

Act No. 371
Public Acts of 2010
Approved by the Governor
December 22, 2010
Filed with the Secretary of State
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EFFECTIVE DATE: December 22, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Rep. Sheltroun

ENROLLED HOUSE BILL No. 6261

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 82101, 82106, and 82118 (MCL 324.82101, 324.82106, and 324.82118), section 82101 as amended by 2008 PA 145, section 82106 as amended by 2008 PA 399, and section 82118 as amended by 2008 PA 400, and by adding section 82105c.

The People of the State of Michigan enact:

Sec. 82101. As used in this part:

(a) “Conviction” means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.

(b) “Dealer” means any person engaged in the sale, lease, or rental of snowmobiles as a regular business, other than an auctioneer as that term is defined in section 2901 of the occupational code, 1980 PA 299, MCL 339.2901.

(c) “Former section 15a” means section 15a of former 1968 PA 74, as constituted prior to May 1, 1994.

(d) “Highly restricted personal information” means an individual’s photograph or image, social security number, digitized signature, and medical and disability information.

(e) “Highway or street” means the entire width between the boundary lines of every way publicly maintained if any part of it is open to public use for vehicular travel.

(f) “Historic snowmobile” means a snowmobile that is over 25 years old and that is owned solely as a collector’s item and for occasional use and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing.

(g) “In-kind contributions” means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.

(h) “Law of another state” means a law or ordinance enacted by any of the following:

(i) Another state.

(ii) A local unit of government in another state.

(iii) Canada or a province or territory of Canada.

(iv) A local unit of government in a province or territory of Canada.

(i) “Long-term incapacitating injury” means an injury that causes a person to be in a comatose, quadriplegic, hemiplegic, or paraplegic state, which state is likely to continue for 1 year or more.

(j) “Operate” means to ride in or on and be in actual physical control of the operation of a snowmobile.

(k) “Operator” means any person who operates a snowmobile.

(l) “Owner” means any of the following:

(i) A person who holds the legal title to a snowmobile.

(ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

(iii) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

(m) “Peace officer” means any of the following:

(i) A sheriff.

(ii) A sheriff’s deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of any municipality.

(vi) An officer of the Michigan state police.

(vii) The director and conservation officers employed by the department.

(viii) A law enforcement officer who is certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, provided that officer is policing within his or her jurisdiction.

(n) “Personal information” means information that identifies an individual, including an individual’s driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.

(o) “Probate court or family division disposition” means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(p) “Prosecuting attorney”, except as the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

(q) “Recreational snowmobile trail improvement subaccount” means the recreational snowmobile trail improvement subaccount of the snowmobile account created in section 82110.

(r) “Right-of-way” means that portion of a highway or street less the roadway and any shoulder.

(s) “Roadway” means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any roadway separately, but not to all of the roadways collectively.

(t) “Shoulder” means that portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.

(u) “Snowmobile” means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(v) “Snowmobile account” means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.

(w) “Snowmobile registration fee subaccount” means the snowmobile registration fee subaccount of the snowmobile account created in section 82111.

(x) “Zone 1” means all of the Upper Peninsula.

(y) “Zone 2” means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River road in Muskegon county; thence due east to the westerly terminus of River road; thence north and east along the center line of the River road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay county line; thence easterly along the center line of the “business route” of highway US-10 to the intersection of Garfield road in Bay county; thence north along the center line of Garfield road to the intersection of the Pinconning road; thence east

along the center line of Pinconning road to the intersection of the Seven Mile road; thence north along the center of the Seven Mile road to the Bay-Arenac county line; thence north along the center line of the Lincoln School road (county road 25) in Arenac county to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres river; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

(z) "Zone 3" means all of that part of the Lower Peninsula south of the line described in subdivision (y).

