

SUBSTITUTE FOR  
SENATE BILL NO. 1020

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 81101, 81115, 81122, 81129, 81131, and 81133  
(MCL 324.81101, 324.81115, 324.81122, 324.81129, 324.81131, and  
324.81133), section 81101 as amended by 2012 PA 246, sections 81115  
and 81129 as amended by 2008 PA 240, section 81122 as added by 1995  
PA 58, section 81131 as amended by 2011 PA 107, and section 81133  
as amended by 2012 PA 340; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 81101. As used in this part:

2           (a) "ATV" means a ~~3, 4, or 6 wheeled~~ vehicle **WITH 3 OR MORE**  
3 **WHEELS THAT IS** designed for off-road use, ~~that~~ has low-pressure  
4 tires, has a seat designed to be straddled by the rider, and is  
5 powered by a 50cc to 1,000cc gasoline engine or an engine of

1 comparable size using other fuels.

2 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL  
3 257.1 to 257.923.

4 (c) "Dealer" means a person engaged in the sale, lease, or  
5 rental of an ORV as a regular business or, for purposes of selling  
6 licenses under section 81116, any other person authorized by the  
7 department to sell licenses or permits, or both, under this act.

8 (d) "Designated", unless the context implies otherwise, means  
9 posted **BY THE DEPARTMENT, WITH APPROPRIATE SIGNS, AS** open for ORV  
10 use. ~~with appropriate signs by the department.~~

11 (E) **"ELIGIBLE COUNTY" MEANS ANY OF THE FOLLOWING:**

12 (i) **OCEANA, NEWAYGO, MONTCALM, GRATIOT, SAGINAW, TUSCOLA, OR**  
13 **SANILAC COUNTY OR A COUNTY LYING NORTH THEREOF, INCLUDING ALL OF**  
14 **THE COUNTIES OF THE UPPER PENINSULA.**

15 (ii) **ST. CLAIR COUNTY.**

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

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

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

22 (G) ~~(f)~~ "Forest road" means a hard surfaced road, gravel or  
23 dirt road, or other route capable of travel by a 2-wheel drive, 4-  
24 wheel conventional vehicle designed for highway use, ~~except~~ **BUT**  
25 **DOES NOT INCLUDE** an interstate, state, or county highway.

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

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

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

7           (K) ~~(j)~~—"Late model ORV" means an ORV manufactured in the  
8 current model year or the 5 model years immediately preceding the  
9 current model year.

10           (L) **"LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, TOWNSHIP, OR**  
11 **MUNICIPALITY.**

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

15           (N) **"MUNICIPALITY" MEANS A CITY OR VILLAGE.**

16           (O) ~~(l)~~—"Off-road vehicle account" means the off-road vehicle  
17 account of the Michigan conservation and recreation legacy fund  
18 established in section 2015.

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

21           (Q) ~~(n)~~—"Operator" means ~~a person~~ **AN INDIVIDUAL** who operates  
22 or is in actual physical control of the operation of an ORV.

23           (R) ~~(o)~~—"ORV" or, **UNLESS THE CONTEXT IMPLIES A DIFFERENT**  
24 **MEANING,** "vehicle" means a motor-driven off-road recreation vehicle  
25 capable of cross-country travel without benefit of a road or trail,  
26 on or immediately over land, snow, ice, marsh, swampland, or other  
27 natural terrain. ~~ORV or vehicle includes, but is not limited to, a~~

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

13 (S) ~~(p)~~ "Owner" means any of the following:

14 (i) A vendee or lessee of an ORV that is the subject of an  
 15 agreement for the conditional sale or lease of the ORV, with the  
 16 right of purchase upon performance of the conditions stated in the  
 17 agreement, and with an immediate right of possession vested in the  
 18 conditional vendee or lessee.

19 (ii) A person renting an ORV, or having the exclusive use of an  
 20 ORV, for more than 30 days.

21 (iii) A person who holds legal ownership of an ORV.

22 (T) ~~(q)~~ "Person with a disability" means ~~a person~~ **AN**  
 23 **INDIVIDUAL** who has 1 or more of the following physical  
 24 characteristics:

25 (i) Blindness.

