSE THE DETERMINATION IS ANY
2 OF THE FOLLOWING

3 (A) IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES,
4 THE STATE CONSTITUTION OF 1963, OR A STATUTE

5 (B) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF
6 THE SECRETARY OF STATE

7 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL PREJ-
8 UDICE TO THE PETITIONER

9 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL
10 EVIDENCE ON THE WHOLE RECORD

11 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWAR-
12 RANTED EXERCISE OF DISCRETION

13 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW

14 (6) THIS SECTION DOES NOT APPLY TO AN ORDER ISSUED BY THE
15 SECRETARY OF STATE PURSUANT TO A COURT ORDER ISSUED AS PART OF
16 THE SENTENCE FOR A CONVICTION UNDER SECTION 15A, SECTIONS 24 TO
17 26 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
18 15A(1), (2), OR (3)

19 SEC 35 (1) WITHIN 63 DAYS AFTER THE DETERMINATION A
20 PERSON WHO IS AGGRIEVED BY A FINAL DETERMINATION OF THE SECRETARY
21 OF STATE UNDER THIS ACT MAY PETITION THE CIRCUIT COURT FOR THE
22 COUNTY IN WHICH THE CONVICTION OR DETERMINATION RESULTING IN
23 ISSUANCE OF THE ORDER THAT THE PERSON NOT OPERATE A SNOWMOBILE
24 FOR AN ORDER STAYING THE ORDER EXCEPT AS PROVIDED IN SUBSECTION
25 (2), THE COURT MAY ENTER AN EX PARTE ORDER STAYING THE ORDER
26 SUBJECT TO TERMS AND CONDITIONS PRESCRIBED BY THE COURT UNTIL THE
27 DETERMINATION OF AN APPEAL TO THE SECRETARY OF STATE OR OF AN

1 APPEAL OR A REVIEW BY THE CIRCUIT COURT, OR FOR A LESSER TIME
2 THAT THE COURT CONSIDERS PROPER

3 (2) THE COURT SHALL NOT ENTER AN EX PARTE ORDER STAYING THE
4 ORDER IF THE ORDER IS BASED UPON A CLAIM OF UNDUE HARDSHIP

5 SEC 36 (1) A PERSON WHO IS ORDERED NOT TO OPERATE A SNOW-
6 MOBILE AND WHO HAS BEEN NOTIFIED OF THE ORDER BY PERSONAL SERVICE
7 OR FIRST-CLASS MAIL SHALL NOT OPERATE A SNOWMOBILE A PERSON
8 SHALL NOT KNOWINGLY PERMIT A SNOWMOBILE OWNED BY THE PERSON TO BE
9 OPERATED BY A PERSON WHO IS SUBJECT TO SUCH AN ORDER A PERSON
10 WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR PUNISH-
11 ABLE AS FOLLOWS

12 (A) BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BY A FINE
13 OF NOT MORE THAN \$500 00, OR BOTH

14 (B) FOR A SECOND OR SUBSEQUENT VIOLATION PUNISHABLE UNDER
15 THIS SUBSECTION, BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A
16 FINE OF NOT MORE THAN \$1,000 00, OR BOTH

17 (2) UPON RECEIVING A RECORD OF THE CONVICTION OR PROBATE
18 COURT DISPOSITION OF A PERSON UPON A CHARGE OF UNLAWFUL OPERATION
19 OF A SNOWMOBILE WHILE THE PERSON IS SUBJECT TO AN ORDER NOT TO
20 OPERATE A SNOWMOBILE, THE SECRETARY OF STATE SHALL IMMEDIATELY
21 EXTEND THE LENGTH OF THE ORDER FOR AN ADDITIONAL LIKE PERIOD

22 (3) IF THE SECRETARY OF STATE RECEIVES RECORDS OF MORE THAN
23 1 CONVICTION OR PROBATE COURT DISPOSITION RESULTING FROM THE SAME
24 INCIDENT, ALL OF THE CONVICTIONS OR PROBATE COURT DISPOSITIONS
25 SHALL BE TREATED AS A SINGLE VIOLATION FOR PURPOSES OF EXTENDING
26 THE LENGTH OF AN ORDER UNDER SUBSECTION (2)

