

HOUSE BILL No. 5818

April 30, 1998, Introduced by Reps. Alley, Middaugh, McNutt, Gernaat, Prusi, Bodem and Voorhees and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82108, 82118, and 82120 (MCL 324.82108,
324.82118, and 324.82120), sections 82108 and 82120 as added by
1995 PA 58 and section 82118 as amended by 1996 PA 183, and by
adding sections 82107a and 82123a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 82107A. BY APRIL 1, 1999, THE DEPARTMENT, IN CONSULTA-
2 TION WITH THE MICHIGAN SNOWMOBILE ADVISORY COMMITTEE, SHALL
3 DEVELOP AND PRESENT TO THE LEGISLATURE A PLAN TO SHIFT ENFORCE-
4 MENT OF THIS PART FROM THE DEPARTMENT TO THOSE LOCAL GOVERNMENTAL
5 UNITS OR GROUPS THAT AGREE TO PROVIDE THIS ENFORCEMENT.

6 Sec. 82108. (1) The ~~department shall design by May 1, 1995~~
7 ~~the~~ minimum content of a comprehensive snowmobile safety
8 education and training program ~~, which~~ shall include the

1 preparation and dissemination of snowmobile information and
2 safety advice to the public and training of operators. The con-
3 tent of the program shall include provision for the training of
4 youthful operators at least 12 but less than ~~17~~ 18 years of age
5 and for the issuance of snowmobile safety certificates to those
6 who successfully complete the training provided under the
7 program. A person less than ~~17~~ 18 years of age who success-
8 fully completes a training program shall carry the safety certif-
9 icate on his or her person whenever operating a snowmobile in
10 this state. The department and the counties shall encourage per-
11 sons ~~17~~ 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 (G) SNOWMOBILE CODE OF ETHICS.

25 (3) The fee charged by a county for a training program shall
26 be not more than \$5.00.

1 (4) In implementing a program that is established pursuant
2 to this section, the department shall cooperate with private
3 organizations and associations, private and public corporations,
4 schools, and local governmental units. The department shall con-
5 sult with the department of state police and county sheriffs in
6 regard to subject matter of a training program and performance
7 testing that leads to certification of snowmobile operators.
8 However, a county may expand the course content beyond the mini-
9 mum requirements established by subsection (2).

10 (5) The department may designate any person it considers
11 qualified to provide course instruction and to award snowmobile
12 safety certificates.

13 (6) A person less than ~~17~~ 18 years of age who fails to
14 have a safety certificate on his or her person is subject to a
15 fine of not more than \$25.00.

16 (7) A person who has a valid safety certificate from another
17 state or province shall not be required to complete the safety
18 education and training program in this state.

19 Sec. 82118. (1) In addition to registration of a snowmobile
20 pursuant to section 82105 or registration in another state or
21 province, ~~beginning October 1, 1994,~~ except as otherwise pro-
22 vided in this section, a person who desires to operate a snowmo-
23 bile in this state shall purchase a Michigan snowmobile trail
24 permit sticker. The Michigan snowmobile trail permit issued
25 under this section shall be valid for a period of 1 year ~~which~~
26 THAT begins on October 1 and ends on the following September 30.
27 The fee for the permit is AS FOLLOWS:

1 (A) \$10.00 UNTIL SEPTEMBER 30, 1998.

2 (B) \$15.00 BEGINNING OCTOBER 1, 1998 UNTIL SEPTEMBER 30,
3 2001.

4 (C) \$20.00 BEGINNING OCTOBER 1, 2001 UNTIL SEPTEMBER 30,
5 2004.

6 (D) \$25.00 BEGINNING OCTOBER 1, 2004.

7 (2) Fifty cents of the fee shall be retained by the depart-
8 ment for administrative costs. Fifty cents of the fee shall be
9 retained by the agent selling the permit. ~~Nine dollars~~ THE
10 BALANCE of the fee shall be credited to the recreational snowmo-
11 bile trail improvement fund created in section 82110.