26 (ii) Inability, **DURING SOME TIME OF THE YEAR**, to ambulate more  
 27 than 200 feet without having to stop and rest. ~~during any time of~~

1 ~~the year.~~

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

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

6 (v) A lung disease from which the ~~person's~~ **INDIVIDUAL'S**  
7 expiratory volume for 1 second, when measured by spirometry, is  
8 less than 1 liter, or from which the ~~person's~~ **INDIVIDUAL'S** arterial  
9 oxygen tension is less than 60 mm/hg of room air at rest.

10 (vi) A cardiovascular disease ~~from which the person measures~~  
11 **THAT CAUSES THE INDIVIDUAL TO MEASURE** between 3 and 4 on the New  
12 York heart classification scale, or ~~from which~~ **THAT RESULTS IN** a  
13 marked limitation of physical activity ~~causes~~ **BY CAUSING** fatigue,  
14 palpitation, dyspnea, or anginal pain.

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

18 (U) ~~(r)~~ "Personal information" means information that  
19 identifies an individual, including an individual's driver  
20 identification number, name, address not including zip code, and  
21 telephone number, but does not include information on ORV operation  
22 or equipment-related violations or civil infractions, operator or  
23 vehicle registration status, accidents, or other behaviorally-  
24 related information.

25 (V) ~~(s)~~ "Public agency" means the department or a local or  
26 federal unit of government.

27 (W) **"ROAD" MEANS A COUNTY PRIMARY ROAD OR COUNTY LOCAL ROAD AS**

1 DESCRIBED IN SECTION 5 OF 1951 PA 51, MCL 247.655.

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

6 (Y) ~~(u)~~—"Route" means a forest road or other road that is  
7 designated for purposes of this part by the department.

8 (Z) ~~(v)~~—"Safety chief instructor" means ~~a person~~ **AN INDIVIDUAL**  
9 who has been certified by a nationally recognized ~~ATV and~~ ORV  
10 organization to certify instructors and to do on-sight evaluations  
11 of instructors.

12 (AA) **"STREET" MEANS A CITY OR VILLAGE MAJOR STREET OR CITY OR**  
13 **VILLAGE LOCAL STREET AS DESCRIBED IN SECTION 9 OF 1951 PA 51, MCL**  
14 **247.659.**

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

18 Sec. 81115. (1) ~~A~~ **SUBJECT TO SUBSECTION (2), A** person shall  
19 not operate an ORV under any of the following conditions unless the  
20 ORV is licensed with the department or a dealer as provided under  
21 this part:

22 (a) Except as otherwise provided by law, on or over land,  
23 snow, ice, or other natural terrain.

24 (b) Except as otherwise provided in this part, on a forest  
25 trail or in a designated area.

26 (c) ~~Except as otherwise provided in section 81102, on~~ **ON** the  
27 maintained portion of a ~~road or street~~ **HIGHWAY.**

1           (2) ~~Licensure~~ AN ORV is not required for an TO BE LICENSED  
2 UNDER THIS PART UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

3           (A) THE ORV IS used exclusively in a safety and training  
4 program as required in section 81129.

5           (B) THE ORV IS REGISTERED UNDER THE CODE OR IS A VEHICLE  
6 REGISTERED UNDER PART 801, UNLESS THE VEHICLE IS OPERATED AS AN  
7 ORV OFF HIGHWAYS.

8           (C) THE ORV IS OPERATED SOLELY ON PRIVATE PROPERTY BY THE  
9 OWNER OF THE PROPERTY, A FAMILY MEMBER OF THE OWNER, OR AN  
10 INVITED GUEST OF THE OWNER.

11           (D) THE ORV IS LICENSED IN ANOTHER STATE AND IS ONLY  
12 OPERATED IN THIS STATE IN GOGEBIC, IRON, DICKINSON, AND  
13 MENOMINEE COUNTIES SOUTH OF U.S. ROUTE 2.

