



SENATE BILL No. 1252

September 20, 1994, Introduced by Senators SCHWARZ and
HOFFMAN and referred to the Committee on Natural
Resources and Environmental Affairs

A bill to amend sections 6c, 16b, 16c, 16d, and 17 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 provide certain tort immunity for certain gov-
ernmental agencies under certain circumstances to repeal certain
parts of this act on a specific date and to provide penalties
and remedies,"

section 6c, 16b, 16c, and 16d as added by Act No 17 of the
Public Acts of 1991 and section 17 as amended by Act No 241 of
the Public Acts of 1989, being sections 257 1606c, 257 1616b,
257 1616c, 257 1616d, and 257 1617 of the Michigan Compiled
Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

- 1 Section 1 Sections 6c, 16b, 16c, 16d, and 17 of Act
- 2 No 319 of the Public Acts of 1975, sections 6c, 16b, 16c, and

1 16d as added by Act No 17 of the Public Acts of 1991 and
2 section 17 as amended by Act No 241 of the Public Acts of 1989,
3 being sections 257 1606c, 257 1616b, 257 1616c, 257 1616d, and
4 257 1617 of the Michigan Compiled Laws, are amended to read as
5 follows

6 Sec 6c (1) Not less than 40% of the revenue in the ORV
7 trail improvement fund in any year shall be distributed each year
8 in the form of grants for the purpose of planning, improving,
9 constructing, signing, and maintaining ORV trails, areas, and
10 routes and access to those trails, areas, and routes, the leasing
11 of land, the acquisition of easements, permits, or other agree-
12 ments for the use of land for ORV trails, areas, and routes, to
13 public agencies and nonprofit incorporated clubs and
14 organizations

15 (2) An application by a public agency or a nonprofit incor-
16 porated club or organization shall include a plan for restoration
17 of any of the natural resources of this state on public land that
18 are damaged due to ORV use The public agencies or nonprofit
19 incorporated clubs or organizations shall indicate on their
20 application that their use of grant money is consistent with, and
21 meets the requirements of, the plan developed by the department
22 pursuant to section 16, and the trail, route, or area is avail-
23 able to the public The department shall not approve a grant
24 unless the application meets the requirements of the plan The
25 department shall make application forms available and consider
26 grant requests on a yearly basis in consultation with the ORV
27 trails advisory committee created in section 16b

1 (3) A grant shall not be made for a trail, route, or area
2 unless the trail, route, or area is available for ORV use and is
3 approved by the department. A grant for the cost of leasing of
4 land and the acquisition of easements, permits, or other agree-
5 ments may equal 100% of incurred expense. Specifications shall
6 be prescribed by the department.

7 (4) Not less than 30% of the revenue in the fund in any year
8 shall be used each year for enforcement of this act. Of this
9 amount available for enforcement, the department shall make
10 available funds for distribution in the form of grants by the
11 department to the county sheriffs' departments in the following
12 percentage amounts: 60% of the funds available for the first
13 year of operation of the fund; 50% of the funds available in the
14 second year; and 40% of the funds available in the third year and
15 each year thereafter. The balance of the funds available shall
16 be used by the department. In making grants available for dis-
17 tribution under this subsection, the department shall consider
18 the following factors:

19 (a) The number of miles of ORV trails, routes, or areas
20 within the county.

21 (b) The number of sheriff's department employees available
22 for enforcement of this act.

23 (c) The estimated number of ORVs within the county and that
24 are brought into the county for ORV use.

25 (d) The estimated number of days that ORVs may be used
26 within that county.

1 (e) Any other factors considered appropriate by the
2 department The department shall require a county sheriff
3 receiving a grant under this subsection to maintain records and
4 submit an annual report to verify expenditure of grant money
5 received

6 (5) Not less than 20% of the revenue in the ORV trail
7 improvement fund in any year shall be distributed each year in
8 the form of grants to public agencies and nonprofit incorporated
9 clubs and organizations for the restoration of damage that is
10 caused by ORV use to natural resources on public land A grant
11 under this subsection may be in addition to a grant under subsec-
12 tion (1) An application for a grant under this subsection shall
13 comply with subsection (2)

14 (6) Twenty-five thousand dollars shall be appropriated for
15 the fiscal year ending September 30, 1991 only from the fund to
16 the department of education and credited to the safety education
17 fund to supplement funds received by the department of education
18 under this act

19 (7) Not more than 5% of the revenue in the fund in any year
20 shall be used for administration of this act

