

HOUSE BILL No. 6159

May 12, 2010, Introduced by Rep. Lindberg and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 2001, 2015, 71101, 71102, 71103, 71108, 81101,
81102, 81103, 81104, 81105, 81106, 81107, 81108, 81109, 81110,
81111, 81112, 81113, 81114, 81114a, and 81114c (MCL 324.2001,
324.2015, 324.71101, 324.71102, 324.71103, 324.71108, 324.81101,
324.81102, 324.81103, 324.81104, 324.81105, 324.81106, 324.81107,
324.81108, 324.81109, 324.81110, 324.81111, 324.81112, 324.81113,
324.81114, 324.81114a, and 324.81114c), section 2001 as amended by
2010 PA 32, section 2015 as added and sections 71101, 71108, and
81110 as amended by 2004 PA 587, section 71102 as amended by 2000
PA 405, sections 71103, 81102, 81103, 81104, 81105, 81106, 81107,
and 81111 as added by 1995 PA 58, section 81101 as amended by 2009
PA 200, section 81108 as amended by 2005 PA 39, section 81109 as

amended by 1996 PA 175, section 81112 as amended by 2005 PA 271, section 81113 as amended and section 81114a as added by 1997 PA 102, section 81114 as amended by 2009 PA 100, and section 81114c as amended by 2000 PA 194, and by adding sections 81113a, 81113b, 81113c, 81113d, 81113e, 81113f, 81113g, and 81113h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2001. As used in this part:

2 (a) "Forest recreation account" means the forest recreation
3 account of the legacy fund provided for in section 2005.

4 (b) "Game and fish protection account" means the game and fish
5 protection account of the legacy fund provided for in section 2010.

6 (c) "Legacy fund" means the Michigan conservation and
7 recreation legacy fund established in section 40 of article IX of
8 the state constitution of 1963 and provided for in section 2002.

9 (d) ~~"Off-road"~~ **"OFF-HIGHWAY"** vehicle account" means the ~~off-road~~
10 **OFF-HIGHWAY** vehicle account of the legacy fund provided for in
11 section 2015.

12 (e) "Recreation improvement account" means the recreation
13 improvement account of the legacy fund provided for in section
14 2020.

15 (f) "Recreation passport fee" means a state park and state-
16 operated public boating access site recreation passport fee paid
17 under section 805 of the Michigan vehicle code, 1949 PA 300, MCL
18 257.805, or under rules promulgated under section 74120(2).

19 (g) "Snowmobile account" means the snowmobile account of the
20 legacy fund provided for in section 2025.

21 (h) "State park improvement account" means the state park

1 improvement account of the legacy fund provided for in section
2 2030.

3 (i) "Waterways account" means the waterways account of the
4 legacy fund provided for in section 2035.

5 Sec. 2015. (1) The off-road vehicle account is established as
6 an account within the legacy fund. **BEGINNING ON THE EFFECTIVE DATE**
7 **OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, THE OFF-ROAD**
8 **VEHICLE ACCOUNT MAY BE KNOWN AS THE OFF-HIGHWAY VEHICLE ACCOUNT.**

9 (2) The ~~off-road~~ **OFF-HIGHWAY** vehicle account shall consist of
10 both of the following:

11 (a) All money in the trail improvement fund, formerly created
12 in section 81117, and the safety education fund, formerly created
13 in section 81118, immediately prior to the effective date of the
14 amendatory act that added this section, which money is ~~hereby~~
15 transferred to the ~~off-road~~ **OFF-HIGHWAY** vehicle account.

16 (b) Revenue deriving from either of the following sources:

17 (i) Revenue from fees imposed upon the use or registration of
18 ~~off-road~~ **OFF-HIGHWAY** vehicles.

19 (ii) Other revenues as authorized by law.

20 (3) Money in the ~~off-road~~ **OFF-HIGHWAY** vehicle account shall be
21 expended, upon appropriation, only as provided in part 811 and for
22 the administration of the ~~off-road~~ **OFF-HIGHWAY** vehicle account.

23 (4) Money in the ~~off-road~~ **OFF-HIGHWAY** vehicle account may be
24 expended pursuant to subsection (3) for grants to state colleges
25 and universities to implement programs funded by the ~~off-road~~ **OFF-**
26 **HIGHWAY** vehicle account.

27 Sec. 71101. As used in this part:

(a) "Associated facilities" means restrooms, shelters, campgrounds, and parking lots directly related to trails or waterways projects.

(b) ~~"Off-road"~~ **"OFF-HIGHWAY"** vehicle" means ~~ORV-OHV~~ as it is defined in part 811, which is required to be registered under part 811.

(c) ~~"Off-road"~~ **"OFF-HIGHWAY"** vehicle account" means the ~~off-road~~ **OFF-HIGHWAY** vehicle account of the Michigan conservation and recreation legacy fund provided for in section 2015.

(D) **"OFF-HIGHWAY VEHICLE REGISTRATION FEE SUBACCOUNT" MEANS THE OFF-HIGHWAY VEHICLE REGISTRATION FEE SUBACCOUNT OF THE OFF-HIGHWAY VEHICLE ACCOUNT CREATED IN SECTION 81113F.**

(E) ~~(d)~~ "Recreation improvement account" means the recreation improvement account of the Michigan conservation and recreation legacy fund provided for in section 2020.

(F) ~~(e)~~ "Recreational projects" means, in addition to the activities provided for in this part, the construction, maintenance, and operation of trails and associated facilities that may be used by ~~off-road~~ **OFF-HIGHWAY** vehicles, cross-country skiers, horseback riders, and hikers, and inland lake cleanup grants as provided by part 309.

(G) ~~(f)~~ "Snowmobile account" means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.

(H) ~~(g)~~ "Vessel" means all watercraft except the following:

(i) Watercraft used for commercial fishing.

(ii) Watercraft used by the sea scout department of the boy

1 scouts of America chiefly for training scouts in seamanship.

2 (iii) Watercraft owned by this state, any political subdivision
3 of this state, or the federal government.

4 (iv) Watercraft when used in interstate or foreign commerce and
5 watercraft used or owned by any railroad company or railroad car
6 ferry company.

7 (v) Watercraft when used in trade, including watercraft when
8 used in connection with an activity that constitutes a person's
9 chief business or means of livelihood.

10 (I) ~~(h)~~ "Watercraft" means any contrivance that is used or
11 designed for navigation on water, including, but not limited to,
12 any vessel, ship, boat, motor vessel, steam vessel, vessel operated
13 by machinery, motorboat, sailboat, barge, scow, tugboat, and
14 rowboat, but does not include watercraft used or owned by the
15 United States.

16 (J) ~~(i)~~ "Waterways account" means the waterways account of the
17 Michigan conservation and recreation legacy fund provided for in
18 section 2035.

19 Sec. 71102. (1) There is a privilege tax imposed on all
20 gasoline and diesel fuel sold in this state that is used to
21 generate power for the operation or propulsion of vessels on the
22 waterways of this state, of ~~off-road~~ **OFF-HIGHWAY** vehicles, and of
23 snowmobiles.

24 (2) The privilege tax imposed on gasoline and undyed diesel
25 fuel shall be paid to the department of treasury in the same
26 manner, at the same time, and at the same rate per gallon as the
27 tax levied under the motor fuel tax act. The privilege tax imposed

1 on dyed diesel fuel shall be paid to the department of treasury by
2 the retail distributor or other person who sells the dyed diesel
3 fuel to a person who uses the fuel to generate power for the
4 operation or propulsion of vessels on the waterways of this state,
5 of ~~off-road~~ **OFF-HIGHWAY** vehicles, and of snowmobiles. The privilege
6 tax imposed by this section shall not apply to liquefied petroleum
7 gas.

8 Sec. 71103. (1) The legislature finds that 2.0% of all of the
9 gasoline sold in this state for consumption in internal combustion
10 engines is used to generate power for the operation or propulsion
11 of vessels on the waterways of this state, of ~~off-road~~ **OFF-HIGHWAY**
12 vehicles, and of snowmobiles.