14           (E) THE ORV IS BEING OPERATED ON A FREE ORV-RIDING DAY. THE  
15 DEPARTMENT SHALL DESIGNATE 1 SATURDAY AND THE FOLLOWING SUNDAY EACH  
16 YEAR AS FREE ORV-RIDING DAYS. IN ADDITION, THE DEPARTMENT MAY  
17 DESIGNATE 1 OTHER DAY OR 2 OTHER CONSECUTIVE DAYS EACH YEAR AS FREE  
18 ORV-RIDING DAYS. THE FREE ORV-RIDING DAYS SHALL CORRESPOND TO FREE  
19 FISHING DAYS TO THE EXTENT THAT FREE FISHING DAYS ARE DESIGNATED  
20 UNDER SECTION 43534. A PERSON OPERATING AN UNLICENSED ORV DURING A  
21 FREE ORV-RIDING DAY HAS THE SAME PRIVILEGES AND IS SUBJECT TO THE  
22 SAME RULES AND REGULATIONS AS A PERSON OPERATING AN ORV LICENSED OR  
23 REQUIRED UNDER SUBSECTION (1).

24           (F) IF AND TO THE EXTENT THE DEPARTMENT WAIVES THE REQUIREMENT  
25 FOR DEPARTMENT-SPONSORED EVENTS OR OTHER CIRCUMSTANCES AS  
26 DETERMINED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

27           Sec. 81122. (1) A person shall not operate an ORV that is not

1 registered under the code upon a ~~public highway, street, or right~~  
2 ~~of way of a public highway or street,~~ except as provided in section  
3 81131 or under the following conditions and circumstances:

4 (a) The operator of a vehicle may cross a ~~public~~ highway,  
5 other than a limited access highway, at right angles, for the  
6 purpose of getting from 1 area to another, if the operation can be  
7 done in safety. The operator shall bring the vehicle to a complete  
8 stop before proceeding across a ~~public~~ highway, and shall yield the  
9 right-of-way to oncoming traffic.

10 (b) A vehicle may be operated on a street or **OTHER** highway for  
11 a special event of limited duration and conducted according to a  
12 prearranged schedule only under permit from the governmental unit  
13 having jurisdiction. **A-SUBJECT TO SUBSECTION (2), A** special event  
14 involving ORVs may be conducted on the frozen surface of public  
15 waters only under permit from the department.

16 **(C) AN ORV MAY BE OPERATED ON THE ROADWAY OR SHOULDER WHEN**  
17 **NECESSARY TO CROSS A CULVERT OR BRIDGE OTHER THAN THE MACKINAC**  
18 **BRIDGE IF THE ORV IS BROUGHT TO A COMPLETE STOP BEFORE ENTERING**  
19 **ONTO THE ROADWAY OR SHOULDER AND THE DRIVER YIELDS THE RIGHT-OF-WAY**  
20 **TO AN APPROACHING VEHICLE ON THE HIGHWAY.**

21 **(D) ~~(e)~~**A farmer, employee of a farmer, or family member of a  
22 farmer who is at least 16 years of age may operate an ORV on the  
23 extreme right side of a roadway or highway right-of-way when it is  
24 not practicable to operate off that roadway or highway right-of-  
25 way. Such operation shall be limited to traveling to or from the  
26 farmer's residence or work location or field during the course of  
27 farming operations. An ORV shall not be operated pursuant to this

1 subdivision during the period of 30 minutes before sunset to 30  
2 minutes after sunrise, when visibility is substantially reduced due  
3 to weather conditions, or in a manner so as to interfere with  
4 traffic. The state transportation department and all of its  
5 employees are immune from tort liability for injury or damages  
6 sustained by any person arising in any way by reason of the  
7 operation or use of an ORV for the limited purposes allowed under  
8 this subdivision. An operator of an ORV under this subdivision  
9 shall have attached to the ORV a flag made of reflective material.  
10 The flag shall extend not less than 8 feet from the surface of the  
11 ~~roadway~~ **HIGHWAY** and not less than 4 feet above the top of the ORV.  
12 The flag shall be not less than 12 inches high by 18 inches long  
13 and not measure less than 100 square inches.

