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RECREATION: SNOWMOBILE AND ORV LICENSES

House Bill 4394 (Substitute H-2) First Analysis (4-20-99)

Sponsor: Rep. Larry DeVuyst
**First Committee: Criminal Law
and Corrections**
**Second Committee: Conservation
and Outdoor Recreation**

THE APPARENT PROBLEM:

With the increasing popularity of the use of recreational vehicles has come an increasing need for regulation. For example, there are increasing numbers of snowmobile accidents that result in fatalities each year. According to a *Detroit News* article (1-5-98), there were 91 fatal snowmobile crashes in the 1995-96 and 1996-97 seasons -- more than the total of the previous four years combined. And the *Lansing State Journal* (3-16-99) reports that eighteen snowmobile deaths occurred in the Upper Peninsula during this past season, breaking the former record of fifteen deaths during the winter of 1995-96. In response to these statistics, Public Act 461 of 1998 established civil and criminal penalties for operating a snowmobile recklessly. In addition, legislation (House Bill 4166) has been proposed to, among other things, require the Department of Natural Resources to develop a plan for state and local law enforcement of snowmobiles, and raise -- from 17 to 19 -- the age of minors required to get mandatory snowmobile safety education.

Although less is heard about off-road vehicle (ORV) accidents, an article in the *Detroit Free Press* (6-2-98) reported that more than 375 tickets were handed out by state conservation officers in northern Michigan for ORV violations during last year's Memorial Day weekend. The violations involved the destruction of protected areas in the countryside. During the same weekend in Clare County, a group of ORV riders dumped gasoline into a sand pit, set it ablaze, and drove through the flames -- all during a season of high forest fire danger.

At least one study would seem to suggest that snowmobile fatalities often involve driving while drunk: a comprehensive study performed by Michigan State University researchers found that 55 percent of

snowmobile accident deaths that occurred between the end of 1993 and the spring of 1997 involved alcohol. By comparison, 36 percent of highway deaths involving motor vehicles were alcohol-related. However, while motorists who drink and drive have their licenses suspended, there are no provisions in statute that would impose a penalty of equal severity on the operators of recreational vehicles. As an alternative, it has been suggested that it is reasonable to prohibit those who have lost their driver's licenses from operating their recreational vehicles.

THE CONTENT OF THE BILL:

The Michigan Vehicle Code (MCL 257.319 and MCL 257.320) provides for the mandatory suspension or revocation of a person's driver's license for certain crimes. House Bill 4394 would amend the Natural Resources and Environmental Protection Act (NREPA) (MCL 324.81140a and 324.82147a) to specify that, if a person's driver's license was suspended or revoked, the person's privilege to operate an ORV and a snowmobile would be suspended (or revoked) for the same period.

Penalties. In each case, a violation of the provisions of the bill would be a misdemeanor, punishable as follows:

- For a first conviction, imprisonment for up to 90 days, a fine of up to \$500, or both.
- For a second conviction, imprisonment for up to 180 days, a fine of up to \$1,000, or both.

The provisions of the bill would apply to residents and to nonresidents whose licenses had been suspended in

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the state in which they resided. The bill would take effect October 1, 2000.

FISCAL IMPLICATIONS:

Fiscal information is unavailable. (4-20-99)

ARGUMENTS:

For:

The popularity of snowmobiling and of "off-roading" has increased dramatically during the past two decades. According to Department of Natural Resources (DNR), there are approximately 250,000 snowmobiles and 120,000 off-road vehicles (ORVs) registered in Michigan. However, although a popular activity, and important to the tourism industry, snowmobiling and off-roading can be dangerous. For one thing, reports indicate that alcohol is commonly consumed in association with high-speed, adrenaline-pumping recreational activities such as driving recreational vehicles. For example, in a *Detroit News* article (1-5-98), the Michigan Association of Insurance Agents points out that fatal snowmobile and boating accidents have a common thread -- alcohol. These reports demonstrate the need for more effective deterrence. Since snowmobiles and ORVs are high-powered machines just like automobiles, it makes sense to require that those who lose their driver's licenses also lose the privilege of operating recreational vehicles.

Against:

The bill does not go far enough. Many of those who are concerned over rising fatalities involving recreational vehicles, including responsible ORV and snowmobiler operators, support the establishment of a licensing system for operators. In addition to current criminal and civil penalties, the threat of losing this type of license could deter ORV and snowmobiler operators from operating recreational vehicles recklessly.

In addition, while a mandatory training period is required to obtain a driver's license, the bill contains no such provisions for recreational vehicles. In fact, the need for such a requirement has already been suggested: a recent study conducted by researchers from Michigan State University's Department of Park, Recreation and Tourism Resources revealed that, when asked what could be done to reduce fatalities, 72 percent of snowmobilers supported mandatory safety education for all first-year snowmobilers, regardless of age.

POSITIONS:

The Department of Natural Resources supports the bill. (4-19-99)

The Michigan Sheriffs Association supports the bill. (4-20-99)

The Cycle Conservation Club of Michigan testified before the committee in support of the bill. (4-15-99)

The Michigan Townships Association has no position on the bill. (4-20-99)

Analyst: R. Young

■ 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.