13 (2) The department and the state transportation department
14 shall prepare a joint report to the legislature by January 1, 1992,
15 providing their estimate of actual gasoline and diesel fuel usage
16 based on any data collected from March 30, 1988 to January 1, 1991
17 and their observation of the historical trends of gasoline and
18 diesel fuel usage in this state for the following categories:

19 (a) ~~Off-road~~ **OFF-HIGHWAY** vehicles.

20 (b) Watercraft.

21 (c) Snowmobiles.

22 Sec. 71108. (1) The state treasurer shall annually review and
23 make recommendations to the legislature on the distributions of the
24 recreation improvement account, including recreational projects and
25 geographic locations.

26 (2) Money in the recreation improvement account shall be
27 distributed as follows:

1 (a) Eighty percent of the money shall be annually transferred
2 to the waterways account.

3 (b) Fourteen percent of the money shall be annually
4 transferred to the snowmobile account.

5 (c) The remainder of the money that is not transferred under
6 subdivisions (a) and (b) shall be used, upon appropriation, for
7 recreation projects and for the administration of the recreation
8 improvement account. Of the money credited to recreational projects
9 in a fiscal year, not less than 25% shall be expended on projects
10 to repair damages as a result of pollution, impairment, or
11 destruction of air, water, or other natural resources, or the
12 public trust in air, water, or other natural resources, as a result
13 of the use of ~~off-road~~ **OFF-HIGHWAY** vehicles.

14 Sec. 81101. As used in this part:

15 (a) "ATV" means a 3-, 4-, or 6-wheeled vehicle designed for
16 ~~off-road~~ **OFF-HIGHWAY** use that has low-pressure tires, has a seat
17 designed to be straddled by the rider, and is powered by a 50cc to
18 1,000cc gasoline engine or an engine of comparable size using other
19 fuels.

20 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL
21 257.1 to 257.923.

22 (c) "Dealer" means a person engaged in the sale, lease, or
23 rental of an ~~ORV~~ **OHV** as a regular business or, for purposes of
24 selling licenses under section 81116, any other person authorized
25 by the department to sell licenses or permits, or both, under this
26 act.

27 (d) "Designated", unless the context implies otherwise, means

1 posted open for ~~ORV~~-OHV use with appropriate signs by the
2 department.

3 (E) "ENFORCEMENT OFFICER" MEANS ANY OF THE FOLLOWING:

4 (i) A SHERIFF.

5 (ii) A SHERIFF'S DEPUTY.

6 (iii) AN INDIVIDUAL WHO IS AUTHORIZED BY A SHERIFF TO ENFORCE
7 THIS PART AND WHO HAS SATISFACTORILY COMPLETED AT LEAST 40 HOURS OF
8 LAW ENFORCEMENT TRAINING, INCLUDING TRAINING SPECIFIC TO THIS PART.

9 (iv) A VILLAGE OR TOWNSHIP MARSHAL.

10 (v) AN OFFICER OF THE POLICE DEPARTMENT OF ANY MUNICIPALITY.

11 (vi) AN OFFICER OF THE MICHIGAN STATE POLICE.

12 (vii) THE DIRECTOR AND CONSERVATION OFFICERS EMPLOYED BY THE
13 DEPARTMENT.

14 (viii) A LAW ENFORCEMENT OFFICER WHO IS CERTIFIED PURSUANT TO
15 THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
16 28.601 TO 28.616, AS LONG AS THAT OFFICER IS POLICING WITHIN HIS OR
17 HER JURISDICTION.

18 (F) ~~(e)~~-"Farm vehicle" means either of the following:

19 (i) An implement of husbandry as that term is defined in
20 section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

21 (ii) A vehicle used in connection with a farm operation as that
22 term is defined in section 2 of the Michigan right to farm act,
23 1981 PA 93, MCL 286.472.

24 (G) ~~(f)~~-"Forest road" means a hard surfaced road, gravel or
25 dirt road, or other route capable of travel by a 2-wheel drive, 4-
26 wheel conventional vehicle designed for highway use, except an
27 interstate, state, or county highway.

1 (H) ~~(g)~~ "Forest trail" means a designated path or way capable
2 of travel only by a vehicle less than 50 inches in width.

3 (I) ~~(h)~~ "Highway" means the entire width between the boundary
4 lines of a way publicly maintained when any part of the way is open
5 to the use of the public for purposes of vehicular travel.

6 (J) ~~(i)~~ "Highly restricted personal information" means an
7 individual's photograph or image, social security number, digitized
8 signature, and medical and disability information.

9 (K) ~~(j)~~ "Late model ~~ORV-OHV~~" means an ~~ORV-OHV~~ manufactured in
10 the current model year or the 5 model years immediately preceding
11 the current model year.

12 (L) ~~(k)~~ "Manufacturer" means a person, partnership,
13 corporation, or association engaged in the production and
14 manufacture of ~~ORVs-OHVs~~ as a regular business.

15 (M) ~~(l)~~ "~~Off-road~~ **OFF-HIGHWAY** vehicle account" means the ~~off-~~
16 ~~road~~ **OFF-HIGHWAY** vehicle account of the Michigan conservation and
17 recreation legacy fund established in section 2015.

18 ~~(m) "Operate" means to ride in or on, and be in actual~~
19 ~~physical control of, the operation of an ORV.~~

20 ~~(n) "Operator" means a person who operates or is in actual~~
21 ~~physical control of the operation of an ORV.~~

22 (N) ~~(o)~~ "~~ORV~~ **OHV**" or "vehicle" means a motor-driven off-road
23 recreation vehicle capable of cross-country travel without benefit
24 of a road or trail, on or immediately over land, snow, ice, marsh,
25 swampland, or other natural terrain. ~~ORV-OHV~~ or vehicle includes,
26 but is not limited to, a multitrack or multiwheel drive vehicle, an
27 ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-wheel

1 vehicle, an amphibious machine, a ~~ground effect air cushion~~
2 ~~vehicle~~, or other means of transportation deriving motive power
3 from a source other than muscle or wind. ~~ORV-OHV~~ or vehicle does
4 not include a registered snowmobile, a farm vehicle being used for
5 farming, a vehicle used for military, fire, emergency, or law
6 enforcement purposes, a vehicle owned and operated by a utility
7 company or an oil or gas company when performing maintenance on its
8 facilities or on property over which it has an easement, a
9 construction or logging vehicle used in performance of its common
10 function, or a registered aircraft.

11 (O) "OPERATE" MEANS TO RIDE IN OR ON, AND BE IN ACTUAL
12 PHYSICAL CONTROL OF, THE OPERATION OF AN OHV.

13 (P) "OPERATOR" MEANS A PERSON WHO OPERATES OR IS IN ACTUAL
14 PHYSICAL CONTROL OF THE OPERATION OF AN OHV.

15 (Q) "OTHER ROAD" MEANS A LINEAR ROUTE CAPABLE OF SUSTAINING
16 OHV TRAFFIC UP TO 72 INCHES IN WIDTH THAT IS NOT A HIGHWAY OR
17 FOREST ROAD. OTHER ROAD INCLUDES, BUT IS NOT LIMITED TO, FORMER
18 LOGGING ACCESS ROADS, ABANDONED STATE OR COUNTY ROADS, AND
19 ABANDONED RAILROAD BEDS THAT ARE NOT DEDICATED FOR OTHER USES.

20 (R) ~~(p)~~ "Owner" means any of the following:

21 (i) A vendee or lessee of an ~~ORV-OHV~~ that is the subject of an
22 agreement for the conditional sale or lease of the ~~ORV-OHV~~, with
23 the right of purchase upon performance of the conditions stated in
24 the agreement, and with an immediate right of possession vested in
25 the conditional vendee or lessee.

26 (ii) A person renting an ~~ORV-OHV~~, or having the exclusive use
27 of an ~~ORV-OHV~~, for more than 30 days.

1 (iii) A person who holds legal ownership of an ~~ORV-OHV~~.

2 (S) ~~(q)~~—"Person with disabilities" means a person who has 1 or
3 more of the following physical characteristics:

4 (i) Blindness.

5 (ii) Inability to ambulate more than 200 feet without having to
6 stop and rest during any time of the year.

7 (iii) Loss of use of 1 or both legs or feet.

8 (iv) Inability to ambulate without the prolonged use of a
9 wheelchair, walker, crutches, braces, or other device required to
10 aid mobility.