21 (8) The remainder of the revenue in the fund in any given
22 year may be used for the purposes described in subsections (1)
23 and (4), except that in the first year of operation of the fund,
24 the remainder shall be used as prescribed in subsection (4) If
25 the remainder of the fund is used for the purposes described in
26 subsection (4), it shall be allocated as provided in subsection
27 (4)

1 (9) Grants under this section shall remain available until
2 expended once a contract or commitment has been entered into
3 under this section A contract shall be for a period of not more
4 than 2 years A grant not expended within the contract period
5 may be renewed by the department by entering into a new
6 contract

7 ~~—(10) This section is repealed effective January 1, 1995—~~

8 Sec 16b ~~—(1)~~ The ORV trails advisory committee is cre-
9 ated within the department which shall assist the department in
10 developing criteria for grants, nominate forest roads to be
11 included as ORV routes, nominate forest trails, assist the
12 department in promulgating rules, and assist the department in
13 developing the plan required by section 16 The advisory commit-
14 tee shall advise the department on recommendations made by ORV
15 users of forest trails, roads, and areas that should be desig-
16 nated for ORV use The advisory committee shall consist of 6
17 members appointed by the director of the department on or before
18 May 15, 1991 Three of the members shall represent ORV trail
19 users and dealers Two of the members shall represent natural
20 resources, conservation, or environmental groups One member
21 shall represent law enforcement At least 1 member shall be from
22 the Upper Peninsula of this state Members shall be appointed
23 for terms of 3 years except that of the members first appointed,
24 1 member from each group and the member representing law enforce-
25 ment shall be appointed for 3 years and the balance of the mem-
26 bers shall be appointed for 2 years The committee shall meet at
27 least once each year

1 ~~-(2) This section is repealed effective January 1, 1995—~~

2 Sec 16c ~~-(1)~~ Sections 16, 16b, and 16d shall not apply
3 to the Upper Peninsula of this state

4 ~~-(2) The Upper Peninsula task force on ORV usage is created~~
5 ~~within the department—Within 60 days after the effective date~~
6 ~~of the amendatory act that added this subsection, the director of~~
7 ~~the department shall appoint 9 members to constitute the task~~
8 ~~force—The task force shall meet at least twice each year during~~
9 ~~1991, 1992, and 1993—~~

10 ~~-(3) The task force shall evaluate the extent of ORV usage in~~
11 ~~the Upper Peninsula, nominate forest roads to be included as ORV~~
12 ~~routes, and monitor any damage caused due to ORV usage—The task~~
13 ~~force shall submit a report with its recommendations to the~~
14 ~~director of the department and the commission by January 1,~~
15 ~~1994—~~

16 ~~-(4) This section is repealed effective January 1, 1995—~~

17 Sec 16d (1) The department shall develop a comprehensive
18 system for the use of ~~ORVS~~ ORVS on routes, trails, and areas
19 which shall be submitted to the commission for approval within 10
20 days after ~~the effective date of the amendatory act that added~~
21 ~~this section~~ MAY 7, 1991 If the commission approves the
22 system, it shall establish an effective date for implementation
23 of the system The department shall submit the system approved
24 by the commission to the secretary of the senate and the clerk of
25 the house of representatives The legislature shall approve the
26 system without amendment by concurrent resolution adopted by both
27 standing committees of the house and senate that consider natural

1 resources matters and both houses of the legislature by recorded
2 vote After the system is approved and implemented under this
3 section, all state owned land under the jurisdiction of the
4 department shall be closed to ORV use on the effective date
5 determined by the commission except designated routes, designated
6 trails, and designated areas The commission shall approve any
7 subsequent revisions to the system and shall establish an effec-
8 tive date for the revisions The department shall submit the
9 revisions approved by the commission to the secretary of the
10 senate and the clerk of the house of representatives at least 20
11 session days before the effective date determined by the
12 commission If both standing committees of the house and senate
13 that consider natural resources matters fail to reject the revi-
14 sions within those 20 session days, they shall be considered
15 approved

16 (2) In developing the system, the department shall consider
17 the needs of hunters, senior citizens, and handicappers

18 ~~(3) This section is repealed effective January 1, 1995~~

19 Sec 17 (1) Subject to subsections (2), (3), and (17), a
20 parent or legal guardian of a child less than 16 years of age
21 shall not permit the child to operate an ORV unless the child is
22 under the direct visual supervision of an adult and the child has
23 in his or her immediate possession an ORV safety certificate
24 issued pursuant to this act or a comparable ORV safety certifi-
25 cate issued under the authority of another state or a province of
26 Canada

1 (2) A parent or legal guardian of a child less than 12 years
2 of age shall not permit the child to operate a 4-wheeled ATV,
3 unless the child is not less than 10 years of age and is on pri-
4 vate land owned by a parent or legal guardian of the child This
5 subsection does not apply to the operation of an ATV used in
6 agricultural operations

