

Legislative Analysis



ALLOW ORV ORDINANCES IN ALL COUNTIES

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House Bill 4925

Sponsor: Rep. Jon Bumstead

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 4-23-12

A REVISED SUMMARY OF HOUSE BILL 4925 AS INTRODUCED 9-8-11

The bill would make it possible for ordinances to be adopted allowing off-road vehicles to operate on the side of certain maintained roads in all counties in the state. According to the bill, all county primary and local roads, or city major and local streets, would be eligible for such a designation, as determined by the appropriate local legislative body. The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act (NREPA).

Currently, counties, townships, and municipalities can adopt such ordinances, but only in certain eligible counties. Under the act, the only counties *eligible* for such ordinances are Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, or a county lying north of those counties, including all of the counties in the Upper Peninsula, and St. Clair County. The bill would eliminate the reference to "*eligible county*" and make it possible for such ordinances to be adopted in any county in the state.

The bill also contains provisions that have already been enacted into law by Public Act 107 of 2011, which are listed below:

- Eliminated a July 16, 2013, sunset on provisions authorizing eligible counties, townships, and municipalities to adopt an ordinance allowing the operation of off-road vehicles on the shoulders of some roads.
- Provided that a township ordinance would not take effect until one year after the county in which it was located became an eligible county.
- Removed a provision prohibiting the operation of an ORV when visibility is substantially reduced due to weather conditions without displaying a lighted headlight and lighted taillight. [Individuals are prohibited from operating ORVs under an ordinance enacted under this part without displaying a lighted headlight and taillight.]

MCL 324.81131

FISCAL IMPACT:

House Bill 4925 would have no significant fiscal impact for the Department of Natural Resources. The bill would have an indeterminate fiscal impact on local units of government that may choose to adopt an ordinance that would allow the operation of

ORVs on roads within their jurisdictions. The amount of potential fiscal impact would depend upon any increased enforcement costs that a local government might incur under the bill's provisions and any potential change in fine revenue that it might receive from violations of the ORV ordinance.

The statute provides that local governments may adopt an ordinance that requires a fine of up to \$500 for violations of that ordinance. The fines would be collected by the local government and distributed as follows: 50% to the county sheriff or police department that is responsible for ORV enforcement and training, and 50% to the County Road Commission or the department within a city or village that is responsible for street maintenance.

BACKGROUND INFORMATION:

2008 PA 240 amended NREPA to allow eligible counties (and local governmental units within eligible counties) to pass ordinances allowing ORVs to be driven by adults and children 12 and over with the flow of traffic on the far right of the maintained portion of streets and roads within the jurisdiction. 2008 PA 240 allowed Mason, Lake, Osceola, Clare, Gladwin, Arenac, and Bay County, and all counties north of those counties (including all of the Upper Peninsula) to pass ORV ordinances. 2009 PA 175 extended that ability to seven additional counties: Huron, Tuscola, Sanilac, St. Clair, Saginaw, Gratiot, and Montcalm. 2011 PA 107 subsequently made several changes that are noted above.

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