

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 125 and 126 (as passed by the Senate)
Sponsor: Senator Harry Gast
Committee: Natural Resources and Environmental Affairs

Date Completed: 3-9-99

RATIONALE

The popularity of "off-roading" and snowmobiling over Michigan's vast terrain and extensive trail network has increased dramatically over the past decade. Reportedly, 290,000 snowmobiles and between 75,000 and 100,000 off-road vehicles (ORVs) are registered in Michigan. ("ORV" means any motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail over land, snow, ice, marsh, swampland, or other natural terrain, and includes vehicles such as dirt bikes, four-wheel cruisers, and dune buggies.) Although a popular activity and important to tourism business, however, snowmobiling and off-roading can be dangerous. Reportedly, drinking and aggressive driving are the two factors most often cited in snowmobile and ORV accidents.

According to the Department of Natural Resources, conservation officers currently patrol trails, roads, and winter festivals to encourage safety and catch drunken drivers but accidents involving liquor continue to increase. It has been suggested that in addition to the present criminal and civil penalties for individuals who operate these recreational vehicles recklessly or under the influence of liquor and/or controlled substances, the threat of points on an offender's driving record could deter ORV operators and snowmobilers from operating under the influence or in a dangerous manner.

CONTENT

Senate Bills 125 and 126 would amend the Michigan Vehicle Code and the Natural Resources and Environmental Protection Act (NREPA), respectively, to provide for the addition of points on a person's driving record for certain offenses involving an off-road vehicle or a snowmobile. The bills would take effect October 1, 2000, and are tie-barred to each other.

Specifically, Senate Bill 125 would require the Secretary of State to record points on a driving record as follows:

- Six points for manslaughter, negligent homicide, or a felony resulting from the operation of an ORV or snowmobile.
- Six points for operating an ORV or a snowmobile while under the influence of intoxicating liquor and/or a controlled substance, or with an unlawful bodily alcohol content; or allowing another person to operate an ORV while under the influence.
- Four points for operating an ORV or a snowmobile while visibly impaired due to the consumption of intoxicating liquor and/or a controlled substance.

Senate Bills 125 and 126 would require each municipal judge and court clerk to keep a full record, and immediately prepare and forward to the Secretary of State an abstract of the court record, for each offense described above pertaining to the operation of an ORV or a snowmobile while under the influence of or impaired by liquor and/or a controlled substance.

In addition, currently under the NREPA, operating an ORV while under the influence or with an unlawful bodily alcohol content, or allowing another person to operate an ORV while under the influence, may be punished by up to 90 days' imprisonment and/or a fine of at least \$100 but not more than \$500. Operating an ORV while visibly impaired may be punished by up to 90 days' imprisonment and/or a fine of up to \$300. Operating a snowmobile while under the influence may be punished by up to 45 days of community service, up to 90 days' imprisonment and/or a fine of at least \$100 but not more than \$500. Operating a snowmobile while visibly impaired may be punished by up to 45 days' community service, 90 days' imprisonment, and/or a fine of up to \$300. Senate Bill 126 would increase the maximum terms of imprisonment from 90 days to 93 days.

MCL 257.320a et al. (S.B. 125)
324.81134 et al. (S.B. 126)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

While the incidence of alcohol involvement in highway crashes has been well-documented, considerably less attention has been paid to the role of alcohol in accidents involving ORVs and snowmobiles. Reportedly, alcohol is commonly consumed in association with high-speed, adrenaline-pumping recreational activities such as off-roading and snowmobiling. Drinking and driving these recreational vehicles, like other vehicles, can be fatal since alcohol impairs judgment and slows reaction time. According to a *Detroit News* article (2-10-99), the Michigan Association of Insurance Agents reported that more than half of the 39 snowmobile deaths last season were alcohol-related. In March 1998, Michigan State University researchers found that 55% of 147 deaths in snowmobile accidents from the end of 1993 to the spring of 1997 involved alcohol. By comparison, 36% of highway deaths in 1996 were alcohol-related.

Although less is heard about ORV incidents, an article in the *Detroit Free Press* (6-2-98) reported that, over the last Memorial Day weekend in Oscoda County, Federal forest rangers and State conservation officers handed out more than 200 tickets for ORV violations, including operating while intoxicated; during the same weekend in Clare County, a group of ORV operators apparently dumped gasoline in a sand pit, set it ablaze, and drove through the flames.

These reports demonstrate the need for more effective deterrence. In addition to the current criminal and civil penalties for operating an ORV or a snowmobile under the influence of liquor and/or controlled substances, the bills would require that points be added to a person's driving record, in an effort to deter operation of the vehicles under the influence, decrease the number of fatal accidents, protect innocent victims, and improve Michigan's ORV and snowmobile safety record.

Response: Current laws and penalties pertaining to the operation of ORVs and snowmobiles are not readily enforced. Instead of expanded penalties, efforts should be focused on increased law enforcement activities and more education programs outlining the risks of operating an ORV or snowmobile under the influence.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bills would result in additional administrative costs to the Department of State and courts. The Department of State has not provided an estimate regarding additional administrative costs.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.