11 (v) A lung disease from which the person's expiratory volume
12 for 1 second, when measured by spirometry, is less than 1 liter, or
13 from which the person's arterial oxygen tension is less than 60
14 mm/hg of room air at rest.

15 (vi) A cardiovascular disease from which the person measures
16 between 3 and 4 on the New York heart classification scale, or from
17 which a marked limitation of physical activity causes fatigue,
18 palpitation, dyspnea, or anginal pain.

19 (vii) Other diagnosed disease or disorder including, but not
20 limited to, severe arthritis or a neurological or orthopedic
21 impairment that creates a severe mobility limitation.

22 (T) ~~(r)~~—"Personal information" means information that
23 identifies an individual, including an individual's driver
24 identification number, name, address not including zip code, and
25 telephone number, but does not include information on ~~ORV-OHV~~
26 operation or equipment-related violations or civil infractions,
27 operator or vehicle registration status, accidents, or other

1 behaviorally-related information.

2 (U) ~~(s)~~-"Public agency" means the department or a local or
3 federal unit of government.

4 (V) ~~(t)~~-"Roadway" means that portion of a highway improved,
5 designated, or ordinarily used for vehicular travel. If a highway
6 includes 2 or more separate roadways, the term roadway refers to a
7 roadway separately, but not to all roadways collectively.

8 (W) ~~(u)~~-"Route" means a forest road or other road that is
9 designated for purposes of this part by the department.

10 (X) ~~(v)~~-"Safety chief instructor" means a person who has ~~been~~
11 ~~certified by a nationally recognized ATV and ORV organization to~~
12 ~~certify instructors and to do on sight evaluations of instructors~~
13 **COMPLETED NATIONALLY RECOGNIZED SAFETY TRAINING FOR ALL OHV TYPES.**

14 (Y) ~~(w)~~-"Visual supervision" means the direct observation of
15 the operator with the unaided or normally corrected eye, where the
16 observer is able to come to the immediate aid of the operator.

17 Sec. 81102. (1) A vehicle registered under the code or a
18 vehicle registered under part 801 is exempt from the ~~license~~
19 **TRAIL PERMIT** provisions of this part, unless the vehicle is
20 operated as an ~~ORV-OHV~~ off highways, roadways, streets, and forest
21 roads.

22 (2) An ~~ORV-OHV~~ operated solely on private property by the
23 owner of the property, a family member of the owner, or an invited
24 guest of the owner is exempt from the ~~license~~**-TRAIL PORTRAIT**
25 provisions of this part.

26 Sec. 81103. (1) After April 1, 1991, every ~~ORV-OHV~~ sold by a
27 dealer to a retail purchaser shall be subject to the certificate of

1 title provisions of this part.

2 (2) After April 1, 1991, a person who purchases or otherwise
3 acquires an ~~ORV-OHV~~ shall make application for a certificate of
4 title as provided in this part.

5 (3) After April 1, 1991, the owner of an ~~ORV-OHV~~ that has not
6 been titled ~~pursuant to~~ **UNDER** subsection (1) or (2) or the code may
7 apply for and, if otherwise eligible, receive a certificate of
8 title issued under this part. If the ~~ORV-OHV~~ was previously titled
9 under the code, it is not eligible for titling under this part.

10 Sec. 81104. The owner of an ~~ORV-OHV~~ that has been and is
11 titled under this part may, if the ~~ORV-OHV~~ is otherwise eligible,
12 apply for a title to the ~~ORV-OHV~~ under the code. If the owner
13 applies for a title under the code, the title issued under this
14 part shall at that time be surrendered to the department of state.

15 Sec. 81105. After an ~~ORV-OHV~~ has been titled under this part,
16 both of the following shall occur:

17 (a) The owner, except as provided in section 81104, shall not
18 sell or otherwise assign ownership in the ~~ORV-OHV~~ without
19 delivering to the transferee a certificate of title showing
20 assignment of the ~~ORV-OHV~~ in the transferee's name.

21 (b) A person shall not purchase or otherwise acquire an ~~ORV~~
22 **OHV** without obtaining a certificate of title to it in the person's
23 name pursuant to either this part or the code.

24 Sec. 81106. An ~~ORV-OHV~~ is exempt from the motor vehicle
25 accident claims act, ~~Act No. 198 of the Public Acts of 1965, being~~
26 ~~sections 257.1101 to 257.1133 of the Michigan Compiled Laws 1965 PA~~
27 **198, MCL 257.1101 TO 257.1133**, and from sections 3101 to 3179 of

1 the insurance code of 1956, ~~Act No. 218 of the Public Acts of 1956,~~
2 ~~being sections 500.3101 to 500.3179 of the Michigan Compiled Laws~~
3 **1956 PA 218, MCL 500.3101 TO 500.3179.**

4 Sec. 81107. (1) A person shall not sell or otherwise transfer
5 an ~~ORV-OHV~~ to a dealer, to be used by the dealer for purposes of
6 display and resale, without delivering to the dealer a
7 manufacturer's certificate of origin executed in accordance with
8 this section. A dealer shall not purchase or otherwise acquire a
9 new ~~ORV-OHV~~ without obtaining a manufacturer's certificate of
10 origin.

11 (2) A manufacturer's certificate of origin shall contain the
12 following information:

13 (a) A description of the ~~ORV-OHV~~, including year, make, model
14 or series, and vehicle identification number.

15 (b) Certification of the date of the transfer of the ~~ORV-OHV~~
16 to the dealer.

17 (c) The dealer's name and address.

18 (d) Certification that this transaction is the first transfer
19 of the new ~~ORV-OHV~~ in ordinary commerce.

20 (e) The transferor's signature and address.

21 (3) An assignment of a manufacturer's certificate of origin
22 shall be printed on the reverse side of the certificate. The
23 assignment shall include the name and address of the transferee, a
24 certification that the ~~ORV-OHV~~ is new, and a warranty that the
25 title at the time of delivery is subject only to the secured
26 interests set forth in the assignment.

27 Sec. 81108. (1) An application for an ~~ORV-OHV~~ certificate of

1 title shall be on a form prescribed by the department of state. The
2 application shall be certified by the owner or purchaser and shall
3 contain, in addition to other information required by the
4 department of state, the following information:

5 (a) The applicant's name and address.

6 (b) A statement of any security interest or other liens on the
7 ~~ORV-OHV~~, along with the name and address of any lienholder.

8 (c) If a lien is not outstanding, a statement of that fact.

9 (d) A description of the ~~ORV-OHV~~, including the year, make,
10 model or series, and vehicle identification number.

11 (2) An application for an ~~ORV-OHV~~ certificate of title that
12 indicates the existence of a security interest in the ~~ORV-OHV~~
13 shall, if requested by the security interest holder, be accompanied
14 by a copy of the security agreement, which may be unsigned. The
15 department of state shall indicate on the copy the date and place
16 of filing and shall return the copy to the person who filed the
17 application. The filer shall forward the copy to the security
18 interest holder identified in the application.

19 (3) Receipt by the secretary of state of a properly tendered
20 application for an ~~ORV-OHV~~ certificate of title that indicates the
21 existence of a security interest in the ~~ORV-OHV~~ is a condition of
22 perfection of a security interest in the ~~ORV-OHV~~ and is equivalent
23 to filing a financing statement under the uniform commercial code,
24 1962 PA 174, MCL 440.1101 to 440.11102, with respect to the ~~ORV~~
25 ~~OHV~~. When a security interest in an ~~ORV-OHV~~ is perfected, it has
26 priority over the rights of a lien creditor as lien creditor is
27 defined in section 9102 of the uniform commercial code, 1962 PA

1 174, MCL 440.9102.

2 Sec. 81109. (1) The purchaser or other transferee of an ~~ORV~~
3 ~~OHV~~ subject to the titling provisions of this part shall, except as
4 provided in subsection (2), make application to the department of
5 state for issuance of a certificate of title to the ~~ORV-OHV~~. The
6 application shall be filed within 15 days after the date of
7 purchase or transfer.