Sec. 82105c. (1) The secretary of state may issue to the owner of a historic snowmobile a historic snowmobile registration decal which shall bear the inscription "historic snowmobile - Michigan" and the registration number. The registration decal shall be affixed above or below the headlight or, if the historic snowmobile was not originally equipped with a headlight, on the forward half of the cowl above the footwell of the historic snowmobile.

(2) The owner of a historic snowmobile applying for a historic snowmobile registration decal under this section shall pay a fee of \$50.00 and shall certify that the snowmobile for which the registration is requested is owned and operated solely as a historic snowmobile.

(3) A registration issued under this section is valid for the period the historic snowmobile is owned by the owner and is nontransferable.

(4) The secretary of state may revoke a registration decal issued under this section, for cause shown and after a hearing, for failure of the applicant to comply with this section or for use of the snowmobile for which the registration was issued for purposes other than those enumerated in section 82101(f).

(5) A historic snowmobile registered under this section is exempt from registration under section 82105.

(6) The secretary of state may promulgate rules to implement this section.

Sec. 82106. (1) Except as otherwise provided in this part, revenue received from the registration fees under this part shall be deposited as follows:

(a) Twenty-two dollars of each registration fee for a snowmobile and \$8.00 of each registration fee for a historic snowmobile shall be deposited into the snowmobile registration fee subaccount. However, if the balance of the snowmobile registration fee subaccount exceeds \$1,600,000.00 at any time, the state treasurer shall transfer all amounts in excess of \$1,600,000.00 to the recreational snowmobile trail improvement subaccount. From the revenue deposited in the snowmobile registration fee subaccount under this part, the legislature shall make an annual appropriation as follows:

(i) Not more than \$3.00 of each registration fee for a snowmobile and not more than \$3.00 for each registration fee for a historic snowmobile collected during each fiscal year shall be appropriated to the department of state for administration of the registration provisions of this part. At the close of each state fiscal year, any money appropriated under this subparagraph but not expended shall be credited to the recreational snowmobile trail improvement subaccount. Additionally, if less than \$3.00 of each registration fee is appropriated to the department of state, the state treasurer shall transfer the difference between \$3.00 and the amount appropriated from each registration fee to the recreational snowmobile trail improvement subaccount.

(ii) Fourteen dollars of each fee for a registration for a snowmobile paid before July 1, 2009, or \$19.00 of each fee for a registration for a snowmobile paid on or after July 1, 2009, and \$5.00 of each fee for a registration for a historic snowmobile shall be appropriated to the department for purposes set forth in section 82107, including financial assistance to county sheriff departments and local law enforcement agencies for local snowmobile programs. Any money appropriated but not expended under this subparagraph shall be credited each year to the snowmobile registration fee subaccount.

(b) Five dollars of each fee for a registration for a snowmobile paid before July 1, 2009, and \$42.00 of each fee for registration of a historic snowmobile shall be deposited in the recreational snowmobile trail improvement subaccount and shall be administered by the department for the purposes of planning, construction, maintenance, and acquisition of trails and areas for the use of snowmobiles, or access to those trails and areas, and basic snowmobile facilities.

(c) From each fee for a registration for a snowmobile other than a historic snowmobile paid on or after July 1, 2009, \$8.00 shall be deposited into the permanent snowmobile trail easement subaccount under section 82110a. This money is intended to supplement other money expended for snowmobile-related activities of the department and not as a replacement for those expenditures.

(2) The department shall designate a state recreational trail coordinator and shall maintain a comprehensive plan for implementing a statewide recreational and snowmobile trails system. The comprehensive plan shall be reviewed and updated each year by the department.

(3) The money appropriated under this section to the department for snowmobile trails and areas, for access to those trails or areas, and for basic snowmobile facilities may be expended for the acquisition, development, and maintenance on any land in the state. This money may be used to purchase lands or secure easements, leases, permits, or other appropriate agreements permitting use of private property for snowmobile trails, basic facilities, and areas which may

be used by bicyclists, hikers, equestrians, and other nonconflicting off-season recreational trail users, if the easements, leases, permits, or other agreements provide public access to the trail, use areas, and support facilities.

