

SENATE BILL No. 110

January 29, 2003, Introduced by Senators GARCIA and LELAND and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101 and 81123 (MCL 324.81101 and 324.81123), as amended by 1998 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81101. As used in this part:

2 (a) "ATV" means a 3- or 4-wheeled vehicle designed for
3 off-road use that has low-pressure tires, has a seat designed to
4 be straddled by the rider, and is powered by a 50cc to 500cc
5 gasoline engine or an engine of comparable size using other
6 fuels.

7 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL
8 257.1 to 257.923.

9 (c) "Dealer" means a person engaged in the sale, lease, or
10 rental of an ORV as a regular business or, for purposes of

1 selling licenses under section 81116, any other person authorized
2 by the department to sell licenses or permits, or both, under
3 this act.

4 (d) "Designated" means posted open for ORV use with
5 appropriate signs by the department.

6 (e) "Forest road" means a hard surfaced road, gravel or dirt
7 road, or other route capable of travel by a 2-wheel drive,
8 4-wheel conventional vehicle designed for highway use, except an
9 interstate, state, or county highway.

10 (f) "Forest trail" means a designated path or way capable of
11 travel only by a vehicle ~~less than 50~~ **57** inches **or less** in
12 width.

13 (g) "Highway" means the entire width between the boundary
14 lines of a way publicly maintained when any part of the way is
15 open to the use of the public for purposes of vehicular travel.

16 (h) "Highly restricted personal information" means an
17 individual's photograph or image, social security number,
18 digitized signature, and medical and disability information.

19 (i) "Late model ORV" means an ORV manufactured in the current
20 model year or the 5 model years immediately preceding the current
21 model year.

22 (j) "Manufacturer" means a person, partnership, corporation,
23 or association engaged in the production and manufacture of ORVs
24 as a regular business.

25 (k) "Operate" means to ride in or on, and be in actual
26 physical control of, the operation of an ORV.

27 (l) "Operator" means a person who operates or is in actual

1 physical control of the operation of an ORV.

2 (m) "ORV" or "vehicle" means a motor driven off-road
3 recreation vehicle capable of cross-country travel without
4 benefit of a road or trail, on or immediately over land, snow,
5 ice, marsh, swampland, or other natural terrain. ORV or vehicle
6 includes, but is not limited to, a multitrack or multiwheel drive
7 vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or
8 4-wheel vehicle, an amphibious machine, a ground effect air
9 cushion vehicle, or other means of transportation deriving motive
10 power from a source other than muscle or wind. ORV or vehicle
11 does not include a registered snowmobile, a farm vehicle being
12 used for farming, a vehicle used for military, fire, emergency,
13 or law enforcement purposes, a vehicle owned and operated by a
14 utility company or an oil or gas company when performing
15 maintenance on its facilities or on property over which it has an
16 easement, a construction or logging vehicle used in performance
17 of its common function, or a registered aircraft.

18 (n) "Owner" means any of the following:

19 (i) A vendee or lessee of an ORV which is the subject of an
20 agreement for the conditional sale or lease of the ORV, with the
21 right of purchase upon performance of the conditions stated in
22 the agreement, and with an immediate right of possession vested
23 in the conditional vendee or lessee.

24 (ii) A person renting an ORV, or having the exclusive use of
25 an ORV, for more than 30 days.

26 (iii) A person who holds legal ownership of an ORV.

27 (o) "Person with disabilities" means a person who has 1 or

1 more of the following physical characteristics:

2 (i) Blindness.

3 (ii) Inability to ambulate more than 200 feet without having
4 to stop and rest, during any time of the year.

5 (iii) Loss of use of 1 or both legs or feet.

6 (iv) Inability to ambulate without the prolonged use of a
7 wheelchair, walker, crutches, braces, or other device required to
8 aid mobility.

9 (v) A lung disease from which the person's expiratory volume
10 for 1 second, when measured by spirometry, is less than 1 liter,
11 or from which the person's arterial oxygen tension is less than
12 60 mm/hg of room air at rest.