8 (2) A dealer selling ~~ORVs-OHVS~~ at retail, within 15 days after
9 delivering an ~~ORV-OHV~~ to a retail purchaser, shall make application
10 for issuance of an ~~ORV-OHV~~ certificate of title in the purchaser's
11 name. The purchaser of the ~~ORV-OHV~~ shall sign the application and
12 other papers necessary to enable the dealer to secure the title
13 from the department of state. If the ~~ORV-OHV~~ was not previously
14 titled, the application shall be accompanied by a manufacturer's
15 certificate of origin.

16 (3) At the request of the applicant, the department of state
17 shall process an application for an ~~ORV-OHV~~ certificate of title on
18 an expedited basis.

19 (4) An application filed with the department of state pursuant
20 ~~to~~-UNDER this section shall be accompanied by the fee or fees
21 prescribed in section 81110.

22 (5) Beginning January 1, 1992, a person who violates this
23 section is responsible for a state civil infraction and may be
24 ordered to pay a civil fine of not more than \$100.00.

25 Sec. 81110. (1) The department of state shall charge a fee of
26 \$11.00 for processing an application for an ~~ORV-OHV~~ certificate of
27 title or a duplicate ~~ORV-OHV~~ certificate of title. The department

1 of state shall charge an additional fee of \$5.00 for processing an
2 application on an expedited basis.

3 (2) If a check or draft in payment of a ~~required~~ fee
4 **PRESCRIBED IN SUBSECTION (1)** is not paid on its first presentation,
5 the fee is delinquent as of the date the check or draft was
6 tendered. The person tendering the check or draft remains liable
7 for the payment of each fee and any penalty.

8 (3) The department of state may suspend an ~~ORV-OHV~~ certificate
9 of title if the department of state determines that a fee
10 prescribed in ~~this section~~ **SUBSECTION (1)** has not been paid and
11 remains unpaid after reasonable notice or demand.

12 (4) If a fee **PRESCRIBED IN SUBSECTION (1)** is still delinquent
13 15 days after the department of state has given notice to a person
14 who tendered the check or draft, a \$10.00 penalty shall be assessed
15 and collected in addition to the fee.

16 (5) The revenue collected from the fees imposed under this
17 section shall be used to support the administrative costs of the
18 secretary of state required by this section. Annual revenue
19 collected in excess of these administrative costs shall be credited
20 to the ~~off-road~~ **OFF-HIGHWAY** vehicle account. Amounts appropriated
21 for administrative costs but unexpended shall be credited to the
22 ~~off-road~~ **OFF-HIGHWAY** vehicle account.

23 Sec. 81111. (1) The department of state may refuse to issue an
24 original or duplicate ~~ORV-OHV~~ certificate of title if any of the
25 following occur:

26 (a) The applicant fails to furnish all required information or
27 reasonable additional information requested by the department of

1 state.

2 (b) The required fee has not been paid.

3 (c) The applicant is not entitled to an ~~ORV-OHV~~ certificate of
4 title under this part.

5 (d) The ~~ORV-OHV~~ is titled under the code.

6 (e) The application contains a false or fraudulent statement.

7 (f) The department of state has reasonable grounds to believe
8 that the ~~ORV-OHV~~ was stolen or embezzled.

9 (2) If satisfied that the applicant is the owner of the ~~ORV~~
10 ~~OHV~~ and is otherwise entitled to an ~~ORV-OHV~~ certificate of title,
11 the department of state shall issue an ~~ORV-OHV~~ certificate of title
12 in the applicant's name. The certificate shall be mailed or
13 otherwise delivered to the owner of the ~~ORV-OHV~~ or to another
14 person specified by the owner in a separate instrument, in a form
15 prescribed by the department of state.

16 (3) If the secretary of state is not satisfied as to the
17 ownership of an ~~ORV-OHV~~ which is not a late model ~~ORV-OHV~~ and whose
18 value does not exceed \$1,500.00, the secretary of state shall
19 require the applicant to certify that the applicant is the owner of
20 the ~~ORV-OHV~~ and therefore entitled to make application for a
21 certificate of title for the ~~ORV-OHV~~.

22 Sec. 81112. (1) An ~~ORV-OHV~~ certificate of title shall be
23 manufactured in a manner to prevent as nearly as possible the
24 reproduction, alteration, counterfeiting, forging, or duplication
25 of the certificate without ready detection. An ~~ORV-OHV~~ certificate
26 of title shall contain on its face the information set forth in the
27 application, including a notation of all secured interests in the

1 ~~ORV-OHV~~, the date on which the application was filed, and other
2 information required by the department of state.

3 (2) The department of state shall prescribe a uniform method
4 of numbering ~~ORV-OHV~~ certificates of title.

5 (3) An ~~ORV-OHV~~ certificate of title shall contain a form for
6 assignment and warranty of title by the owner with space for the
7 notation of a security interest in the ~~ORV-OHV~~. The ~~ORV-OHV~~
8 certificate of title may also contain other forms that the
9 department of state considers necessary to facilitate the effective
10 administration of this part. The certificate shall bear the coat of
11 arms of this state.

12 (4) A person who intentionally reproduces, alters,
13 counterfeits, forges, or duplicates an ~~ORV-OHV~~ certificate of title
14 or who uses a reproduced, altered, counterfeited, forged, or
15 duplicated ~~ORV-OHV~~ certificate of title is subject to the following
16 penalties:

17 (a) If the intent of reproduction, alteration, counterfeiting,
18 forging, duplication, or use was to commit or aid in the commission
19 of an offense punishable by imprisonment for 1 or more years, the
20 person committing the reproduction, alteration, counterfeiting,
21 forging, duplication, or use is guilty of a misdemeanor punishable
22 by imprisonment for a period equal to that which could be imposed
23 for the commission of the offense the person had the intent to aid
24 or commit or a fine of not more than \$5,000.00, or both.

25 (b) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use was to commit or aid
27 in the commission of an offense punishable by imprisonment for not

1 more than 1 year, the person committing the reproduction,
2 alteration, counterfeiting, forging, duplication, or use is guilty
3 of a misdemeanor punishable by imprisonment for not more than 1
4 year or a fine of not more than \$1,000.00, or both.

5 Sec. 81113. (1) If an ~~ORV~~-OHV certificate of title or
6 duplicate certificate of title is lost or mutilated or becomes
7 illegible, the person entitled to possession of the certificate, or
8 the legal representative or successor in interest to the
9 titleholder of record, may make application to the department of
10 state for a duplicate ~~ORV~~-OHV certificate of title. Upon receipt of
11 the application, the fee prescribed in section 81110, and
12 information satisfactory to the department of state to establish
13 entitlement to the duplicate, the department of state may issue a
14 duplicate ~~ORV~~-OHV certificate of title to the applicant.

15 (2) Every duplicate ~~ORV~~-OHV certificate of title shall contain
16 the legend: "This is a duplicate certificate of title and may be
17 subject to the rights of a person under the original certificate.".

18 (3) The secretary of state shall maintain 1 or more indexes
19 pertaining to ~~ORV~~-OHV certificates of title. Upon receiving an
20 application for an ~~ORV~~-OHV certificate of title, the secretary of
21 state may check the information in the application and accompanying
22 documents against the indexes of titled, registered, stolen, and
23 recovered ~~ORVs~~-OHVs and against other records maintained by the
24 secretary of state.

