

Act No. 461
Public Acts of 1998
Approved by the Governor
December 31, 1998
Filed with the Secretary of State
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. McNutt, Wetters, Hammerstrom, Jelinek, McBryde, Middaugh, Gernaat, Llewellyn, Rhead, Byl, LeTarte, DeVuyst, Lowe, Voorhees, Middleton, Raczkowski, Birkholz, Richner and Perricone

ENROLLED HOUSE BILL No. 5717

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 82126a, 82126b, and 82126c.

The People of the State of Michigan enact:

Sec. 82126a. (1) A person shall not operate a snowmobile upon a highway, public trail, frozen surface of a public lake, stream, river, pond, or another public place, including but not limited to an area designated for the parking of snowmobiles or other motor vehicles, in a careless or negligent manner likely to endanger any person or property.

(2) A person who violates subsection (1) is responsible for a state civil infraction.

Sec. 82126b. (1) A person shall not operate a snowmobile upon a highway, public trail, frozen surface of a public lake, stream, river, pond, or another public place, including, but not limited to, an area designated for the parking of snowmobiles or other motor vehicles, in willful or wanton disregard for the safety of persons or property.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$250.00.

Sec. 82126c. (1) A person who operates a snowmobile in a careless or negligent manner causing the death or serious impairment of bodily function of another is guilty of a misdemeanor and shall be imprisoned for not more than 2 years or fined not more than \$2,000.00, or both.

(2) A person who, by the operation of a snowmobile in a careless and heedless manner in willful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, causes the serious impairment of bodily function, but does not cause the death of another, is guilty of the offense of felonious operation, and shall be imprisoned for not more than 2 years or fined not more than \$2,000.00, or both.

(3) As used in this section, "serious impairment of bodily function" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- (c) Loss of an eye or ear or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.

(4) Upon a person's conviction of a violation under this section, the court may issue an order prohibiting the person from operating a snowmobile in this state for a period of 2 or more years in the discretion of the court. An order issued under this section is in addition to any other penalty authorized under this part.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.