12 (3) ~~-(2)-~~ The trail permit sticker shall be permanently
13 affixed to the forward half of the snowmobile directly above or
14 below the headlight of the snowmobile.

15 (4) ~~-(3)-~~ The department may contract with a person to act
16 as an agent for the purpose of issuing Michigan snowmobile trail
17 permits. The department shall sell the permits to agents in
18 bulk. Agents may obtain a refund from the department for any
19 permits that are not sold.

20 (5) ~~-(4)-~~ An agent who uses or allows the use of a permit by
21 anyone except the snowmobile user to whom the permit is sold is
22 guilty of a misdemeanor, punishable by a fine of \$50.00 for each
23 instance of such use or allowed use.

24 (6) ~~-(5)-~~ The department of state may suspend a certificate
25 of registration ~~when~~ IF the department of state determines that
26 the required fee has not been paid and IT remains unpaid after
27 reasonable notice or demand. In addition to the required fee, a

1 \$10.00 penalty shall be assessed and collected against any person
2 who tenders an insufficient check or draft in payment of the
3 fee.

4 (7) ~~-(6)-~~ A snowmobile used solely for transportation on the
5 frozen surface of public waters for the purpose of ice fishing is
6 exempt from the requirement of purchasing and displaying a snow-
7 mobile trail permit sticker under this section.

8 (8) ~~-(7)-~~ A person shall not charge a fee for a snowmobile
9 trail permit in an amount that is greater than the fee printed on
10 the face of the permit.

11 (9) ~~-(8)-~~ To obtain a snowmobile trail permit, an applicant
12 must provide all information required on the permit application.

13 (10) ~~-(9)-~~ A person who fails to secure a permit under this
14 section or who violates subsection ~~-(2)-~~ (3) is responsible for a
15 state civil infraction and may be ordered to pay a civil fine of
16 not more than \$50.00.

17 Sec. 82120. (1) A parent or legal guardian shall not permit
18 his or her child who is less than 12 years of age to operate a
19 snowmobile without the direct supervision of an adult except on
20 land owned or under the control of the parent or legal guardian.

21 (2) A person who is at least 12 but less than ~~-17-~~ 18 years
22 of age may operate a snowmobile if 1 of the following conditions
23 exist:

24 (a) The person is under the direct supervision of a person
25 who is 21 years of age or older.

1 (b) The person has in his or her immediate possession a
2 snowmobile safety certificate issued pursuant to a program
3 conducted under section ~~82107~~ 82108.

4 (c) The person is on land owned or under the control of his
5 or her parent or legal guardian.

6 (d) The person possesses a snowmobile safety certificate
7 issued to the person under the authority of a law of another
8 state or province of Canada.

9 (3) A person who is operating a snowmobile pursuant to sub-
10 section (2)(b) shall present the snowmobile safety certificate to
11 any peace officer upon demand.

12 (4) Notwithstanding section 82119, an operator who is less
13 than ~~12~~ 14 years of age shall not cross a highway or street.
14 An operator who is at least ~~12~~ 14 years of age but less than
15 ~~17~~ 18 years of age may cross a highway or street only if he or
16 she has a valid snowmobile safety certificate in his or her imme-
17 diate possession.

18 (5) The owner of a snowmobile shall not permit the snowmo-
19 bile to be operated contrary to this section.

20 (6) When the judge of a juvenile court determines that a
21 person who is less than ~~17~~ 18 years of age has violated this
22 part, the judge shall immediately report the determination to the
23 department. The department upon receiving a notice of a determi-
24 nation pursuant to this subsection may suspend the snowmobile
25 safety certificate without a hearing.

1 SEC. 82123A. A PERSON SHALL NOT OPERATE, OFFER FOR SALE, OR
2 SELL A SNOWMOBILE MANUFACTURED AFTER JANUARY 1, 1999 THAT HAS A
3 WIDTH GREATER THAN 48 INCHES.