



Senate Fiscal Agency  
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**BILL ANALYSIS**

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Senate Bill 934 (as reported without amendment)  
Sponsor: Senator Ron Jelinek  
Committee: Natural Resources and Environmental Affairs

(as enrolled)

Date Completed: 11-9-09

**RATIONALE**

Part 811 of the Natural Resources and Environmental Protection Act regulates the use of off-road recreation vehicles (ORVs). Farm vehicles, however, are excluded from regulation under Part 811. Since ORVs evidently are being used widely in place of other less efficient, more costly farm equipment, it has been suggested that the term "farm vehicle" be defined in statute to ensure that the law is enforced appropriately.

**CONTENT**

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to define "farm vehicle" as an implement of husbandry as defined in the Michigan Vehicle Code or a vehicle used in connection with a farm operation as defined in the Michigan Right to Farm Act.

Part 811 defines "ORV" as a motor driven ORV 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. The term does not include a farm vehicle being used for farming.

(Under the Michigan Vehicle Code, "implement of husbandry" means a vehicle that is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle that directly harvests farm products, or a vehicle that directly applies fertilizer, spray, or seeds to a farm field. Under the Right to Farm Act, "farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary

on a farm in connection with the commercial production, harvesting, and storage of farm products.)

MCL 324.81101

**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**

Off-road vehicles can be useful for many farming activities, such as fencing installation and maintenance, the spraying of fields and orchards, the collection of rocks, and the calibration of irrigation systems. As use of ORVs increases, it is important that the term "farm vehicle" be defined precisely. The bill would not change existing ORV regulations or the farm vehicle exemption, but would assist law enforcement officers in determining whether an ORV was being operated in conjunction with a legitimate agricultural purpose.

Legislative Analyst: Julie Cassidy

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.