

Act No. 26
Public Acts of 1995
Approved by the Governor
April 25, 1995
Filed with the Secretary of State
April 25, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Senators Schwarz and Shugars

ENROLLED SENATE BILL No. 206

AN ACT to amend sections 1, 2, 5, 6, 17, 18, and 20 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 governmental agencies under certain circumstances; to repeal certain parts of this act on a specific date; and to provide penalties and remedies," sections 1 and 20 as amended by Act No. 17 of the Public Acts of 1991, sections 2, 5, and 6 as amended by Act No. 71 of the Public Acts of 1990, section 17 as amended by Act No. 241 of the Public Acts of 1989, and section 18 as amended by Act No. 204 of the Public Acts of 1993, being sections 257.1601, 257.1602, 257.1605, 257.1606, 257.1617, 257.1618, and 257.1620 of the Michigan Compiled Laws; and to add sections 6c, 16b, 16c, and 16d.

The People of the State of Michigan enact:

Section 1. Sections 1, 2, 5, 6, 17, 18, and 20 of Act No. 319 of the Public Acts of 1975, sections 1 and 20 as amended by Act No. 17 of the Public Acts of 1991, sections 2, 5, and 6 as amended by Act No. 71 of the Public Acts of 1990, section 17 as amended by Act No. 241 of the Public Acts of 1989, and section 18 as amended by Act No. 204 of the Public Acts of 1993, being sections 257.1601, 257.1602, 257.1605, 257.1606, 257.1617, 257.1618, and 257.1620 of the Michigan Compiled Laws, are amended and sections 6c, 16b, 16c, and 16d are added to read as follows:

Sec. 1. As used in this act:

(a) "ATV" means a 3- or 4-wheeled vehicle designed for off-road use that has low pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 500cc gasoline engine or an engine of comparable size using other fuels.

(b) "Code" means the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(c) "Commission" means the commission of natural resources.

(d) "Dealer" means a person engaged in the sale, lease, or rental of an ORV as a regular business or, for purposes of selling licenses under section 6, any other person authorized to sell licenses or permits, or both, by the department under the statutes of this state.

(e) "Department" means the department of natural resources.

(f) "Designated" means posted open for ORV use with appropriate signs by the department.

(g) "Forest road" means a hard surfaced road, gravel or dirt road, or other route capable of travel by a 2-wheel drive 4-wheel conventional vehicle designed for highway use, except an interstate, state, or county highway.

(h) "Forest trail" means a designated path or way capable of travel only by a vehicle less than 50 inches in width.

(i) "Handicapper" means a person who has 1 or more of the following physical characteristics:

(i) Blindness.

(ii) Inability to ambulate more than 200 feet without having to stop and rest during any time of the year.

(iii) Loss of use of 1 or both legs or feet.

(iv) Inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces, or other device required to aid mobility.

(v) A lung disease from which the person's expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest.

(vi) A cardiovascular disease from which the person measures between 3 and 4 on the New York heart classification scale, or from which a marked limitation of physical activity causes fatigue, palpitation, dyspnea, or anginal pain.

(vii) Other diagnosed disease or disorder including, but not limited to, severe arthritis or a neurological or orthopedic impairment that creates a severe mobility limitation.

(j) "Highway" means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

(k) "Late model ORV" means an ORV manufactured in the current model year or the 5 model years immediately preceding the current model year.

(l) "Manufacturer" means a person, partnership, corporation, or association engaged in the production and manufacture of ORVs as a regular business.

(m) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.

(n) "Operator" means a person who operates, or is in actual physical control of the operation of an ORV.

(o) "ORV" or "vehicle" means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

(p) "Owner" means any of the following:

(i) A vendee or lessee of an ORV which is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.

(ii) A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.

(iii) A person who holds legal ownership of an ORV.

(q) "Person" means an individual, partnership, corporation, the state or any of its agencies or subdivisions, or a body of persons whether incorporated or not.

(r) "Public agency" means the department or a local or federal unit of government.

(s) "Roadway" means that portion of a highway improved, designated, or ordinarily used for vehicular travel. If a highway includes 2 or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.