14 **(2) THE DEPARTMENT SHALL NOT REQUIRE A PERMIT UNDER THIS PART**  
15 **OR RULES PROMULGATED UNDER SECTION 504 FOR AN ORV EVENT ON THE**  
16 **FROZEN SURFACE OF PUBLIC WATERS OR ON STATE-OWNED LANDS IF THE**  
17 **NUMBER OF ORVS INVOLVED IS NOT MORE THAN 75 UNLESS THE EVENT**  
18 **CONFLICTS WITH RULES THAT ARE NOT SPECIFICALLY RELATED TO ORV**  
19 **EVENTS. THE DEPARTMENT MAY REQUIRE THE ORGANIZER OF SUCH AN EVENT**  
20 **TO GIVE THE DEPARTMENT SUFFICIENT ADVANCE NOTICE TO ALLOW THE**  
21 **DEPARTMENT TO COORDINATE THE EVENT WITH OTHER ORV-RIDING ACTIVITY**  
22 **TO MINIMIZE CONFLICTS.**

23 **(3) ~~(2)~~**In a court action in this state where competent  
24 evidence demonstrates that a vehicle that is permitted to operate  
25 on a highway pursuant to the code is in a collision with an ORV on  
26 a roadway, the operator of the ORV involved in the collision shall  
27 be considered prima facie negligent.

1           Sec. 81129. (1) Subject to subsections (2), (3), **AND** (17), and  
2 ~~(18)~~, a parent or legal guardian of a child less than 16 years of  
3 age shall not permit the child to operate an ORV unless the child  
4 is under the direct visual supervision of an adult and the child  
5 has in his or her immediate possession an ORV safety certificate  
6 issued pursuant to this part or a comparable ORV safety certificate  
7 issued under the authority of another state or a province of  
8 Canada.

9           (2) Subject to subsection ~~(18)~~, **(17)**, a parent or legal  
10 guardian of a child less than 12 years of age shall not permit the  
11 child to operate a 4-wheeled ATV, unless the child is not less than  
12 10 years of age and is on private land owned by a parent or legal  
13 guardian of the child. This subsection does not apply to the  
14 operation of an ATV used in agricultural operations.

15           (3) A parent or legal guardian of a child less than 16 years  
16 of age shall not permit the child to operate a 3-wheeled ATV.

17           (4) Subject to subsections (5), (6), **AND** (17), and ~~(18)~~, the  
18 owner or person in charge of an ORV shall not knowingly permit the  
19 vehicle to be operated by a child less than 16 years of age unless  
20 the child is under the direct visual supervision of an adult and  
21 the child has in his or her immediate possession an ORV safety  
22 certificate issued pursuant to this part or a comparable ORV safety  
23 certificate issued under the authority of another state or a  
24 province of Canada.

25           (5) Subject to subsection ~~(18)~~, **(17)**, the owner or person in  
26 charge of a 4-wheeled ATV shall not knowingly permit the vehicle to  
27 be operated by a child less than 12 years of age, unless the child

1 is not less than 10 years of age and is on private land owned by a  
2 parent or legal guardian of the child. This subsection does not  
3 apply to the operation of an ATV used in agricultural operations.

4 (6) The owner or person in charge of a 3-wheeled ATV shall not  
5 knowingly permit the vehicle to be operated by a child less than 16  
6 years of age.

7 (7) The owner or person in charge of an ORV shall not  
8 knowingly permit the vehicle to be operated by a person who is  
9 incompetent to operate the vehicle because of mental or physical  
10 disability except as provided in section 81131.

11 (8) The department shall implement a comprehensive ~~ORV~~  
12 ~~information, safety education, and training program that shall~~  
13 ~~include~~ **PROGRAM FOR** the training of **ORV** operators and the  
14 preparation and dissemination of **ORV** information and safety advice  
15 to the public. The program shall provide for the training of  
16 youthful operators and for the issuance of ORV safety certificates  
17 to those who successfully complete the training ~~provided under the~~  
18 ~~program~~ and may include separate instruction for each type of ORV.

19 (9) In implementing a program under subsection (8), the  
20 department shall cooperate with private organizations and  
21 associations, private and public corporations, the department of  
22 education, the department of state, and local governmental units.  
23 The department shall consult with ORV and environmental  
24 organizations and associations in regard to the subject matter of a  
25 training program and performance testing that leads to  
26 certification of ORV operators.

27 (10) The department may designate a person it considers

1 qualified to provide course instruction and to award ORV safety  
2 certificates.

3 (11) The department may promulgate rules to implement  
4 subsections (8) to (10) and ~~(18)~~ **(17)**.

5 (12) Subject to subsections (13), (14), **AND** (17), and ~~(18)~~, a  
6 child who is less than 16 years of age shall not operate an ORV  
7 unless the child is under the direct visual supervision of an adult  
8 and the child has in his or her immediate possession an ORV safety  
9 certificate issued pursuant to this section or a comparable ORV  
10 safety certificate issued under the authority of another state or a  
11 province of Canada.

