

# SENATE BILL No. 1329

June 30, 2004, Introduced by Senators ALLEN, JELINEK, BARCIA, STAMAS and  
McMANUS and referred to the Committee on Natural Resources and Environmental  
Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 82119 (MCL 324.82119), as added by 1995 PA  
58.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 82119. A person shall not operate a snowmobile upon a  
2 public highway, land used as an airport or street, or on a public  
3 or private parking lot not specifically designated for the use of  
4 snowmobiles except under the following conditions and  
5 circumstances:

6       (a) A snowmobile may be operated on the right-of-way of a  
7 public highway, except a limited access highway, if it is  
8 operated at the extreme right of the open portion of the  
9 right-of-way and with the flow of traffic on the highway.

10 However, a snowmobile may be operated on the right-of-way of a

1 public highway against the flow of traffic if the right-of-way is  
2 a snowmobile trail designated by the department in the plan  
3 developed pursuant to section 82106(2) and is approved by the  
4 state transportation department and the department. Snowmobiles  
5 operated on the right-of-way of a public highway, as provided in  
6 this subdivision, shall travel single file and shall not be  
7 operated abreast except when overtaking and passing another  
8 snowmobile. In the absence of a posted snowmobile speed limit, a  
9 snowmobile operated on the right-of-way of a public highway, as  
10 provided in this subdivision, shall be limited to the speed limit  
11 posted on the public highway.

12 (b) A snowmobile may be operated on the right-of-way of a  
13 public highway that is a limited access highway if the  
14 right-of-way is a snowmobile trail designated by the department  
15 in the plan developed pursuant to section 82106(2) and is  
16 approved by the state transportation department and the  
17 department. A snowmobile shall be operated on that right-of-way  
18 in the manner provided in that plan.

19 (c) ~~(b)~~ A snowmobile may be operated on the roadway or  
20 shoulder when necessary to cross a bridge or culvert if the  
21 snowmobile is brought to a complete stop before entering onto the  
22 roadway or shoulder and the driver yields the right-of-way to an  
23 approaching vehicle on the highway.

24 (d) ~~(e)~~ In a court action in this state where competent  
25 evidence demonstrates that a vehicle that is permitted to be  
26 operated on a highway pursuant to the Michigan vehicle code, ~~Act~~  
27 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to~~

1 ~~257.923 of the Michigan Compiled Laws 1949 PA 300, MCL 257.1 to~~  
2 **257.923**, is in a collision with a snowmobile on a roadway, the  
3 driver of the snowmobile involved in the collision shall be  
4 considered prima facie negligent.

5       **(e)** ~~—(d)—~~ A snowmobile may be operated across a public  
6 highway other than a limited access highway, at right angles to  
7 the highway, for the purpose of getting from 1 area to another  
8 when the operation can be done in safety and another vehicle is  
9 not crossing the highway at the same time in the same general  
10 area. An operator shall bring his or her snowmobile to a  
11 complete stop before proceeding across the public highway and  
12 shall yield the right-of-way to all oncoming traffic.

13       **(f)** ~~—(e)—~~ Snowmobiles may be operated on a highway in a  
14 county road system that is not normally snowplowed for vehicular  
15 traffic and on the plowed right-of-way or shoulder when no  
16 right-of-way exists on a snowplowed highway in the county road  
17 system, outside the corporate limits of a city or village, that  
18 is designated and marked for snowmobile use by the county road  
19 commission having jurisdiction. Upon the request of a county  
20 road commission that has designated all county roads outside the  
21 corporate limits of a city or village for snowmobile use, the  
22 state transportation department shall erect at county road  
23 commission expense and shall maintain, in accordance with the  
24 Michigan manual of uniform traffic control devices standards, the  
25 basic snowmobile sign unit together with a supplemental panel  
26 stating "permitted on right-of-way or shoulder of all .....  
27 (county name) roads -- ~~—Act 74 of P.A. 1968—~~ **MCL 324.82119**" at

1 the county line on all state trunk line highways and county  
2 roads. **A sign erected before the effective date of the 2004**  
3 **amendatory act that amended this section may cite 1968 PA 74**  
4 **instead of citing this section.**

5 (g) ~~—(f)—~~ A ~~duly constituted~~ law enforcement officer of a  
6 local unit of government or the state may authorize use of a  
7 snowmobile on a public highway or street within his or her  
8 jurisdiction when an emergency occurs and conventional motor  
9 vehicles cannot be used for transportation due to snow or other  
10 extreme highway conditions.

11 (h) ~~—(g)—~~ A snowmobile may be operated on a highway or street  
12 for a special event of limited duration conducted according to a  
13 prearranged schedule only under permit from the governmental unit  
14 having jurisdiction. The event may be conducted on the frozen  
15 surface of public waters only under permit from the department.

16 (i) ~~—(h)—~~ A city or village by ordinance may designate 1 or  
17 more specific public highways or streets within its jurisdiction  
18 as egress and ingress routes for the use of snowmobiles. A city  
19 or village acting under the authority of this subdivision shall  
20 erect and maintain, in accordance with the Michigan manual of  
21 uniform traffic control devices standards, a sign unit giving  
22 proper notice of the designation.