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SNOWMOBILES: NEW DECALS, LOCAL ENFORCEMENT, RAISE REGISTRATION FEES

House Bill 5818 (Substitute H-2)
Sponsor: Rep. Tom Alley

Senate Bill 273 (Substitute H-5)
Sponsor: Sen. Harry Gast

First Analysis (5-26-98)

**House Committee: Conservation,
Recreation, and Environment**
**Senate Committee: Transportation and
Tourism**

THE APPARENT PROBLEM:

Snowmobiling is a hugely popular sport in Michigan. Although most snowmobilers are responsible, safe operators, there still are those who operate their machines while drunk, drive at unsafe speeds (often while drunk), or simply have no training or experience in driving these high-powered and potentially dangerous machines. Enforcement of snowmobile laws often is stretched thin and the current system of snowmobile decals, which does not require snowmobiles to display their registration numbers, often makes it difficult for those who observe unsafe or illegal behavior by snowmobile operators to subsequently identify the machine involved. Legislation has been introduced to address these, and other, issues.

THE CONTENT OF THE BILLS:

Both bills would amend Part 821 of the Natural Resources and Environmental Protection Act (NREPA), the part of the act regulating snowmobiles, among other things, to provide statutory authority and funding for local enforcement of snowmobile laws. House Bill 5818 would require the Department of Natural Resources to develop a plan for state and local law enforcement and, in addition, raise (from 17 to 19) the age of minors required to meet the act's requirements as a condition of operating a snowmobile. Senate Bill 273 would raise snowmobile registration fees by \$7 (from the current \$15 for three years to \$22 for three years), and direct the additional \$7 per registration to be used to provide snowmobile

trail enforcement grants to counties or "other local groups." The bill also would reinstate mandatory display of snowmobile registration numbers and provide for a new decal that would display the snowmobiles' registration number. The bills are tied to each other.

House Bill 5818 would amend the Natural Resources and Environmental Protection Act (MCL 324.82107a et al.) as follows:

(1) The Department of Natural Resources (DNR), in consultation with the Michigan Snowmobile Advisory Committee, would be required to develop and present to the legislature a plan for state and local enforcement of the snowmobile provisions of the NREPA.

(2) Currently, the act distinguishes between three categories of minors: those less than 12 years old, those between the ages of 12 and 16, and those less than 17.

Children younger than 12 are allowed, with their parent's permission, to operate snowmobiles without the direct supervision of an adult only on land owned by the child's parent. In addition, a minor younger than 12 who is operating or in ("actual") physical control of a snowmobile is prohibited from crossing highways or streets.

The act further requires the Department of Natural Resources to design the minimum content of a

comprehensive snowmobile safety education and training program, which must include provision for training "youthful operators at least 12 but less than 17 years of age." The act allows these minors to operate snowmobiles if one of the following conditions exists: the minor (a) is under the direct supervision of someone at least 21 years old, or (b) carries ("has in his or her immediate possession") a snowmobile safety certificate (which is issued upon completion of a snowmobile safety training program) whenever he or she operates a snowmobile, or (c) is on land owned by his or her parent or guardian. A minor between the ages of 12 and 16 is allowed to cross highways or streets (while operating a snowmobile) only if he or she has a ("valid") snowmobile safety certificate "in his or her immediate possession."

Finally, the act specifies that a minor under 17 who successfully completes a snowmobile safety training program is required to carry "the safety certificate on his or her person whenever operating a snowmobile in this state." Failure to "have a safety certificate on his or her person" subjects someone less than 17 to a fine of up to \$25.

The bill would raise to 19 ("less than 20 years of age") the age at which minors would be required to meet the bill's current requirements for 12 to 16-year-olds and for "persons less than 17 years of age." (However, the bill would not change the current provision that judges report violations by minors "less than 17 years of age" to the Department of Natural Resources.) The bill also would raise to 13 ("less than 14 years of age") the age at which children operating snowmobiles would be prohibited from crossing highways or streets.