25 **SEC. 81113A. (1) THE SECRETARY OF STATE SHALL BEGIN OHV**
26 **REGISTRATIONS UNDER THIS SECTION ON JANUARY 1, 2011. BEGINNING**
27 **APRIL 1, 2011, BEFORE OPERATING AN OHV REQUIRING REGISTRATION IN**

1 THIS STATE, THE OWNER SHALL OBTAIN A REGISTRATION FOR THAT OHV FROM
2 THE DEPARTMENT OF STATE. THE APPLICATION SHALL BE MADE ON FORMS
3 PROVIDED BY THE DEPARTMENT OF STATE. IF THE OHV WAS PURCHASED FROM
4 A RETAIL DEALER IN THIS STATE, APPLICATION FOR INITIAL REGISTRATION
5 SHALL BE MADE WITH THE DEALER AT THE POINT OF SALE. THE DEALER
6 SHALL ISSUE A TEMPORARY REGISTRATION PERMIT IN A FORM RECEIVED FROM
7 AND APPROVED BY THE DEPARTMENT OF STATE THAT IS VALID FOR 15 DAYS
8 AFTER THE DATE OF SALE. EACH RETAIL DEALER SHALL SUBMIT
9 APPLICATIONS FOR REGISTRATIONS AND FEES TO THE DEPARTMENT OF STATE
10 NOT LESS THAN ONCE EACH WEEK. THE APPLICATION SHALL INCLUDE THE NEW
11 OWNER'S SIGNATURE AND THE NEW OWNER'S NAME AND BONA FIDE RESIDENCE
12 ADDRESS AND THE NAMES AND ADDRESSES OF HOLDERS OF ANY SECURITY
13 INTEREST IN THE OHV AND ITS ACCESSORIES IN THE ORDER OF PRIORITY.
14 THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$20.00. UPON
15 RECEIPT OF THE APPLICATION IN APPROVED FORM, THE DEPARTMENT OF
16 STATE SHALL ENTER THE APPLICATION UPON ITS RECORDS AND ISSUE TO THE
17 APPLICANT A CERTIFICATE OF REGISTRATION AND DECAL. THE CERTIFICATE
18 OF REGISTRATION SHALL CONTAIN THE NUMBER AWARDED TO THE OHV, THE
19 NAME AND ADDRESS OF THE OWNER, OTHER INFORMATION THE DEPARTMENT OF
20 STATE CONSIDERS NECESSARY, AND THE NAME AND ADDRESS OF THE HOLDERS
21 OF SECURED INTERESTS. A PERSON SHALL NOT OPERATE AN OHV THAT IS
22 REQUIRED TO BE REGISTERED IN THIS STATE UNLESS THE PERSON POSSESSES
23 THE CERTIFICATE OF REGISTRATION IN LEGIBLE FORM. HOWEVER, A
24 REGISTRATION CERTIFICATE IS NOT REQUIRED TO OPERATE AN OHV ON
25 PRIVATE PROPERTY OR ON PUBLIC PROPERTY USED FOR AN ORGANIZED OHV
26 RIDING OR RACING EVENT. THE PERSON SHALL MAKE THE CERTIFICATE OF
27 REGISTRATION AVAILABLE FOR INSPECTION UPON DEMAND BY A PEACE

1 OFFICER.

2 (2) IF THE SECRETARY OF STATE IS NOT SATISFIED AS TO THE
3 OWNERSHIP OF AN OHV THAT IS WORTH MORE THAN \$2,500.00, BEFORE
4 REGISTERING THE OHV AND ISSUING A CERTIFICATE OF REGISTRATION, THE
5 SECRETARY OF STATE MAY REQUIRE THE APPLICANT TO FILE A PROPERLY
6 EXECUTED SURETY BOND IN A FORM PRESCRIBED BY THE SECRETARY OF STATE
7 AND EXECUTED BY THE APPLICANT AND A COMPANY AUTHORIZED TO CONDUCT A
8 SURETY BUSINESS IN THIS STATE. THE BOND SHALL BE IN AN AMOUNT EQUAL
9 TO TWICE THE VALUE OF THE OHV AS DETERMINED BY THE SECRETARY OF
10 STATE AND SHALL BE CONDITIONED TO INDEMNIFY OR REIMBURSE THE
11 SECRETARY OF STATE, ANY PRIOR OWNER, AND ANY SUBSEQUENT PURCHASER
12 OF THE OHV AND THEIR SUCCESSORS IN INTEREST AGAINST ANY EXPENSE,
13 LOSS, OR DAMAGE, INCLUDING REASONABLE ATTORNEY FEES, INCURRED AS A
14 RESULT OF THE ISSUANCE OF A CERTIFICATE OF REGISTRATION FOR THE OHV
15 OR ANY DEFECT IN THE RIGHT, TITLE, OR INTEREST OF THE APPLICANT IN
16 THE OHV. AN INTERESTED PERSON HAS A RIGHT OF ACTION TO RECOVER ON
17 THE BOND FOR A BREACH OF THE CONDITIONS OF THE BOND, BUT THE
18 AGGREGATE LIABILITY OF THE SURETY TO ALL PERSONS SHALL NOT EXCEED
19 THE AMOUNT OF THE BOND. THE BOND SHALL BE RETURNED AT THE END OF 3
20 YEARS, OR BEFORE 3 YEARS IF THE OHV IS NO LONGER REGISTERED IN THIS
21 STATE AND THE CURRENT VALID CERTIFICATE OF REGISTRATION IS
22 SURRENDERED TO THE SECRETARY OF STATE, UNLESS THE SECRETARY OF
23 STATE HAS RECEIVED NOTIFICATION OF THE PENDENCY OF AN ACTION TO
24 RECOVER ON THE BOND. IF THE SECRETARY OF STATE IS NOT SATISFIED AS
25 TO THE OWNERSHIP OF AN OHV THAT IS WORTH \$2,500.00 OR LESS, THE
26 SECRETARY OF STATE SHALL REQUIRE THE APPLICANT TO CERTIFY THAT THE
27 APPLICANT IS THE OWNER OF THE OHV AND ENTITLED TO REGISTER THE OHV.

1 (3) A CERTIFICATE OF REGISTRATION AND REGISTRATION DECAL
2 ISSUED BEFORE APRIL 1, 2011 ARE VALID UNTIL MARCH 31, 2014. A
3 CERTIFICATE OF REGISTRATION AND REGISTRATION DECAL ISSUED ON OR
4 AFTER APRIL 1, 2011 ARE VALID FOR A 3-YEAR PERIOD THAT BEGINS ON
5 THE DATE OF ISSUE. THE CERTIFICATE OF REGISTRATION AND REGISTRATION
6 DECAL MAY BE RENEWED AS PROVIDED IN SECTION 81113G(2) BY PAYMENT OF
7 A FEE OF \$20.00. THE REGISTRATION DECAL SHALL BE DISPLAYED AS
8 PRESCRIBED BY RULE PROMULGATED BY THE DEPARTMENT OF STATE. HOWEVER,
9 A REGISTRATION DECAL IS NOT REQUIRED FOR AN OHV THAT IS EQUIPPED
10 WITH A REGISTRATION PLATE ISSUED BY THIS STATE, ANOTHER STATE, OR A
11 PROVINCE OF CANADA.

12 (4) THE DEPARTMENT OF STATE MAY DESTROY A RECORD OF A
13 CERTIFICATE OF REGISTRATION 7 YEARS AFTER EXPIRATION OF THE
14 CERTIFICATE.

15 (5) THE DEPARTMENT OF STATE SHALL MAKE REGISTRATION
16 INFORMATION UNDER THIS SECTION AVAILABLE TO LAW ENFORCEMENT THROUGH
17 THE LAW ENFORCEMENT INFORMATION NETWORK (L.E.I.N.).

18 (6) A REGISTRATION FEE COLLECTED UNDER THIS PART SHALL BE
19 DEPOSITED IN THE OFF-HIGHWAY VEHICLE ACCOUNT AS PROVIDED IN SECTION
20 2015, AND ALLOCATED AS PROVIDED IN SECTION 81113D.

21 SEC. 81113B. (1) IF A CHECK, DRAFT, OR ELECTRONIC PAYMENT OF A
22 REQUIRED FEE IS NOT PAID ON ITS FIRST PRESENTATION, THE FEE IS
23 DELINQUENT AS OF THE DATE THE CHECK, DRAFT, OR ELECTRONIC PAYMENT
24 WAS TENDERED. THE PERSON TENDERING THE CHECK, DRAFT, OR ELECTRONIC
25 PAYMENT REMAINS LIABLE FOR THE PAYMENT OF EACH FEE AND ANY PENALTY.

26 (2) THE DEPARTMENT OF STATE MAY SUSPEND THE OPERATOR'S OR
27 CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA

1 300, MCL 257.1 TO 257.923, OF THE PERSON TENDERING THE CHECK,
2 DRAFT, OR ELECTRONIC PAYMENT FOR AN OHV REGISTRATION IF THE
3 DEPARTMENT OF STATE DETERMINES A REGISTRATION FEE PRESCRIBED IN
4 SECTION 81113A HAS NOT BEEN PAID AND REMAINS UNPAID AFTER
5 REASONABLE NOTICE OR DEMAND.