(4) Recreational trail facilities or major improvements shall not be constructed on private land unless a written agreement in the form of an easement, lease, or permit for a public trail right-of-way having a term of not less than 5 years is made between the owner of the land and the department.

(5) The money appropriated under this section shall be expended in a manner and as part of the overall plan of the department for an interconnecting network of statewide snowmobile trails and use areas giving consideration to expected snowfall and availability for use with adequate snow cover. Consideration shall be given in the plan for alternative nonconflicting off-season recreational uses of snowmobile trails.

Sec. 82118. (1) In addition to registration of a snowmobile under section 82105 or registration in another state or province, except as otherwise provided in this section, a person who desires to operate a snowmobile in this state shall purchase a Michigan snowmobile trail permit sticker. The Michigan snowmobile trail permit issued under this section shall be valid for a period of 1 year which begins on October 1 and ends on the following September 30. The fee for the permit shall be as follows:

(a) For permits valid for the 1-year period beginning October 1, 2009 or October 1, 2010, \$35.00.

(b) For permits valid for the 1-year period beginning October 1, 2011, 2012, 2013, 2014, or 2015, \$45.00.

(c) For permits valid for the 1-year period beginning October 1, 2016 and every fifth year thereafter, the state treasurer shall adjust the current permit fee by an amount determined by the state treasurer to reflect the cumulative percentage change in the consumer price index during the most recent 5-year period for which consumer price index statistics are available, rounded to the nearest dollar. A fee adjusted by the state treasurer under this subdivision shall remain in effect for 5 years. As used in this subdivision, "consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

(2) Revenue from the trail permit fee shall be allocated as follows:

(a) 50 cents shall be retained by the department for administrative costs.

(b) \$1.00 shall be retained by the agent selling the permit.

(c) The balance shall be deposited in the recreational snowmobile trail improvement subaccount.

(3) The department shall make the sale of trail permits available on its website. For each trail permit sold through the website, the amount otherwise credited to an agent under subsection (2) shall instead be credited to the recreational snowmobile trail improvement subaccount.

(4) The trail permit sticker shall be permanently affixed to the snowmobile directly above or below the headlight of the snowmobile.

(5) The department may contract with a person to act as an agent for the purpose of issuing Michigan snowmobile trail permits. The department shall sell the permits to agents in bulk. An agent may obtain a refund from the department for any permits that are not sold.

(6) An agent who uses or allows the use of a permit by anyone except the snowmobile user to whom the permit is sold is guilty of a misdemeanor, punishable by a fine of \$50.00 for each instance of such use or allowed use.

(7) The department of state may suspend a certificate of registration if the department of state determines that the required fee has not been paid and remains unpaid after reasonable notice or demand. In addition to the required fee, a \$10.00 penalty shall be assessed and collected against any person who tenders an insufficient check or draft in payment of the fee.

(8) A snowmobile used solely for transportation on the frozen surface of public waters for the purpose of ice fishing is exempt from the requirement of purchasing and displaying a snowmobile trail permit sticker under this section.

(9) A person shall not charge a fee for a snowmobile trail permit in an amount that is greater than the fee printed on the face of the permit.

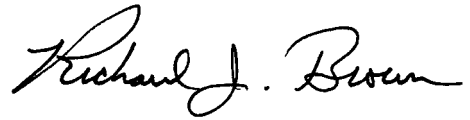
(10) To obtain a snowmobile trail permit, an applicant shall provide all information required on the permit application.

(11) A person who fails to secure a permit under this section or who violates subsection (4) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.


(12) The department shall, by June 1 of each year, report to the members of the appropriate standing committees and appropriations subcommittees of the house and senate, a detailed expenditure plan pertaining to the additional funds generated by this act. The plan shall include information as to how funds were expended in the prior year.

(13) This section does not apply to a historic snowmobile registered under section 82105c.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor