

SNOWMOBILE CONVICTIONS: INFORMATION SHARING

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Senate Bill 415 as passed by the Senate

Sponsor: Sen. Michelle A. McManus

House Committee: Conservation, Forestry, and Outdoor Recreation

Senate Committee: Agriculture, Forestry, and Tourism

First Analysis (9-19-05)

BRIEF SUMMARY: The bill would require that the Department of Natural Resources seek to enter into agreements with the appropriate agencies of other states, in order to share the conviction records of snowmobile drivers, under certain conditions.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact on the state. The bill could increase costs for both the Department of Natural Resources and the Department of State for staff time, resources, and information technology required by collaborations with other states in tracking violators and updating snowmobile registrations and permits.

THE APPARENT PROBLEM:

In Michigan, there are 390,000 registered snowmobiles, the most of any state in the nation. Those who drive snowmobiles enjoy a system of designated and well-groomed trails that wind through some of the deepest snow and most spectacular scenery in the Midwest—a total of more than 6,200 miles of trails. Because Michigan's snowmobile permit fee is lower than surrounding states and provinces, its trails have lured snowmobile enthusiasts since snow machines first gained popularity in the early 1960s. As a result, snowmobiling is now a \$1 billion industry in Michigan each winter, according to the Department of Natural Resources.

Today, snow machines can travel at speeds approaching 125 miles per hour. When that speed is combined with reckless driving while under the influence of alcohol, most especially at night, traffic fatalities inevitably result. During the past six years (between 1999 and 2005), a total of 215 people have lost their lives in snowmobile accidents in Michigan. The peak year for snowmobile fatalities was 2002-2003 when 46 people died; last year the number dropped to 26.

A snowmobile operator does not have to get a license to operate a snow machine. Nonetheless, if snowmobilers are involved in accidents in which their alcohol consumption is a cause, their violations are recorded and entered in the Law Enforcement Information Network, or LEIN, the same as if they were driving a road vehicle. In addition, the Office of the Secretary of State is required to record other kinds of violations committed by those who apply to register snowmobiles, and to prohibit or revoke registrations when the driver demonstrates he or she is unreliable. There is, however, no nationwide electronic database in which the law enforcement officers affiliated with state or provincial departments of natural resources who investigate

snowmobile accidents can share information about violations or convictions. Neither is there a way to alert fellow officers in other states about those whose licenses have been revoked.

Some have suggested that Michigan law enforcement officials begin to work with their counterparts in other states to create such a database, by sharing information about snowmobilers' license revocations and other convictions.

THE CONTENT OF THE BILL:

Part 821 of the Natural Resources and Environmental Protection Act, entitled "Snowmobiles," requires the secretary of state to issue an order, with no expiration date, that a person not operate a snowmobile, when the secretary of state receives the appropriate records of conviction of the following:

- Two convictions of a felony involving the use of a snowmobile within seven years.
- Any combination of two convictions within seven years of operating a snowmobile while under the influence of alcohol or a controlled substance or with an unlawful blood alcohol content (BAC).
- One conviction of operating a snowmobile while under the influence or with an unlawful BAC and causing the death or a serious impairment of a body function of another person.
- Any combination of three convictions within 10 years of a violation listed above.

Senate Bill 415(S-3) would require that the Department of Natural Resources seek to enter into agreements with the appropriate agencies of other states to share the records of the convictions described above.

MCL 324.82148

HOUSE COMMITTEE ACTION:

The House Committee on Conservation, Forestry, and Outdoor Recreation reported out the Senate-passed bill without amendments. Some of the information in this analysis is derived from the Senate Fiscal Agency's analysis dated 8-16-05.

BACKGROUND INFORMATION:

For more information about Michigan's snowmobile trails and safety training programs visit the website of the Michigan Department of Natural Resources at <http://www.michigan.gov.dnr>

ARGUMENTS:

For:

Many of Michigan's early snowmobile trails, developed during the 1970s in the state's Upper Peninsula, linked restaurants and pubs so that snowmobile caravans could travel across the countryside throughout a wintry day, stopping periodically for food and refreshment. Those trails are still well-traveled. Some drivers using those trails ignore the warnings of law enforcement officials that drinking alcohol on such excursions impairs their ability to drive safely. Consequently, and despite the fact that the Michigan Snowmobile Association aggressively promotes a zero tolerance policy—No Drinking and Driving—fatalities and accidents involving alcohol occur each winter. Last year there were 26 fatalities, while over the past six years 215 people have died while snowmobiling in Michigan.

When snowmobilers' violations of the law are serious, the Office of the Secretary of State is required to prohibit or revoke a person's snowmobile registration. However, law enforcement officials across the United States do not have a way to share information about license revocations with each other. If a person's registration is revoked in, say, Wisconsin, a Michigan officer would have no way of knowing about it when the registrant was stopped here in Michigan. Indeed, registrants with a history of violations in either state remain unknown to officers in the other.

In order to begin the process of sharing the information about unsafe snowmobile drivers and increase safety on the trails and save lives, law enforcement officers must develop a national database of those with revoked license. This bill will allow law enforcement officials in the Department of Natural Resources to begin the process of sharing information with their counterparts in other states.

POSITIONS:

The Department of Natural Resources supports the bill. (9-15-05)

The Michigan Snowmobile Association supports the bill. (9-15-05)

Legislative Analyst: J. Hunault

■ 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.