(t) "Route" means a forest road or other road that is designated for purposes of this act by the department.

(u) "Safety education fund" means the safety education fund created pursuant to section 6b.

(v) "Safety chief instructor" means a person who has been certified by a nationally recognized ATV and ORV organization to certify instructors and to do on-sight evaluations of instructors.

(w) "Trail improvement fund" means the ORV trail improvement fund created pursuant to section 6a.

(x) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Sec. 2. (1) A vehicle registered under the code, or a vehicle registered under the marine safety act, Act No. 303 of the Public Acts of 1967, being sections 281.1001 to 281.1199 of the Michigan Compiled Laws, is exempt from the licensure provisions of this act, unless the vehicle is operated as an ORV off highways, roadways, streets, and forest roads.

(2) An ORV operated solely on private property by the owner of the property, a family member of the owner, or an invited guest of the owner is exempt from the licensure provisions of this act.

Sec. 5. (1) Beginning April 1, 1991, except as otherwise provided, an ORV shall not be operated on, or over, land, snow, ice, marsh, swampland, or other natural terrain unless licensed by the owner with the department or a dealer as provided in this act. Except as otherwise provided in this act, a vehicle operating on a forest trail or in a designated area shall be licensed under the provisions of this act.

(2) Licensure is not required for an ORV used exclusively in a safety and training program as required in section 17.

Sec. 6. (1) The owner of an ORV requiring licensure under this act shall file an application for a license with the department or a dealer on forms provided by the department. If an ORV is sold by a dealer, the application for a license shall be submitted to the department by the dealer in the name of the owner. The application shall be signed by the owner of the vehicle, and shall be accompanied by a fee of \$7.00 beginning April 1, 1991, \$8.00 beginning April 1, 1993, \$10.00 beginning April 1, 1995, and \$16.25 beginning April 1, 1996, and thereafter. A person shall not file an application for registration that contains false information. Upon receipt of the application in approved form and upon payment of the appropriate fee, the department or dealer shall issue to the applicant a license which shall be valid for the 12-month period for which it is issued. A license shall be issued for the 12-month period beginning April 1 and ending March 31 each year.

(2) Dealers may purchase from the department ORV licenses for resale to owners of vehicles requiring licensure under this act. The department shall refund to dealers the purchase price of any ORV licenses returned within 90 days after the end of the 12-month period for which they were valid. The dealer shall maintain and provide to the department records of ORV license sales on forms provided by the department.

(3) The license shall be permanently attached to the vehicle in the manner prescribed and in the location designated by the department before the vehicle may legally be operated in accordance with this act.

(4) If at the time of sale the purchaser certifies on a form provided by the department that the purchased vehicle otherwise requiring a license under this act will be used and stored outside of this state and will not be returned by the purchaser to this state for use, then a license will not be required.

Sec. 6c. (1) Not less than 40% of the revenue in the ORV trail improvement fund through March 31, 1996, and not less than 50% beginning April 1, 1996, shall be distributed each year in the form of grants for the purpose of planning, improving, constructing, signing, and maintaining ORV trails, areas, and routes and access to those trails, areas, and routes, the leasing of land, the acquisition of easements, permits, or other agreements for the use of land for ORV trails, areas, and routes, to public agencies and nonprofit incorporated clubs and organizations.

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

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

(4) Not less than 30% of the revenue in the fund through March 31, 1996, and not less than 31-1/4% beginning April 1, 1996, shall be used each year for enforcement of this act or the purchase of any necessary equipment used for enforcement of this act. Of this amount available for enforcement, the department shall make available funds for distribution in the form of grants by the department to the county sheriffs' departments in the following percentage amounts: 60% of the funds available for the first year of operation of the fund; 50% of the funds available in the second year; 40% of the funds available through March 31, 1996; and 24% of the funds beginning April 1, 1996 and thereafter. The balance of the funds available shall be used by the department for the enforcement of this act or for the purchase of any necessary equipment used for the enforcement of this act. In making grants available for distribution under this subsection, the department shall consider the following factors:

- (a) The number of miles of ORV trails, routes, or areas within the county.
- (b) The number of sheriff's department employees available for enforcement of this act.
- (c) The estimated number of ORVs within the county and that are brought into the county for ORV use.
- (d) The estimated number of days that ORVs may be used within that county.

