



**House
Legislative
Analysis
Section**

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**SNOWMOBILE ENFORCEMENT:
DEFINITION OF PEACE OFFICER**

**House Bill 4408 as introduced
First Analysis (5-8-03)**

**Sponsor: Rep. Ken Bradstreet
Committee: Conservation and Outdoor
Recreation**

THE APPARENT PROBLEM:

Snowmobiling is an extremely popular sport in Michigan. With over 6,100 miles of designated snowmobile trails located in six state forests, three national forests, and privately owned lands throughout the state, Michigan offers snowmobilers a unique combination of abundant and dependable snow, exciting terrain, and an extensive and interconnected trail system. Snowmobiling is considered to be a vital component of northern Michigan's tourism and recreation industry, since it attracts not only residents from nearby surrounding areas, but also Michigan residents from populous southern areas of the state as well as a significant number of snowmobile enthusiasts from other states.

Each year, there are hundreds of accidents involving the use of snowmobiles. Although most snowmobilers are responsible and safe operators, there are still those who drive recklessly, or simply do not have the requisite training or experience to properly drive these high-powered and potentially dangerous machines. Due to the popularity of snowmobiling in the northern portions of the state, one of the chief responsibilities for law enforcement in those areas is the enforcement of the state laws and regulations regarding the operation of snowmobiles. Reportedly, several counties in the northern part of the state have had some difficulty enforcing the state snowmobile laws due, in part, to the apparent ambiguities in the Natural Resources and Environmental Protection Act.

THE CONTENT OF THE BILL:

The bill would amend Part 821 of the Natural Resources and Environmental Protection Act, which governs the operation of snowmobiles, to add a definition of the term "peace officer". Under the bill, a peace officer would be a sheriff or deputy; a deputy authorized by a sheriff to enforce Part 821 who has completed at least 40 hours of law enforcement training, including training specific to snowmobile

regulations; a village or township marshal; an officer of the police department of any municipality; a state police officer; or the director and conservation officers of the Department and Natural Resources. [Note: The definition in the bill is virtually identical to the definition of peace officer under the Marine Safety Act (Part 801 of NREPA).]

MCL 324.82101

FISCAL IMPLICATIONS:

Fiscal information is not yet available.

ARGUMENTS:

For:

Adding a definition of peace officer to provisions in the Natural Resources and Environmental Protection Act regarding the operation of snowmobiles clarifies who has enforcement authority of snowmobiling regulations, and provides for a greater uniformity among the various counties. According to committee testimony, enforcement of the state's snowmobile laws varies among the counties and judges in those areas with high snowmobile use. Reportedly one county has had 44 tickets relating to the improper operation of a snowmobile thrown out of court amid uncertainty regarding the authority of local law enforcement agencies to enforce the snowmobile laws. This greatly hinders the ability of local law enforcement agencies to ensure the proper operation of snowmobiles, thus placing the health, safety, and well-being of all snowmobile operators at risk.

Further, in defining peace officer, the bill states that it would include a sheriff's deputy authorized to enforce Part 821 of NREPA who has received law enforcement training, including training in snowmobile regulations. This enhances the enforcement of snowmobile regulations - thereby ensuring the safety of all riders - in that it provides

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for a core group of officers uniquely trained in the operation and regulation of snowmobiles, similar to the enforcement of state boating laws.

POSITIONS:

The Michigan Snowmobile Association supports the bill. (5-7-03)

The Michigan Sheriffs Association supports the bill. (5-7-03)

A representative from the Antrim County Sheriff's Department testified in support of the bill. (5-7-03)

The Department of Natural Resources indicated a position of neutrality on the bill (5-7-03)

Analyst: M. Wolf

■ 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.