

**SUBSTITUTE FOR
SENATE BILL NO. 415**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 82148 (MCL 324.82148), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82148. (1) Upon receipt of the appropriate records of
2 conviction, the secretary of state shall issue an order with no
3 expiration date that the person not operate a snowmobile to a
4 person having any of the following convictions, whether under a law
5 of this state, a local ordinance substantially corresponding to a
6 law of this state, or a law of another state substantially
7 corresponding to a law of this state:

8 (a) Two convictions of a felony involving the use of a
9 snowmobile within 7 years.

(b) Any combination of 2 convictions within 7 years for ~~1 or more of the following:~~

~~—— (i) A~~ A violation of section 82127(1), ~~former~~ section 15a(1) of ~~Act No. 74 of the Public Acts of 1968~~ **FORMER 1968 PA 74**, or ~~former~~ section 15a **OF FORMER 1968 PA 74, AS ADDED BY 1980 PA 402.**

~~—— (ii) A violation of section 82127(4) or (5) or former section 15a(4) or (5) of Act No. 74 of the Public Acts of 1968.~~

(c) One conviction under section 82127(4) or (5) or ~~former~~ section 15a(4) or (5) of ~~Act No. 74 of the Public Acts of 1968~~ **FORMER 1968 PA 74.**

(d) Any combination of 3 convictions within 10 years for a violation of section 82127(1) ~~—, OR (3), (4), or (5), former~~ section 15a(1) ~~—, OR (3) —, (4), or (5) of Act No. 74 of the Public Acts of 1968~~ **OF FORMER 1968 PA 74**, or ~~former~~ section 15a **OF FORMER 1968 PA 74, AS ADDED BY 1980 PA 402.**

(2) THE DEPARTMENT SHALL SEEK TO ENTER AGREEMENTS WITH THE APPROPRIATE AGENCIES OF OTHER STATES FOR THE SHARING OF RECORDS OF CONVICTIONS DESCRIBED IN SUBSECTION (1).

~~(3) —(2)—~~ The secretary of state shall issue an order with no expiration date that a person not operate a snowmobile notwithstanding a court order issued under section ~~82127, sections 82141 to~~ 82142, or a local ordinance substantially corresponding to section ~~82127 or sections 82141 to~~ 82142. The secretary of state shall not terminate an indefinite order issued under this part until both of the following occur:

(a) The later of the following:

(i) The expiration of not less than 1 year after the order was

1 issued.

2 (ii) The expiration of not less than 5 years after the date of
3 a subsequent issuance of an indefinite order occurring within 7
4 years after the date of a prior order.

5 (b) The person meets the requirements of the department of
6 state.

7 (4) ~~—(3)—~~ Multiple convictions or probate court dispositions
8 resulting from the same incident shall be treated as a single
9 violation for purposes of issuance of an order under this section.

10 (5) ~~—(4)—~~ A person who is aggrieved by the issuance of an
11 order by the secretary of state under this section may request a
12 hearing with the secretary of state. The hearing shall be requested
13 within 14 days after issuance of an order under this section by the
14 secretary of state. If a hearing is requested, the secretary of
15 state shall hold the hearing in the same manner and under the same
16 conditions as provided in section 322 of the Michigan vehicle code,
17 ~~Act No. 300 of the Public Acts of 1949, being section 257.322 of~~
18 ~~the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.322.

19 (6) ~~—(5)—~~ The hearing officer shall make a record of
20 proceedings held pursuant to subsection ~~—(2)—~~ (5). The record shall
21 be prepared and transcribed in accordance with section 86 of the
22 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
23 ~~Acts of 1969, being section 24.286 of the Michigan Compiled Laws~~
24 1969 PA 306, MCL 24.286. Upon notification of the filing of a
25 petition for judicial review pursuant to section 82150 and not less
26 than 10 days before the matter is set for review, the hearing
27 officer shall transmit to the court in which the petition is filed

1 the original or a certified copy of the official record of the
2 proceedings. The parties to the proceedings for judicial review may
3 stipulate that the record be shortened. A party unreasonably
4 refusing to stipulate to a shortened record may be taxed by the
5 court in which the petition is filed for the additional costs. The
6 court may permit subsequent corrections to the record.

7 (7) ~~—(6)—~~ Judicial review of an administrative sanction under
8 this section is governed by the law in effect at the time the
9 offense was committed or attempted.