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

(5) Not less than 20% of the revenue in the ORV trail improvement fund through March 31, 1996, and not less than 12-1/2% beginning April 1, 1996, shall be distributed each year in the form of grants to public agencies and nonprofit

incorporated clubs and organizations for the restoration of damage that is caused by ORV use to natural resources on public land. A grant under this subsection may be in addition to a grant under subsection (1). An application for a grant under this subsection shall comply with subsection (2).

(6) Not more than 3-1/8% of the revenue in the fund in any year shall be used for administration of this act. However, 25 cents of each fee for a license sold by a dealer shall be retained by the dealer as a commission for services rendered. The department may use revenue from the funds for personnel to operate the program under this act.

(7) The remaining 3-1/8% of the revenue in the fund may be used for the purposes described in subsections (1) and (4). If the remainder of the fund is used for the purposes described in subsection (4), it shall be allocated as provided in subsection (4).

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

Sec. 16b. (1) The ORV trails advisory committee is created within the department which shall assist the department in developing criteria for grants, nominate forest roads to be included as ORV routes, nominate forest trails, assist the department in promulgating rules, and assist the department in developing the plan required by section 16. The advisory committee shall advise the department on recommendations made by ORV users of forest trails, roads, and areas that should be designated for ORV use. The advisory committee shall consist of 6 members appointed by the director of the department. Three of the members shall represent ORV trail users and dealers. Two of the members shall represent natural resources, conservation, or environmental groups. One member shall represent law enforcement who shall be a county sheriff. At least 1 member shall be from the Upper Peninsula of this state. Members shall be appointed for terms of 3 years except that of the members first appointed, 1 member from each group and the member representing law enforcement shall be appointed for 3 years and the balance of the members shall be appointed for 2 years. The committee shall meet at least once each year.

(2) Not later than January 1, 1998, the trails advisory committee shall report to the senate and house committees that consider legislation affecting this act on the adequacy of funding for operation and enforcement of this act, any recommendations for changes in these areas, and the effectiveness of the safety education and training program.

Sec. 16c. (1) Except as otherwise provided in sections 6c and 16b, sections 16, 16b, and 16d shall not apply to the Upper Peninsula of this state.

(2) Not later than January 1, 1998, the advisory committee created by the natural resources commission shall report its findings to the senate and house committees that consider legislation affecting this act including its recommendations on whether this act should be implemented on a statewide basis.

Sec. 16d. (1) Under the comprehensive system previously approved and implemented under this section, all state owned land under the jurisdiction of the department shall be closed to ORV use except designated routes, designated trails, and designated areas. The commission shall approve any subsequent revisions to the system and shall establish an effective date for the revisions. The department shall submit the revisions approved by the commission to the secretary of the senate and the clerk of the house of representatives at least 20 session days before the effective date determined by the commission. If both standing committees of the house and senate that consider natural resources matters fail to reject the revisions within those 20 session days, they shall be considered approved.

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

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

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

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

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

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

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

(7) The owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by a person who is incompetent to operate the vehicle because of mental or physical disability except as provided in section 18.

(8) Not later than April 1, 1995, the department of education shall implement a comprehensive ORV information, safety education, and training program that shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of ORV safety certificates to those who successfully complete the training provided under the program and may include separate instruction for each type of ORV.

(9) In implementing a program that is established pursuant to this section, the department of education shall cooperate with private organizations and associations, private and public corporations, the department of natural resources, the department of state, and local governmental units. The department of education shall consult with ORV and environmental organizations and associations in regard to the subject matter of a training program and performance testing that leads to certification of ORV operators.

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

(11) The department of education may promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement subsections (8) to (10).