6 (3) IF A FEE IS DELINQUENT 15 DAYS AFTER THE DEPARTMENT OF
7 STATE HAS GIVEN NOTICE TO A PERSON WHO TENDERED THE CHECK, DRAFT,
8 OR ELECTRONIC PAYMENT, A \$25.00 PENALTY SHALL BE ASSESSED AND
9 COLLECTED IN ADDITION TO THE FEE.

10 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE PENALTIES
11 COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND
12 AND USED FIRST TO DEFRAY THE ADMINISTRATIVE COSTS OF THE DEPARTMENT
13 OF STATE REQUIRED BY THE REGISTRATION PROVISIONS OF THIS PART. ANY
14 MONEY NOT REQUIRED FOR ADMINISTRATION OF THE REGISTRATION
15 PROVISIONS OF THIS PART SHALL BE CREDITED EACH YEAR TO THE
16 RECREATIONAL OHV TRAIL IMPROVEMENT FUND.

17 SEC. 81113C. THE DEPARTMENT OF STATE MAY CANCEL, SUSPEND,
18 REVOKE, OR REFUSE TO ISSUE AN OHV REGISTRATION IF ANY OF THE
19 FOLLOWING OCCUR:

20 (A) THE APPLICANT HAS FAILED TO FURNISH ALL REQUIRED
21 INFORMATION OR REASONABLE ADDITIONAL INFORMATION REQUESTED BY THE
22 DEPARTMENT OF STATE.

23 (B) THE REGISTRATION FEE HAS NOT BEEN PAID.

24 (C) THE APPLICANT IS NOT ENTITLED TO AN OHV REGISTRATION UNDER
25 THIS PART.

26 (D) THE DEPARTMENT OF STATE ISSUED THE REGISTRATION IN ERROR.

27 (E) THE APPLICATION CONTAINS A FALSE OR FRAUDULENT STATEMENT.

1 (F) THE DEPARTMENT OF STATE HAS REASONABLE GROUNDS TO BELIEVE
2 THAT THE OHV WAS STOLEN OR EMBEZZLED.

3 SEC. 81113D. EXCEPT AS OTHERWISE PROVIDED IN THIS PART,
4 REVENUE RECEIVED FROM THE REGISTRATION FEES UNDER THIS PART SHALL
5 BE ALLOCATED AS FOLLOWS:

6 (A) NOT MORE THAN \$3.00 FROM EACH REGISTRATION FEE COLLECTED
7 SHALL BE APPROPRIATED TO THE DEPARTMENT OF STATE FOR ADMINISTRATION
8 OF THE REGISTRATION PROVISIONS OF THIS PART. AT THE CLOSE OF EACH
9 STATE FISCAL YEAR, ANY MONEY APPROPRIATED UNDER THIS SUBPARAGRAPH
10 BUT NOT EXPENDED SHALL BE CREDITED TO THE RECREATIONAL OHV TRAIL
11 IMPROVEMENT SUBACCOUNT. ADDITIONALLY, IF LESS THAN \$3.00 FROM EACH
12 REGISTRATION FEE IS APPROPRIATED TO THE DEPARTMENT OF STATE, THE
13 STATE TREASURER SHALL TRANSFER THE DIFFERENCE BETWEEN \$3.00 AND THE
14 AMOUNT APPROPRIATED FROM EACH REGISTRATION FEE TO THE RECREATIONAL
15 OHV TRAIL IMPROVEMENT SUBACCOUNT.

16 (B) ANY MONEY APPROPRIATED BUT NOT EXPENDED UNDER THIS
17 SUBDIVISION SHALL BE CREDITED EACH YEAR TO THE OHV REGISTRATION FEE
18 SUBACCOUNT.

19 (C) THE BALANCE REMAINING OF EACH REGISTRATION FEE SHALL BE
20 DEPOSITED INTO THE OHV REGISTRATION FEE SUBACCOUNT FOR PURPOSES OF
21 SECTION 81113E.

22 SEC. 81113E. (1) THE DEPARTMENT SHALL PROVIDE FOR AN ANNUAL
23 PROGRAM OF FINANCIAL ASSISTANCE TO COUNTY SHERIFF DEPARTMENTS AND
24 LOCAL LAW ENFORCEMENT AGENCIES FOR LOCAL OHV PROGRAMS THAT SHALL
25 INCLUDE ENFORCEMENT OF THIS PART. A COUNTY SHERIFF DEPARTMENT OR
26 LOCAL LAW ENFORCEMENT AGENCY DESIRING TO CONDUCT A LOCAL OHV
27 PROGRAM SHALL SUBMIT TO THE DEPARTMENT BY APRIL 1 OF EACH YEAR AN

1 ESTIMATE OF AUTHORIZED EXPENDITURES FOR THE FOLLOWING CALENDAR
2 YEAR, IN A FORM AND CONTAINING THE INFORMATION WHICH THE DEPARTMENT
3 REQUIRES. THE DEPARTMENT SHALL REVIEW THE ENTIRE REQUEST AND MAY
4 APPROVE A REQUEST FOR FINANCIAL ASSISTANCE IN PART OR IN WHOLE.

5 (2) THE AMOUNT OF FINANCIAL ASSISTANCE TO BE ALLOCATED TO A
6 COUNTY SHERIFF DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY UNDER
7 THIS SECTION SHALL BE DETERMINED BY THE DEPARTMENT BASED UPON A
8 TOTAL LANE MILE FORMULA FOR ROADS OPEN FOR OHV USE ON APRIL 1 OF
9 EACH YEAR. THE DEPARTMENT SHALL NOT INCLUDE WITHIN THE LANE MILES
10 OF A COUNTY ANY LANE MILES INCLUDED WITHIN A CITY, VILLAGE, OR
11 TOWNSHIP THAT IS ALSO REQUESTING AND IS ELIGIBLE FOR FINANCIAL
12 ASSISTANCE UNDER THIS SECTION. THE DEPARTMENT SHALL DISTRIBUTE AT
13 LEAST 1/3 OF THE FUNDS AVAILABLE IN THE REGISTRATION FEE SUBACCOUNT
14 TO COUNTY SHERIFFS AND LOCAL LAW ENFORCEMENT AGENCIES AS PROVIDED
15 BY THIS SECTION BY MAY 15 OF EACH YEAR.

16 (3) FINANCIAL ASSISTANCE ALLOCATED TO A COUNTY SHERIFF
17 DEPARTMENT OR LOCAL LAW ENFORCEMENT AGENCY UNDER THIS SECTION SHALL
18 BE USED EXCLUSIVELY FOR THE CONDUCT OF A LOCAL OHV PROGRAM AS
19 PROVIDED BY THIS PART AND THE RULES PROMULGATED UNDER THIS PART.

20 (4) COUNTY SHERIFF DEPARTMENTS AND LOCAL LAW ENFORCEMENT
21 AGENCIES THAT RECEIVE FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL
22 MAINTAIN RECORDS OF ACTIVITIES, EXPENDITURES, AND IN-KIND
23 CONTRIBUTIONS AND SHALL SUBMIT DOCUMENTATION AND REPORTS TO THE
24 DEPARTMENT BY DEADLINES, IN A FORM, AND CONTAINING INFORMATION AS
25 THE DEPARTMENT REQUIRES.

26 (5) THE DEPARTMENT SHALL POST ON ITS INTERNET SITE AND PROVIDE
27 THROUGH THE MAIL IF REQUESTED A DETAILED SUMMARY OF ALL

1 DISBURSEMENTS MADE UNDER THIS PART. INFORMATION PROVIDED REGARDING
2 GRANTS TO PRIVATE ORGANIZATIONS FOR TRAIL MAINTENANCE SHALL INCLUDE
3 THE AMOUNT OF EACH DISBURSEMENT, THE NAME OR DESCRIPTION OF THE
4 TRAIL OR PORTION OF THE TRAIL TO BE MAINTAINED UNDER THE
5 DISBURSEMENT, AND THE NAME OF THE PRIVATE ORGANIZATION RECEIVING
6 THE DISBURSEMENT. INFORMATION REGARDING FUNDS DISBURSED UNDER THIS
7 SECTION FOR OHV SAFETY EDUCATION SHALL INCLUDE THE NAME OF EACH
8 RECIPIENT AND THE AMOUNT OF EACH DISBURSEMENT MADE TO THE
9 RECIPIENT. INFORMATION REGARDING FUNDS DISTRIBUTED UNDER THIS
10 SECTION TO A LAW ENFORCEMENT AGENCY SHALL INCLUDE THE NAME OF THE
11 LAW ENFORCEMENT AGENCY AND THE AMOUNT OF EACH DISBURSEMENT MADE TO
12 THAT LAW ENFORCEMENT AGENCY.

