



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 530 (as enacted)
Sponsor: Senator Jason E. Allen
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Tourism, Outdoor Recreation and Natural Resources

PUBLIC ACT 27 of 2008

Date Completed: 4-14-08

RATIONALE

Michigan offers numerous opportunities to participate in outdoor recreational activities, including snowmobiling. Reportedly, approximately half of the snowmobile trails in the State are located on private property with landowners' permission. In order to prevent noise from creating a nuisance for these property owners, the Natural Resources and Environmental Protection Act requires snowmobiles operated on trails to be equipped with a muffler meeting a certain standard established by the Society of Automotive Engineers (SAE). The standard initially was set in 1977, and was updated in 2003. Because the Act did not refer to the new standard, however, law enforcement officers could not cite snowmobile operators who did not comply with it. It was suggested that the Act should be updated to refer to the new standard, and also to include a standard developed recently for a stationary snowmobile. In another matter, it was suggested that certain provisions related to snowmobile trails should apply specifically to trails located on or along a railroad right-of-way.

CONTENT

The bill amended Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act to revise provisions pertaining to noise emission from a snowmobile; limit certain provisions concerning snowmobile trails to those located on or along a railroad right-of-way; and establish a civil fine for a violation of the section the bill amended.

The bill took effect on March 13, 2008.

Previously, Part 821 prohibited a person from operating a snowmobile without a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle did not exceed 86 DBA (decibels on the "a" scale) on a sound meter having characteristics defined by the American Standards Association S1, 4-1966 "general purpose sound meter". Noise emission from a snowmobile manufactured after July 1, 1977, and sold or offered for sale in Michigan could not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 Society of Automobile Engineers Code J192a. This provision did not apply to a snowmobile being used in an organized race on a course used solely for racing.

Under the bill, instead, except as otherwise provided, a person may not operate a snowmobile unless it is equipped with a muffler in good working order and in constant operation from which noise emission does not exceed either of the following:

- For a snowmobile manufactured after July 1, 1977, and sold or offered for sale in Michigan, 78 decibels at 50 feet as measured under the 2003 SAE standard J192.
- For a stationary snowmobile manufactured after July 1, 1980, and sold or offered for sale in Michigan, 88

decibels, as measured using the 2004 SAE standard J2567.

A person is exempt from these requirements while operating a snowmobile under the following conditions:

- During an organized race on a course used solely for racing.
- On private property, with the property owner's permission, in preparation for an organized race, if the operation is in compliance with applicable local noise ordinances.

Part 821 also prohibits a person from operating a snowmobile on a railroad or railroad right-of-way, unless the person is using a designated snowmobile trail located on or along the right-of-way, or an at-grade snowmobile trail crossing of a right-of-way, that has been approved expressly in writing by the owner of the right-of-way and each railroad company using the tracks.

A snowmobile trail must be constructed, operated, and maintained by a person other than the person owning the railroad right-of-way and the railroad operator, except that an at-grade trail crossing of a right-of-way must be constructed and maintained by the railroad operator at the sole cost and expense of the trail operator, pursuant to terms of a lease agreement under which the person operating the trail agrees to do all of the following:

- Indemnify the person owning the railroad right-of-way and the person operating the railroad against any claims associated with, arising from, or incidental to the construction, maintenance, operation, and use of the trail or at-grade snowmobile trail crossing.
- Provide liability insurance in the amount of \$2.0 million naming the right-of-way owner and the railroad operator as named insureds.
- Meet any other obligations or provisions considered appropriate by the right-of-way owner or the railroad operator.

Under the bill, these requirements for construction, operation, and maintenance apply to a snowmobile trail located on or along a railroad right-of-way.

Under the bill, a person who violates Section 82126 (which the bill amended) is

responsible for a State civil infraction and must be ordered to pay a civil fine of not less than \$100 or more than \$250.

MCL 324.82126

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

People who operate snowmobiles in excess of reasonable noise levels disturb the property owners who open their land voluntarily to snowmobiling, and spoil this activity for everyone. By updating the standards in statute, the bill gives Department of Natural Resources officials and sheriff's departments the authority to ticket those who violate the most recent industry standards. This will help ensure that people can continue to enjoy snowmobiling on trails in Michigan.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will have an indeterminate positive impact on State government. Violations of this section will be State civil infractions and subject to civil fines. Revenue from these fines will benefit public libraries. The amount of revenue collected will depend on the number of violations.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.