(12) Subject to subsections (13), (14), and (17), a child who is less than 16 years of age may operate an ORV if the child is under the direct visual supervision of an adult and the child has in his or her immediate possession an ORV safety certificate issued pursuant to this section or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

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

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

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

(16) Notwithstanding any other provision of this section, an operator who is under 12 years of age shall not cross a highway or street. An operator who is not less than 12 years of age but less than 16 years of age may cross a highway or street or operate on the right-of-way or shoulder of designated access routes pursuant to section 18 if the operator has a valid ORV safety certificate in his or her immediate possession and meets any other requirements under this section for operation of the vehicle.

(17) The requirement of possession or presentation of an ORV safety certificate under this section shall not take effect until implementation of the program for the vehicle proposed to be operated required by subsection (8). The requirement of possession or presentation of an ORV safety certificate under this section for operation of a 2-wheeled ORV or an ATV type ORV shall not take effect until March 1, 1996.

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

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

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

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

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

(4) Beginning October 19, 1993, a board of county road commissioners, a county board of commissioners, and a county and, beginning on the effective date of this 1995 amendatory act, a city, village, or township are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained highways, shoulders, and rights-of-way over which the board of county road commissioners, the county board of commissioners, or the county, city, village, or township has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

Sec. 20. A person shall not operate an ORV:

(a) At a rate of speed greater than is reasonable and proper, or in a careless manner having due regard for conditions then existing.

(b) Unless the person and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States department of transportation. This subdivision shall not apply if the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

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

(d) Unless equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet a second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(e) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose; on state owned lands under the control of the department other than game areas, state parks, or recreational areas where the operation would be in violation of rules promulgated by the commission; in a forest nursery or planting area; on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the department; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops. However, the department may permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property.

(f) On the frozen surface of public waters within 100 feet of a person not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.

(g) Unless the vehicle is equipped with a spark arrester type United States forest service approved muffler, in good working order and in constant operation. Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter which meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the environmental protection agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this act, manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state shall conform to the noise emission levels established by the environmental protection agency under the noise control act of 1972, Public Law 92-574, 86 Stat. 1234.

(h) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except on property owned or under the operator's control or on which the operator is an invited guest, or on a roadway, forest road, or forest trail maintained by or under the jurisdiction of the department, or on an ORV access route as authorized by local ordinance.

(i) In or upon the lands of another without the written consent of the owner, owner's agent or lessee, when required by the recreational trespass act, Act No. 323 of the Public Acts of 1976, being sections 317.171 to 317.181 of the Michigan Compiled Laws. The operator of the vehicle is liable for damage to private property, including, but not limited to, damage to trees, shrubs, growing crops, or injury to living creatures or damage caused through vehicle operation in a manner so as to create erosive or other ecological damage to private property. The owner of the private property may recover from the person responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass shall not imply consent to ORV use.

(j) In an area on which public hunting is permitted during the regular November firearm deer season from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency or for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle, to remove a deer, elk, or bear from public land which has been taken pursuant to a valid license; or except for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations; or on property owned or under control of the operator or on which the operator is an invited guest. A hunter removing game pursuant to this subdivision shall be allowed to leave the designated trail or forest road only to retrieve the game and shall not exceed 5 miles per hour. A vehicle registered under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, is exempt from this subdivision while operating on a public highway or public or private road capable of sustaining automobile traffic. A person holding a valid permit to hunt from a standing vehicle issued pursuant to section 14(1) of the wildlife conservation act, Act No. 256 of the Public Acts of 1988, being section 300.264 of the Michigan Compiled Laws, or a handicapper using an ORV to access

public lands for purposes of hunting or fishing through use of a designated trail or forest road, is exempt from this subdivision.

(k) While transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(l) On or across a cemetery or burial ground, or land used as an airport.

(m) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area.

(n) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as established in section 16d.

(o) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.

(p) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill a bird or animal, wild or domesticated.

(q) In a manner so as to leave behind litter or other debris.

(r) In a manner contrary to operating regulations on public lands.

(s) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:

(i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle.

(ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.

(t) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(u) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle except on a roadway, forest road, or forest trail maintained by or under the jurisdiction of the department, or on an ORV access route as authorized by local ordinance.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.