7 (3) A parent or legal guardian of a child less than 16 years
8 of age shall not permit the child to operate a 3-wheeled ATV

9 (4) Subject to subsections (5), (6), and (17), the owner or
10 person in charge of an ORV shall not knowingly permit the vehicle
11 to be operated by a child less than 16 years of age unless the
12 child is under the direct visual supervision of an adult and the
13 child has in his or her immediate possession an ORV safety cer-
14 tificate issued pursuant to this act or a comparable ORV safety
15 certificate issued under the authority of another state or a
16 province of Canada

17 (5) The owner or person in charge of a 4-wheeled ATV shall
18 not knowingly permit the vehicle to be operated by a child less
19 than 12 years of age, unless the child is not less than 10 years
20 of age and is on private land owned by a parent or legal guardian
21 of the child This subsection does not apply to the operation of
22 an ATV used in agricultural operations

23 (6) The owner or person in charge of a 3-wheeled ATV shall
24 not knowingly permit the vehicle to be operated by a child less
25 than 16 years of age

26 (7) The owner or person in charge of an ORV shall not
27 knowingly permit the vehicle to be operated by a person who is

1 incompetent to operate the vehicle because of mental or physical
2 disability except as provided in section 18

3 (8) ~~The~~ NOT LATER THAN APRIL 1, 1995, THE department of
4 education shall implement a comprehensive ORV information, safety
5 education, and training program that shall include the prepara-
6 tion and dissemination of information and safety advice to the
7 public and training of operators The program shall provide for
8 the training of youthful operators and for the issuance of ORV
9 safety certificates to those who successfully complete the train-
10 ing provided under the program AND MAY INCLUDE SEPARATE INSTRUC-
11 TION FOR EACH TYPE OF ORV

12 (9) In implementing a program that is established pursuant
13 to this section, the department of education shall cooperate with
14 private organizations and associations, private and public corpo-
15 rations, the department of natural resources, the department of
16 state, and local governmental units The department of education
17 shall consult with ORV and environmental organizations and asso-
18 ciations in regard to the subject matter of a training program
19 and performance testing that leads to certification of ORV
20 operators

21 (10) The department of education may designate a person it
22 considers qualified to provide course instruction and to award
23 ORV safety certificates

24 (11) The department of education ~~shall~~ MAY promulgate
25 rules pursuant to the administrative procedures act of 1969, Act
26 No 306 of the Public Acts of 1969, being sections 24 201 to

1 24 328 of the Michigan Compiled Laws, to implement subsections
2 (8) to (10)

3 (12) Subject to subsections (13), (14), and (17), a child
4 who is less than 16 years of age may operate an ORV if the child
5 is under the direct visual supervision of an adult and the child
6 has in his or her immediate possession an ORV safety certificate
7 issued pursuant to this section or a comparable ORV safety cer-
8 tificate issued under the authority of another state or a prov-
9 ince of Canada

10 (13) A child who is less than 12 years of age shall not
11 operate a 4-wheeled ATV, unless the child is not less than 10
12 years of age and is on private land owned by a parent or legal
13 guardian of the child This subsection does not apply to the
14 operation of an ATV used in agricultural operations

15 (14) A child who is less than 16 years of age shall not
16 operate a 3-wheeled ATV

17 (15) When operating an ORV under subsection (12), a child
18 shall present the ORV safety certificate to a peace officer upon
19 demand

20 (16) Notwithstanding any other provision of this section, an
21 operator who is under 12 years of age shall not cross a highway
22 or street An operator who is not less than 12 years of age but
23 less than 16 years of age may cross a highway or street or oper-
24 ate on the right-of-way or shoulder of designated access routes
25 pursuant to section 18 if the operator has a valid ORV safety
26 certificate in his or her immediate possession and meets any

1 other requirements under this section for operation of the
2 vehicle

3 (17) The requirement of possession or presentation of an ORV
4 safety certificate under this section shall not take effect until
5 ~~the expiration of 6 months following the date rules are promul-~~
6 ~~gated as required under subsection (11)~~ IMPLEMENTATION OF THE
7 PROGRAM FOR THE VEHICLE PROPOSED TO BE OPERATED REQUIRED BY
8 SUBSECTION (8) THE REQUIREMENT OF POSSESSION OR PRESENTATION OF
9 AN ORV SAFETY CERTIFICATE UNDER THIS SECTION FOR OPERATION OF A
10 2-WHEELED ORV SHALL NOT TAKE EFFECT UNTIL MARCH 1, 1996