

CHILDREN OF ANY AGE CAN RACE & RIDE ORVs AT ORGANIZED EVENTS W/O SAFETY CERTIFICATES

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Senate Bill 296

Sponsor: Sen. Ron Jelinek

House Committee: Tourism, Outdoor Recreation and Natural Resources

Senate Committee: Transportation

Complete to 4-28-08

A REVISED SUMMARY OF SENATE BILL 296 AS PASSED BY THE SENATE 3-12-08

Under Part 811 (Off-Road Vehicles) of the Natural Resources and Environmental Protection Act, generally speaking, a child under the age of 16 may not operate, and a parent or legal guardian of a child under 16 may not permit the child to operate, an off-road vehicle (ORV) unless the child is under the direct visual supervision of an adult and has in his or her possession an ORV safety certificate from Michigan or a comparable certificate issued by another state or Canadian province. Furthermore, children who are at least 10 but less than 12 are allowed to operate one type of ORV—a four-wheeled ATV or quad—only on private land owned by a parent or legal guardian.

(The ORV definition includes, among other things, SUVs, all-terrain vehicles, or ATVs, and motorcycles. See Background Information.)

Senate Bill 296 would amend Part 811 to permit children of any age to operate any type of ORV (except for a three-wheeled ATV) at an organized ORV riding or racing event conducted in accordance with the bill's requirements (and any rules promulgated by the Department of Natural Resources). At such events, children, regardless of age, would not be required to have an ORV safety certificate, and the rule prohibiting children between the age of 10 and 12 from operating four-wheeled ATVs except on private land owned by a parent or guardian would not apply.

Requirements. The following rules would apply:

- The child is participating in an organized ORV riding or racing event held on land that is not owned by the state.
- The child's parent or legal guardian has provided the event organizer with written permission for the child to participate in the event.
- The event organizer has at least \$500,000 liability insurance coverage for the event.
- A physician or physician's assistant, or a paramedic or emergency medical technician is present at the site of the event or is on call.
- The event is at all times under the supervision of adult staff of the event organizer, and a staff member serves as a "flagger" to warn ORV riders if another ORV rider is injured or an ORV is inoperable in the ORV operating area.

- Fencing or another means of crowd control is used to keep spectators out of the ORV operating area.
- If the event is on a closed course, dust is controlled in the ORV operating area and the riding surface is otherwise prepared properly.
- Participants do not use three-wheeled ATVs.
- Any ATVs used by participants are equipped with a side step bar or comparable safety equipment and with a tether kill switch, and all participants use the tether.
- Each participant in the event wears a U.S. Department of Transportation-approved crash helmet, a protective long-sleeved shirt or jacket, long pants, boots, and protective gloves.
- Any other applicable requirements of Part 811 or rules promulgated under it are met.

So long as these requirements (and any other applicable requirements of Part 811 or its rules) were satisfied, it would appear that children of any age could operate any type of ORV (except for a three-wheeled ATV) at an organized riding or racing event. It would appear, however, that the rule requiring children under the age of 16 to be under the direct visual supervision of an adult would still apply.

BACKGROUND INFORMATION:

Definition of ORV and ATV. ORVs are motor-driven "off-road" recreation vehicles capable of travel over natural terrain, including SUVs, motorcycles, ATVs, hovercraft, and dirt bikes. The definition of ORV expressly excludes snowmobiles, farm equipment, military and law enforcement vehicles, and utility company vehicles. ATVs such as "quads" are a subset of ORVs under Michigan's ORV definition (see below). A few ORVs, such as large SUVs or motorcycles, may have a license plate and can be operated on regular roads and highways as well as off road in some locations. Most ORVs are not "street licensed," however, and, generally speaking, cannot be operated on public roads. (But see House Bill 4323 for a proposal to open up more roads to ORV travel.)

MCL 324.81101(n) defines an ORV as:

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

MCL 324.81101(a) defines an ATV as:

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

The bill would retain the existing definitions of ORV or ATV.

FISCAL IMPACT:

There would be no fiscal impact on the state or on local governmental units.

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■ 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.