12 (13) Subject to subsection ~~(18)~~, **(17)**, a child who is less  
13 than 12 years of age shall not operate a 4-wheeled ATV, unless the  
14 child is not less than 10 years of age and is on private land owned  
15 by a parent or legal guardian of the child. This subsection does  
16 not apply to the operation of an ATV used in agricultural  
17 operations.

18 (14) A child who is less than 16 years of age shall not  
19 operate a 3-wheeled ATV.

20 (15) Subject to subsection ~~(18)~~, **(17)**, when operating an ORV,  
21 a child who is less than 16 years of age shall present the ORV  
22 safety certificate to a peace officer upon demand.

23 (16) Notwithstanding any other provision of this section, an  
24 operator who is less than 12 years of age shall not cross a  
25 highway. ~~or street.~~ An operator who is not less than 12 years of  
26 age but less than 16 years of age may cross a highway ~~or street~~ or  
27 operate on the right-of-way or shoulder of ~~roads and streets~~

1 **HIGHWAYS** on which ORV use is authorized pursuant to section  
2 81131(2), (3), ~~or~~ (5), (6), OR (7) if the operator has a valid ORV  
3 safety certificate in his or her immediate possession and meets any  
4 other requirements under this section for operation of the vehicle.

5 ~~—— (17) The requirement of possession or presentation of an ORV~~  
6 ~~safety certificate under this section does not apply until~~  
7 ~~implementation of the program for the vehicle proposed to be~~  
8 ~~operated required by subsection (8).~~

9 (17) ~~(18)~~ The requirement that a child possess an ORV safety  
10 certificate to operate an ORV, and the requirement that a child who  
11 is less than 12 years of age not operate a 4-wheeled ATV unless the  
12 child is not less than 10 years of age and is on private land owned  
13 by a parent or legal guardian of the child, do not apply if all of  
14 the following requirements are met:

15 (a) The child is participating in an organized ORV riding or  
16 racing event held on land not owned by this state.

17 (b) The child's parent or legal guardian has provided the  
18 event organizer with written permission for the child to  
19 participate in the event.

20 (c) The event organizer has not less than \$500,000.00  
21 liability insurance coverage for the event.

22 (d) A physician or physician's assistant licensed or otherwise  
23 authorized under part 170 or 175 of the public health code, 1978 PA  
24 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556, or a  
25 paramedic or emergency medical technician licensed under part 209  
26 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979,  
27 is present at the site of the event or available on call.

1 (e) The event is at all times under the direct visual  
2 supervision of adult staff of the event organizer and a staff  
3 member serves as a flagger to warn ORV riders if another ORV rider  
4 is injured or an ORV is inoperable in the ORV operating area.

5 (f) Fencing or another means of crowd control is used to keep  
6 spectators out of the ORV operating area.

7 (g) If the event is on a closed course, dust is controlled in  
8 the ORV operating area and the riding surface in the ORV operating  
9 area is otherwise properly prepared.

10 (h) Three-wheeled ATVs are not used by participants.

11 (i) Any ATVs used by participants are equipped with a side  
12 step bar or comparable safety equipment and with a tether kill  
13 switch, and the tether is used by all participants.

14 (j) Each participant in the event wears a crash helmet  
15 approved by the United States department of transportation, a  
16 protective long-sleeved shirt or jacket, long pants, boots, and  
17 protective gloves.

18 (k) Any other applicable requirements of this part or rules  
19 promulgated under this part are met.

20 **(18)** ~~(19)~~—If a child less than 16 years of age participates  
21 and is injured in an organized ORV riding or racing event, the  
22 organizer of the event shall, within 30 days after the event,  
23 submit to the department a report on a form developed by the  
24 department. The report shall include all of the following, as  
25 applicable:

26 (a) Whether any participant less than 16 years of age was  
27 killed or suffered an injury resulting in transportation to a

1 hospital as a result of an ORV accident at the event.

2 (b) The age of the child.

3 (c) Whether the child had been issued an ORV safety  
4 certificate under this part or a comparable ORV safety certificate  
5 issued under the authority of another state or a province of  
6 Canada.

7 (d) The type of ORV operated.