13 (6) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
14 SECTION.

15 SEC. 81113F. THE OHV REGISTRATION FEE SUBACCOUNT IS CREATED AS
16 A SUBACCOUNT OF THE OHV ACCOUNT.

17 SEC. 81113G. (1) THE OWNER OF AN OHV HAVING BEEN ISSUED A
18 CERTIFICATE OF REGISTRATION FOR THE OHV SHALL AFFIX TO THE REAR
19 HALF OF THE OHV THE REGISTRATION DECAL ASSIGNED TO THAT OHV. THE
20 REGISTRATION DECAL SHALL BE AS PRESCRIBED BY THE DEPARTMENT. THE
21 REGISTRATION DECAL SHALL INCLUDE THE REGISTRATION EXPIRATION DATE
22 AND THE REGISTRATION NUMBER AND SHALL CONTAIN 2 LETTERS AND 4
23 NUMBERS. THE NUMBERS SHALL CONTRAST SO AS TO BE DISTINCTLY VISIBLE
24 AND LEGIBLE. A NUMBER OTHER THAN THE NUMBER AWARDED TO THE OHV ON
25 THE REGISTRATION CERTIFICATE, OR GRANTED RECIPROCITY UNDER THIS
26 PART, SHALL NOT BE ATTACHED OR OTHERWISE DISPLAYED ON THE OHV.

27 (2) NOT EARLIER THAN 90 DAYS BEFORE THE EXPIRATION DATE OF A

1 CERTIFICATE, A REGISTRATION DECAL OR OTHER DEVICE MAY BE ISSUED
2 INDICATING THAT THE CERTIFICATE OF REGISTRATION IS IN FULL FORCE
3 AND EFFECT.

4 (3) A CERTIFICATE OF REGISTRATION SHALL EXPIRE AS PROVIDED IN
5 SECTION 81113A.

6 SEC. 81113H. (1) THE OWNER OF AN OHV SHALL NOTIFY THE
7 DEPARTMENT OF STATE WITHIN 15 DAYS IF THE OHV IS DESTROYED OR
8 ABANDONED, OR IS SOLD, OR AN INTEREST IN THE OHV IS TRANSFERRED
9 EITHER WHOLLY OR IN PART TO ANOTHER PERSON, OR IF THE OWNER'S
10 ADDRESS NO LONGER CONFORMS TO THE ADDRESS APPEARING ON THE
11 CERTIFICATE OF REGISTRATION. THE NOTICE SHALL CONSIST OF A
12 SURRENDER OF THE CERTIFICATE OF REGISTRATION ON WHICH THE PROPER
13 INFORMATION SHALL BE NOTED ON A PLACE TO BE PROVIDED. IF THE
14 CERTIFICATE OF REGISTRATION IS SURRENDERED BECAUSE THE OHV WAS
15 DESTROYED OR ABANDONED, THE DEPARTMENT OF STATE SHALL CANCEL THE
16 CERTIFICATE OF REGISTRATION AND ENTER THE REASON IN THE RECORDS OF
17 THE DEPARTMENT OF STATE, AND THE NUMBER MAY BE THEN REASSIGNED. THE
18 DEPARTMENT OF STATE MAY DESTROY THE RECORD OF A SURRENDERED
19 CERTIFICATE OF REGISTRATION BEGINNING 10 YEARS AFTER ITS SURRENDER.

20 (2) IF THE SURRENDER OF THE CERTIFICATE OF REGISTRATION IS BY
21 REASON OF A CHANGE OF ADDRESS ON THE PART OF THE OWNER, THE NEW
22 ADDRESS SHALL BE RECORDED BY THE DEPARTMENT OF STATE AND A
23 CERTIFICATE OF REGISTRATION BEARING THAT INFORMATION SHALL BE
24 RETURNED TO THE OWNER.

25 (3) THE TRANSFEREE OF AN OHV REGISTERED UNDER THIS PART,
26 WITHIN 15 DAYS AFTER ACQUIRING THE OHV, SHALL APPLY TO THE
27 DEPARTMENT OF STATE FOR ISSUANCE OF A NEW CERTIFICATE OF

1 REGISTRATION FOR THE OHV, GIVING THE PREVIOUS REGISTRATION NUMBER
2 OF THE OHV AND PROOF OF PAYMENT OR SATISFACTION OF ANY SECURITY
3 INTEREST SHOWN ON THE PREVIOUS OWNER'S CERTIFICATE OF REGISTRATION
4 OR DEPARTMENT OF STATE'S RECORDS. THE APPLICATION SHALL INCLUDE THE
5 NEW OWNER'S NAME, SIGNATURE, AND BONA FIDE RESIDENCE ADDRESS AND
6 THE NAMES AND ADDRESSES OF THE HOLDERS OF SECURITY INTERESTS IN THE
7 OHV AND ITS ACCESSORIES IN THE ORDER OF THEIR PRIORITY, AND SHALL
8 BE ACCOMPANIED BY THE FEE PRESCRIBED IN SECTION 81113A. UPON
9 RECEIPT OF THE APPLICATION AND FEE, THE DEPARTMENT OF STATE SHALL
10 ISSUE A NEW CERTIFICATE OF REGISTRATION FOR THE OHV TO THE NEW
11 OWNER. UNLESS THE APPLICATION IS MADE AND THE FEE PAID WITHIN 15
12 DAYS OF TRANSFER OF OWNERSHIP, THE OHV IS WITHOUT CERTIFICATE OF
13 REGISTRATION, AND A PERSON SHALL NOT OPERATE THE OHV UNTIL A VALID
14 CERTIFICATE OF REGISTRATION IS ISSUED.

15 (4) IF A CERTIFICATE OF REGISTRATION IS LOST, MUTILATED, OR
16 ILLEGIBLE, THE OWNER OF THE OHV SHALL OBTAIN A DUPLICATE OF THE
17 CERTIFICATE OF REGISTRATION UPON APPLICATION AND PAYMENT OF A FEE
18 OF \$5.00.

19 (5) IF A VALID REGISTRATION DECAL IS LOST, MUTILATED, OR
20 ILLEGIBLE, THE OWNER OF THE OHV MAY OBTAIN A REPLACEMENT
21 REGISTRATION DECAL UPON SUBMISSION OF PROOF OF REGISTRATION AND
22 PAYMENT OF A FEE OF \$5.00.

23 Sec. 81114. (1) Records maintained under this part, other than
24 those declared to be confidential by law or that are restricted by
25 law from disclosure to the public, shall be available to the public
26 under procedures prescribed in this part, and in the freedom of
27 information act, 1976 PA 442, MCL 15.231 to 15.246.

1 (2) The secretary of state may provide a commercial lookup
2 service of ~~ORV-OHV~~ operation, title, and registration records
3 maintained under this part. For each individual record looked up,
4 the secretary of state shall charge a fee specified annually by the
5 legislature, or if none, a market-based price established by the
6 secretary of state. The secretary of state shall process a
7 commercial lookup request only if the request is in a form or
8 format prescribed by the secretary of state. Fees collected under
9 this subsection on and after October 1, 2005 shall be credited to
10 the transportation administration collection fund created in
11 section 810b of the Michigan vehicle code, 1949 PA 300, MCL
12 257.810b.

13 (3) The secretary of state shall create and maintain a
14 computerized central file that includes the information contained
15 on application forms received under this part and the name of each
16 person who is convicted of an offense, who fails to comply with an
17 order or judgment issued, or against whom an order is entered under
18 this part. The computerized central file shall be interfaced with
19 the law enforcement information network as provided in the L.E.I.N.
20 policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

21 (4) The secretary of state may purge a record of an ~~ORV-OHV~~
22 certificate of title and any record pertaining to it 7 years after
23 the title was issued or the record was made or received.

