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House Bill 4323 (Substitute S-1 as reported)

Sponsor: Representative Joel Sheltroun

House Committee: Tourism, Outdoor Recreation, and Natural Resources

Senate Committee: Natural Resources and Environmental Affairs

## **CONTENT**

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to do the following:

- Allow specific counties in the Lower Peninsula, all of the counties in the Upper Peninsula, and the townships, cities, and villages in them to adopt ordinances authorizing the operation of ORVs on the maintained portion of streets and roads.
- Allow the board of county road commissioners to close up to 30% of the linear miles of roads located within the county or township to ORV operation to protect the environment or if the operation of ORVs posed a particular and demonstrable threat to public safety.
- Allow a township board to adopt an ordinance to close a road to the operation of ORVs under a county ordinance.
- Delete existing provisions that allow local units to adopt ordinances authorizing access routes along streets and roads.
- Specify that the local ordinance provisions and any ordinance adopted under them would apply until five years after the bill's effective date.
- Require a person younger than 18 to possess an ORV safety certificate, and either possess a driver license or operate under the direct supervision of a parent or guardian in order to operate an ORV under a local ordinance.
- Prohibit a person under the age of 12 from operating an ORV under a local ordinance.
- Designate a violation of a local ordinance as a municipal civil infraction, and subject a violator to a civil fine and the costs of repairing any damage he or she caused.
- Require the fine revenue and damages to be deposited into a local unit's "ORV Fund", and allocate half to the local law enforcement unit, and half to the entity responsible for street and road maintenance.
- Increase the minimum fine for certain misdemeanor violations.

The bill is tie-barred to House Bill 5559, which would amend the Insurance Code to authorize the Commissioner of Financial and Insurance Regulation to order a refund of casualty or fire insurance premiums if the rates were excessive or unfairly discriminatory.

MCL 324.31106 et al.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of violating Part 811. To the extent that the bill resulted in an increase or decrease in convictions or incarceration time, local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 6-13-08

Fiscal Analyst: Lindsay Hollander