8 (e) A description of the accident and injury.

9 **(19)** ~~(20)~~—By December 31 of each year, the department shall  
10 submit to the legislature a report that summarizes reports received  
11 under subsection ~~(19)~~ **(18)** during the preceding calendar year. In  
12 the report, the department may recommend amendments to this part to  
13 improve the safety of children less than 16 years of age  
14 participating in organized ORV riding or racing events.

15 **(20)** ~~(21)~~—The requirements of this section are in addition to  
16 any applicable requirements of section ~~81131(9)~~ **81131(13)**.

17 Sec. 81131. (1) A municipality may pass an ordinance allowing  
18 a permanently disabled person to operate an ORV in that  
19 municipality.

20 (2) Subject to subsection (4), the county board of  
21 commissioners of an eligible county may adopt an ordinance  
22 authorizing the operation of ORVs on the maintained portion of 1 or  
23 more roads located within the county. Not less than 45 days before  
24 a public hearing on the ordinance, the county clerk shall send  
25 notice of the public hearing, by certified mail, to the county road  
26 commission and, if state forestland is located within the county,  
27 to the department.

1           (3) Subject to subsection (4), the township board of a  
2 township located in an eligible county may adopt an ordinance  
3 authorizing the operation of ORVs on the maintained portion of 1 or  
4 more roads located within the township. Not less than 28 days  
5 before a public hearing on the ordinance, the township clerk shall  
6 send notice of the public hearing, by certified mail, to the county  
7 road commission and, if state forestland is located within the  
8 township, to the department. This subsection does not apply to a  
9 township until 1 year after the effective date of the amendatory  
10 act that first defined eligible county so as to include the county  
11 in which that township is located.

12           (4) The board of county road commissioners may close a road to  
13 the operation of ORVs ~~under OTHERWISE AUTHORIZED PURSUANT TO~~  
14 subsection (2) or (3) to protect the environment or if ~~the SUCH~~  
15 operation of ORVs ~~under subsection (2) or (3)~~ poses a particular  
16 and demonstrable threat to public safety. A county road commission  
17 shall not under this subsection close more than 30% of the linear  
18 miles of roads located within the county ~~to the operation of ORVs~~  
19 ~~under OR A TOWNSHIP TO THE OPERATION OF ORVS OTHERWISE AUTHORIZED~~  
20 **PURSUANT TO** subsection (2) or (3), **RESPECTIVELY**. The township board  
21 of a township located in an eligible county may adopt an ordinance  
22 to close a road to the operation of ORVs ~~under OTHERWISE AUTHORIZED~~  
23 **PURSUANT TO** subsection (2).

24           (5) The legislative body of a municipality located in an  
25 eligible county may adopt an ordinance authorizing the operation of  
26 ORVs on the maintained portion of 1 or more streets within the  
27 municipality.

1           (6) SUBJECT TO SUBSECTION (8), BY MAY 1, 2013, THE STATE  
2 TRANSPORTATION DEPARTMENT SHALL AUTHORIZE THE OPERATION OF ORVS ON  
3 THE MAINTAINED PORTION OF A STATE TRUNK LINE HIGHWAY, OTHER THAN AN  
4 INTERSTATE HIGHWAY, ON ALL OR PART OF AT LEAST 10 STATE TRUNK LINE  
5 HIGHWAYS IN THE UPPER PENINSULA AND AT LEAST 5 STATE TRUNK LINE  
6 HIGHWAYS IN ELIGIBLE COUNTIES IN THE LOWER PENINSULA. BEFORE  
7 DESIGNATING THE STATE TRUNK LINE HIGHWAYS IN THE UPPER PENINSULA OR  
8 LOWER PENINSULA, THE STATE TRANSPORTATION DEPARTMENT SHALL SOLICIT  
9 AND CONSIDER COMMENTS FROM ORV USER GROUPS IN THE UPPER PENINSULA  
10 OR LOWER PENINSULA, RESPECTIVELY.