24 (5) The secretary of state shall not provide an entire
25 computerized central or other file of records maintained under this
26 part to a nongovernmental person or entity, unless the purchaser
27 pays the prescribed fee or price for each individual record

1 contained within the computerized file.

2 (6) A certified copy of an order, record, or paper maintained
3 under this part is admissible in evidence in the same manner as the
4 original and is prima facie proof of the facts stated in the
5 original.

6 Sec. 81114a. (1) Except as provided in this section and in
7 section 81114c, personal information in a record maintained under
8 this part shall not be disclosed, unless the person requesting the
9 information furnishes proof of identity considered satisfactory to
10 the secretary of state and certifies that the personal information
11 requested will be used for a permissible purpose identified in this
12 section or in section 81114c. Notwithstanding this section, highly
13 restricted personal information shall be used and disclosed only as
14 expressly permitted by law.

15 (2) Personal information in a record maintained under this act
16 shall be disclosed by the secretary of state if required to carry
17 out the purposes of a specified federal law. As used in this
18 section, "specified federal law" means the automobile information
19 disclosure act, Public Law 85-506, 15 ~~U.S.C.~~ **USC** 1231 to 1232 and
20 1233, the former motor vehicle information and cost savings act,
21 Public Law 92-513, the former national traffic and motor vehicle
22 safety act of 1966, Public Law 89-563, the anti-car theft act of
23 1992, Public Law 102-519, 106 Stat. 3384, the clean air act,
24 chapter 360, 69 Stat. 322, 42 ~~U.S.C.~~ **USC** 7401 to 7431, 7470 to
25 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541
26 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590,
27 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to

1 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q, and all
2 federal regulations promulgated to implement these federal laws.

3 (3) Personal information in a record maintained under this
4 part may be disclosed as follows:

5 (a) For use by any government agency, including any court or
6 law enforcement agency, in carrying out its functions, or any
7 private person or entity acting on behalf of a government agency in
8 carrying out its functions.

9 (b) For use in connection with matters of ~~ORV-OHV~~ and operator
10 safety or ~~ORV-OHV~~ theft; ~~ORV-OHV~~ emissions; ~~ORV-OHV~~ product
11 alterations, recalls, or advisories; performance monitoring of ~~ORVs~~
12 **OHVS**; ~~ORV-OHV~~ research activities, including survey research; and
13 the removal of nonowner records from the original records of ~~ORV~~
14 **OHV** manufacturers.

15 (c) For use in the normal course of business by a business or
16 its agents, employees, or contractors to verify the accuracy of
17 personal information submitted by an individual to the business or
18 its agents, employees, or contractors, and if the information as
19 submitted is not correct or is no longer correct, to obtain the
20 correct information, but only for the purposes of preventing fraud,
21 by pursuing legal remedies against, or recovering on a debt or
22 security interest against, the individual.

23 (d) For use in connection with any civil, criminal,
24 administrative, or arbitral proceeding in any court or government
25 agency or before any self-regulatory body, including the service of
26 process, investigation in anticipation of litigation, and the
27 execution or enforcement of judgments and orders, or pursuant to an

1 order of any court, administrative agency, or self-regulatory body.

2 (e) For use in legitimate research activities and in preparing
3 statistical reports for commercial, scholarly, or academic purposes
4 by a bona fide research organization, so long as the personal
5 information is not published, redisclosed, or used to contact
6 individuals.

7 (f) For use by any insurer, self-insurer, or insurance support
8 organization, or its agents, employees, or contractors, in
9 connection with claims investigation activities, antifraud
10 activities, rating, or underwriting.

11 (g) For use in providing notice to the owner of an abandoned,
12 towed, or impounded ~~ORV-OHV~~.

13 (h) For use by any licensed private security guard agency or
14 alarm system contractor licensed under the private security guard
15 act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, or a private
16 detective or private investigator licensed under the private
17 detective license act of 1965, 1965 PA 285, MCL 338.821 to 338.851,
18 for any purpose permitted under this section.

19 (i) For use by an ~~ORV-OHV~~ rental business, or its employees,
20 agents, contractors, or service firms, for the purpose of making
21 rental decisions.

22 (j) For use by a news medium in the preparation and
23 dissemination of a report related in part or in whole to the
24 operation of a motor vehicle or public safety. "News medium"
25 includes a newspaper, a magazine or periodical published at regular
26 intervals, a news service, a broadcast network, a television
27 station, a radio station, a cablecaster, or an entity employed by

1 any of the foregoing.

2 (k) For any use by an individual requesting information
3 pertaining to himself or herself or requesting in writing that the
4 secretary of state provide information pertaining to himself or
5 herself to the individual's designee. A request for disclosure to a
6 designee, however, may be submitted only by the individual.

7 Sec. 81114c. (1) Upon request, the secretary of state may
8 furnish a list of information from the records of the department
9 maintained under this part to a federal, state, or local
10 governmental agency for use in carrying out the agency's functions,
11 or to a private person or entity acting on behalf of a governmental
12 agency for use in carrying out the agency's functions. Unless
13 otherwise prohibited by law, the secretary of state may charge the
14 requesting agency a preparation fee to cover the cost of preparing
15 and furnishing a list provided under this subsection if the cost of
16 preparation exceeds \$25.00, and use the revenues received from the
17 service to defray necessary expenses. If the secretary of state
18 sells a list of information under this subsection to a member of
19 the state legislature, the secretary of state shall charge the same
20 fee as the fee for the sale of information under subsection (2)
21 unless the list of information is requested by the member of the
22 legislature to carry out a legislative function. The secretary of
23 state may require the requesting agency to furnish 1 or more blank
24 computer tapes, cartridges, or other electronic media, and may
25 require the agency to execute a written memorandum of agreement as
26 a condition of obtaining a list of information under this
27 subsection.

1 (2) The secretary of state may contract for the sale of lists
2 of records maintained under this part in bulk, in addition to those
3 lists distributed at cost or at no cost under this section, for
4 purposes defined in section 81114a(3). The secretary of state shall
5 require each purchaser of information in bulk to execute a written
6 purchase contract. The secretary of state shall fix a market-based
7 price for the sale of lists of bulk information, which may include
8 personal information. The proceeds from each sale shall be used by
9 the secretary of state to defray the costs of list preparation and
10 for other necessary or related expenses.

11 (3) The secretary of state or any other state agency shall not
12 sell or furnish any list of information under subsection (2) for
13 the purpose of surveys, marketing, and solicitations. The secretary
14 of state shall ensure that personal information disclosed in bulk
15 will be used, rented, or sold solely for uses permitted under this
16 part.

17 (4) The secretary of state may insert any safeguard the
18 secretary considers reasonable or necessary, including a bond
19 requirement, in a memorandum of agreement or purchase contract
20 executed under this section, to ensure that the information
21 furnished or sold is used only for a permissible use and that the
22 rights of individuals and of the secretary of state are protected.

23 (5) An authorized recipient of personal information disclosed
24 under this section who resells or rediscloses the information for
25 any of the permissible purposes described in section 81114a(3)
26 shall do both of the following:

27 (a) Make and keep for a period of not less than 5 years

1 records identifying each person who received personal information
2 from the authorized recipient and the permitted purpose for which
3 it was obtained.

4 (b) Allow a representative of the secretary of state, upon
5 request, to inspect and copy records identifying each person who
6 received personal information from the authorized recipient and the
7 permitted purpose for which it was obtained.

8 (6) The secretary of state shall not disclose a list based on
9 ~~ORV-OHV~~ operation or sanctions to a nongovernmental agency,
10 including an individual.

11 Enacting section 1. This amendatory act does not take effect
12 unless all of the following bills of the 95th Legislature are
13 enacted into law:

14 (a) Senate Bill No. _____ or House Bill No. 6160 (request no.
15 06837'10).

16 (b) Senate Bill No. _____ or House Bill No. 6161 (request no.
17 06838'10).

18 (c) Senate Bill No. _____ or House Bill No. 6162 (request no.
19 06839'10).