13 (vi) A cardiovascular disease from which the person measures
14 between 3 and 4 on the New York heart classification scale, or
15 from which a marked limitation of physical activity causes
16 fatigue, palpitation, dyspnea, or anginal pain.

17 (vii) Other diagnosed disease or disorder including, but not
18 limited to, severe arthritis or a neurological or orthopedic
19 impairment that creates a severe mobility limitation.

20 (p) "Personal information" means information that identifies
21 an individual, including an individual's driver identification
22 number, name, address not including zip code, and telephone
23 number, but does not include information on ORV operation or
24 equipment-related violations or civil infractions, operator or
25 vehicle registration status, accidents, or other
26 behaviorally-related information.

27 (q) "Public agency" means the department or a local or

1 federal unit of government.

2 (r) "Roadway" means that portion of a highway improved,
3 designated, or ordinarily used for vehicular travel. If a
4 highway includes 2 or more separate roadways, the term roadway
5 refers to a roadway separately, but not to all roadways
6 collectively.

7 (s) "Route" means a forest road or other road that is
8 designated for purposes of this part by the department.

9 (t) "Safety education fund" means the safety education fund
10 created under section 81118.

11 (u) "Safety chief instructor" means a person who has been
12 certified by a nationally recognized ATV and ORV organization to
13 certify instructors and to do on-sight evaluations of
14 instructors.

15 (v) "Trail improvement fund" means the ORV trail improvement
16 fund created ~~pursuant to~~ **under** section 81117.

17 (w) "Visual supervision" means the direct observation of the
18 operator with the unaided or normally corrected eye, where the
19 observer is able to come to the immediate aid of the operator.

20 Sec. 81123. (1) The department shall ~~by October 1, 1991,~~
21 develop a comprehensive plan for the management of ORV use of
22 areas, routes, and trails maintained by or under the jurisdiction
23 of the department or a local unit of government pursuant to
24 section 81131. The plan shall, as a minimum, set forth the
25 following methods and timetable:

26 (a) The inventorying, by appropriate means, of all areas,
27 forest roads, and forest trails used by or suitable for use by

1 ORVs.

2 (b) The identification and evaluation of the suitability of
3 areas, forest roads, and forest trails to sustain ORV use.

4 (c) The designation of areas, forest roads, and forest trails
5 for ORV use, including use by persons with disabilities.

6 (d) The development of resource management plans to maintain
7 areas, forest roads, or forest trails and to restore or
8 reconstruct damaged areas, forest roads, or forest trails. The
9 plans shall include consideration of the social, economic, and
10 environmental impact of ORV use.

11 (e) Specifications for trails and areas.

12 (2) The plan developed under subsection (1) shall be revised
13 every 2 years. The plan shall be submitted to the legislature
14 for approval. The legislature shall approve the plan without
15 amendment by concurrent resolution adopted by both standing
16 committees of the house of representatives and senate that
17 consider natural resources matters and both houses of the
18 legislature by recorded vote. The department shall submit any
19 subsequent revisions to the plan to the secretary of the senate
20 and the clerk of the house of representatives at least 20 session
21 days before the effective date of the revisions. If both
22 standing committees of the house of representatives and senate
23 that consider natural resources matters fail to reject the
24 revisions within those 20 session days, the revisions shall be
25 considered approved.

26 (3) The plan may designate where bicyclists, hikers,
27 equestrians, and other nonconflicting recreation trail users may

1 use ORV trails or areas.

2 (4) ~~By May 7, 1992, the~~ **The** department shall designate an
3 appropriate area in the northern Lower Peninsula and an
4 appropriate area in southeast Michigan as a scramble area.

5 (5) Copies of maps of trails shall be prepared and made
6 available by the department in sufficient quantities to accompany
7 each ORV certificate of title issued by the secretary of state
8 and to place in each county sheriff's office and each department
9 of natural resources field office.