11           (7) SUBJECT TO SUBSECTIONS (8) OR (9), THE COUNTY BOARD OF  
12 COMMISSIONERS OF AN ELIGIBLE COUNTY MAY ADOPT AN ORDINANCE  
13 AUTHORIZING THE OPERATION OF ORVS ON THE MAINTAINED PORTION OF 1 OR  
14 MORE STATE TRUNK LINE HIGHWAYS, OTHER THAN INTERSTATE HIGHWAYS,  
15 LOCATED WITHIN THE COUNTY. NOT LESS THAN 45 DAYS BEFORE THE COUNTY  
16 BOARD OF COMMISSIONERS HOLDS A PUBLIC HEARING ON THE ORDINANCE BUT  
17 AFTER DECEMBER 31, 2013, THE COUNTY CLERK SHALL SEND NOTICE OF THE  
18 PUBLIC HEARING, BY CERTIFIED MAIL, TO THE STATE TRANSPORTATION  
19 DEPARTMENT, THE DEPARTMENT OF STATE POLICE, AND, IF STATE  
20 FORESTLAND IS LOCATED WITHIN THE COUNTY, TO THE DEPARTMENT. THE  
21 NOTICES TO THE STATE TRANSPORTATION DEPARTMENT AND DEPARTMENT OF  
22 STATE POLICE SHALL SOLICIT THEIR COMMENTS ON ENVIRONMENTAL AND  
23 PUBLIC SAFETY ISSUES RELATED TO THE PROPOSED ORDINANCE AND INDICATE  
24 THAT, TO BE ASSURED OF CONSIDERATION, THE COMMENTS MUST BE RECEIVED  
25 NOT MORE THAN 30 DAYS AFTER THE NOTICE WAS SENT. THE COUNTY BOARD  
26 OF COMMISSIONERS SHALL CONSIDER COMMENTS TIMELY RECEIVED FROM THE  
27 STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF STATE POLICE.

1 THE COUNTY BOARD OF COMMISSIONERS SHALL WORK WITH LOCAL ORV GROUPS  
2 TO ADDRESS CONCERNS RAISED IN THOSE COMMENTS.

3 (8) THE STATE TRANSPORTATION DEPARTMENT OR A COUNTY BOARD OF  
4 COMMISSIONERS SHALL AUTHORIZE OPERATION OF AN ORV UNDER SUBSECTION  
5 (6) OR (7), RESPECTIVELY, ONLY ON A STRETCH OF STATE TRUNK LINE  
6 HIGHWAY THAT MEETS 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

7 (A) SERVES AS A CONNECTOR BETWEEN ORV AREAS, ROUTES, OR TRAILS  
8 DESIGNATED BY THE DEPARTMENT OR AN ORV USER GROUP.

9 (B) PROVIDES ACCESS TO TOURIST ATTRACTIONS, FOOD SERVICE  
10 ESTABLISHMENTS, FUEL, OR OTHER SERVICES.

11 (C) SERVES AS A CONNECTOR BETWEEN 2 SEGMENTS OF THE SAME ROAD  
12 THAT RUN ALONG DISCONTINUOUS TOWN LINES.

13 (D) INCLUDES A BRIDGE THAT ALLOWS AN ORV TO CROSS A STREAM,  
14 WETLAND, OR GULLY THAT IS NOT CROSSED BY A ROAD OR STREET ON WHICH  
15 ORVS ARE AUTHORIZED TO OPERATE UNDER SUBSECTION (2) OR (3).

16 (9) THE STATE TRANSPORTATION DEPARTMENT MAY CLOSE A STATE  
17 TRUNK LINE HIGHWAY TO THE OPERATION OF ORVS OTHERWISE AUTHORIZED  
18 PURSUANT TO SUBSECTION (7) BY WRITTEN NOTICE TO THE COUNTY CLERK  
19 AND THE SENATE COMMITTEES WITH PRIMARY RESPONSIBILITY FOR NATURAL  
20 RESOURCES, RECREATION, AND TRANSPORTATION. THE NOTICE SHALL BE IN  
21 WRITING AND SENT BY FIRST-CLASS UNITED STATES MAIL OR PERSONALLY  
22 DELIVERED NOT MORE THAN 30 DAYS AFTER THE ADOPTION OF THE  
23 ORDINANCE. THE NOTICE SHALL SET FORTH SPECIFIC REASONS FOR THE  
24 CLOSURE.