(3) Finally, the bill also would add a "snowmobile code of ethics" to the minimum content required in a snowmobile safety education and training program and would prohibit the operation or sale of a snowmobile manufactured after January 1, 1999, that was wider than 48 inches.

Senate Bill 273 also would amend the Natural Resources and Environmental Protection Act (MCL 324.82105, 324.82106, and 324.82113) to increase the snowmobile registration fee by \$7 from the current \$15 to a proposed \$22 and would specify that the revenue from the fee increase would have to be used to provide trail enforcement grants to counties "or other local groups" for enforcement of the snowmobile part of the NREPA.

Currently, the act specifies that the registration decal assigned to a snowmobile must be attached in a permanent manner to each side of the forward half of the vehicle. The bill would amend the act to specify that the registration decal would have to be affixed to each side of the forward half of the cowl above the footwell of the snowmobile, and would further limit the size of the decal (to not more than 5 inches long and not more than 2.5 inches high). Beginning October 1, 1998, the registration decal also would have to include the registration expiration date and the registration number and contain two letters and four numbers. The numbers would have to contrast so as to be distinctly visible and legible, and no number other than the number awarded to the snowmobile on the registration certificate (or granted reciprocity) could be attached or otherwise displayed on the snowmobile.

BACKGROUND INFORMATION:

House Bill 4522, which was identical to Senate Bill 273 as originally introduced, amended Section 82113 of the National Resources and Environmental Protection Act (NREPA) and was enacted earlier this session as Public Act 92 of 1997. Senate Bill 534 also amended this section of NREPA (along with 12 other sections of the act) and also was enacted, as Public Act 102 of 1997. Because Enrolled Senate Bill 534, which did not incorporate the changes made by House Bill 4522, was signed by the governor (on August 6, 1997) after the governor signed Enrolled House Bill 4522 (on July 31, 1997), Public Act 102 canceled out Public Act 92. (For information on Public Act 92 of 1997, see the House Legislative Analysis Section analysis of House Bill 4522 dated 5-15-97.)

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bills would enhance snowmobile safety by allowing local enforcement of snowmobile laws and increasing the mandatory age of snowmobile education for minors, as well as increase snowmobile operators' accountability for their actions by requiring the clear display on snowmobiles of their registration numbers. Senate Bill 273, in fact, would reenact amendments regarding snowmobile decals similar to amendments

made by Public Act 92 of 1997, which was superseded by Public Act 102 (part of a package of legislation concerning the disclosure of personal information on vehicle records), which was signed by the governor after Public Act 92 and which did not incorporate the changes to the snowmobile laws made by Public Act 92.

Against:

While the bills could enhance the safety of snowmobiling in the state by increasing local enforcement and by raising the age of minors required to get mandatory snowmobile safety education, some problems remain. For example, the major snowmobile users' group recommends mandatory snowmobile safety education for all new snowmobile operators, pointing to statistics indicating that fatality risks for "at risk" snowmobilers are greatest for those between the ages of 20 to 40, an age group not addressed by raising the mandatory education limit for minors less than 20 years old. In addition, Senate Bill 273 would require that state trail enforcement grants, which would be funded by the revenue from the proposed \$7 registration fee increase, be provided to "counties or other local groups," rather than, for example, counties and other local units of government. Enforcement of state law, however, should be the province of duly authorized peace officers, and not private individuals or groups. Finally, it should be noted that current law, in addition to containing inconsistent and sometimes confusing language, actually subjects all minors ("all persons less than 17 years of age") to fines of up to \$25 for failure to "have a safety certificate on his or her person," when surely the proper population of minor subject to fines under snowmobile laws should be those who operate snowmobiles.

Response:

With regard to the provision raising the mandatory age for minors required to obtain snowmobile safety education, it has been pointed out that this provision has been modeled on similar legislation in Minnesota.

POSITIONS:

The Department of Natural Resources supports the display of registration numbers, but has not yet completed its analysis of the other issues in the bills as substituted in committee. (5-22-98)

The Michigan Townships Association supports the prominent display of registration decals, but has no position on the other provisions of the bills. (5-22-98)

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.