1 (4) IF A PERSON IS CONVICTED OF VIOLATING SUBSECTION (1),
2 THE COURT SHALL ORDER CANCELLATION OF THE CERTIFICATE OF
3 REGISTRATION FOR THE SNOWMOBILE, UNLESS THE SNOWMOBILE WAS STOLEN
4 OR PERMISSION TO USE THE SNOWMOBILE WAS NOT KNOWINGLY GIVEN THE
5 SECRETARY OF STATE SHALL NOT ISSUE A CERTIFICATE OF REGISTRATION
6 FOR A SNOWMOBILE WHOSE REGISTRATION IS CANCELED UNTIL AFTER THE
7 EXPIRATION OF 90 DAYS AFTER THE CANCELLATION

8 SEC 37 (1) WHEN A PERSON IS CONVICTED UNDER SECTION
9 36(1), THE SNOWMOBILE, IF IT IS OWNED BY THAT PERSON, SHALL BE
10 ORDERED IMPOUNDED FOR NOT LESS THAN 30 OR MORE THAN 120 DAYS FROM
11 THE DATE OF JUDGMENT

12 (2) AN ORDER OF IMPOUNDMENT ISSUED PURSUANT TO SUBSECTION
13 (1) IS VALID THROUGHOUT THE STATE ANY PEACE OFFICER MAY EXECUTE
14 THE IMPOUNDMENT ORDER THE ORDER SHALL INCLUDE THE IMPLIED CON-
15 SENT OF THE OWNER OF THE SNOWMOBILE TO THE STORAGE FOR INSURANCE
16 COVERAGE PURPOSES

17 (3) THE OWNER OF A SNOWMOBILE IMPOUNDED PURSUANT TO THIS
18 SECTION IS LIABLE FOR EXPENSES INCURRED IN THE REMOVAL AND STOR-
19 AGE OF THE SNOWMOBILE WHETHER OR NOT THE SNOWMOBILE IS RETURNED
20 TO HIM OR HER THE SNOWMOBILE SHALL BE RETURNED TO THE OWNER
21 ONLY IF THE OWNER PAYS THE EXPENSES FOR REMOVAL AND STORAGE IF
22 REDEMPTION IS NOT MADE OR THE SNOWMOBILE IS NOT RETURNED AS PRO-
23 VIDED IN THIS SECTION WITHIN 30 DAYS AFTER THE TIME SET IN THE
24 IMPOUNDMENT ORDER FOR RETURN OF THE SNOWMOBILE, THE SNOWMOBILE
25 SHALL BE CONSIDERED ABANDONED

26 (4) NOTHING IN THIS SECTION AFFECTS THE RIGHTS OF A
27 CONDITIONAL VENDOR, CHATTEL MORTGAGEE, OR LESSOR OF A SNOWMOBILE

1 REGISTERED IN THE NAME OF ANOTHER PERSON AS OWNER WHO BECOMES
2 SUBJECT TO THIS ACT

3 SEC 38 A CONVICTION BASED ON A PLEA OF NOLO CONTENDERE
4 SHALL BE TREATED IN THE SAME MANNER AS A CONVICTION BASED ON A
5 PLEA OF GUILTY OR A FINDING OF GUILT FOR ALL PURPOSES UNDER THIS
6 ACT

7 SEC 39 WHETHER OF DEFINITE OR INDEFINITE LENGTH, AN ORDER
8 NOT TO OPERATE A SNOWMOBILE DOES NOT EXPIRE UNTIL THE PERSON
9 SUBJECT TO THE ORDER PAYS AN ADMINISTRATIVE ORDER PROCESSING FEE
10 OF \$125 00 TO THE SECRETARY OF STATE THE STATE TREASURER SHALL
11 DEPOSIT \$10 00 OF THE FEE IN THE DRUNK DRIVING PREVENTION EQUIP-
12 MENT AND TRAINING FUND CREATED UNDER SECTION 625H(1) OF THE
13 MICHIGAN VEHICLE CODE, ACT NO 300 OF THE PUBLIC ACTS OF 1949
14 BEING SECTION 257 625H OF THE MICHIGAN COMPILED LAWS, AND \$30 00
15 IN THE DRUNK DRIVING CASEFLOW ASSISTANCE FUND CREATED UNDER
16 SECTION 625H(5) OF ACT NO 300 OF THE PUBLIC ACTS OF 1949, BEING
17 SECTION 257 625H OF THE MICHIGAN COMPILED LAWS THE STATE TREA-
18 SURER SHALL ALLOCATE THE BALANCE OF THE FEE TO THE DEPARTMENT OF
19 STATE FOR THE ADMINISTRATION OF ORDERS ISSUED UNDER THIS ACT

20 Section 2 Section 16a of Act No 74 of the Public Acts of
21 1968, being section 257 1516a of the Michigan Compiled Laws, is
22 repealed