25 (10) ~~(6)~~ Subject to subsection (4), if a local unit of  
26 government adopts an ordinance pursuant to subsection (2), (3), ~~or~~  
27 (5), OR (7) OR THE STATE TRANSPORTATION DEPARTMENT DESIGNATES A

1 **STATE TRUNK LINE HIGHWAY UNDER SUBSECTION (6)**, a person may operate  
2 an ORV with the flow of traffic on the far right of the maintained  
3 portion of the road or street covered by the ordinance **OR THE STATE**  
4 **TRUNK LINE HIGHWAY COVERED BY THE DESIGNATION**. A person shall not  
5 operate an ORV **AS AUTHORIZED** pursuant to subsection (2), (3), ~~or~~  
6 (5), (6), **OR (7)** at a speed greater than 25 miles per hour or a  
7 lower posted ORV speed limit or in a manner that interferes with  
8 traffic on the road, ~~or street~~, **OR STATE TRUNK LINE HIGHWAY**.

9 (11) ~~(7)~~—Unless the person possesses a license as defined in  
10 section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a  
11 person shall not operate an ORV **AS AUTHORIZED** pursuant to  
12 subsection (2), (3), ~~or~~(5), (6), **OR (7)** if the ORV is registered  
13 as a motor vehicle under chapter II of the Michigan vehicle code,  
14 1949 PA 300, MCL 257.201 to 257.259, and either is more than ~~60~~**65**  
15 inches wide or has 3 wheels. ORVs operated **AS AUTHORIZED** pursuant  
16 to subsection (2), (3), ~~or~~(5), (6), **OR (7)** shall travel single  
17 file, except that an ORV may travel abreast of another ORV when it  
18 is overtaking and passing, or being overtaken and passed by,  
19 another ORV.

20 (12) ~~(8)~~—A person shall not operate an ORV **AS AUTHORIZED**  
21 pursuant to this section without displaying a lighted headlight and  
22 lighted taillight.

23 (13) ~~(9)~~—A person under 18 years of age shall not operate an  
24 ORV **AS AUTHORIZED** pursuant to this section unless the person is in  
25 possession of a valid driver license or under the direct  
26 supervision of a parent or guardian and the person has in his or  
27 her immediate possession an ORV safety certificate issued pursuant

1 to this part or a comparable ORV safety certificate issued under  
 2 the authority of another state or a province of Canada. A person  
 3 under 12 years of age shall not operate an ORV **AS AUTHORIZED**  
 4 pursuant to this section. The requirements of this subsection are  
 5 in addition to any applicable requirements of section 81129.

6 (14) ~~(10)~~ A township that has authorized the operation of ORVs  
 7 on a road under subsection (3) **OR A COUNTY THAT HAS AUTHORIZED THE**  
 8 **OPERATION OF ORVS ON A STATE TRUNK LINE HIGHWAY UNDER SUBSECTION**  
 9 **(7)** does not have a duty to maintain the road **OR STATE TRUNK LINE**  
 10 **HIGHWAY** in a condition reasonably safe and convenient for the  
 11 operation of ORVs. ~~A-THIS STATE, A~~ board of county road  
 12 commissioners, a county board of commissioners, or a municipality  
 13 does not have a duty to maintain a **STATE TRUNK LINE HIGHWAY**, road,  
 14 or street under its jurisdiction in a condition reasonably safe and  
 15 convenient for the operation of ORVs, except the following ORVs:

16 (a) ORVs registered as motor vehicles as provided in the code.

17 (b) ORVs permitted by an ordinance as provided in subsection  
 18 (1).

19 (15) ~~(11) Beginning October 19, 1993, THIS STATE,~~ a board of  
 20 county road commissioners, a county board of commissioners, ~~and a~~  
 21 county, ~~are, and, beginning on April 25, 1995,~~ a municipality ~~is,~~  
 22 **ARE** immune from tort liability for injuries or damages sustained by  
 23 any person arising in any way out of the operation or use of an ORV  
 24 on maintained or unmaintained **STATE TRUNK LINE HIGHWAYS**, roads,  
 25 streets, shoulders, and rights-of-way over which **THIS STATE**, the  
 26 board of county road commissioners, the county board of  
 27 commissioners, or the municipality has jurisdiction. The immunity

1 provided by this subsection does not apply to actions that  
 2 constitute gross negligence. As used in this subsection, "gross  
 3 negligence" means conduct so reckless as to demonstrate a  
 4 substantial lack of concern for whether an injury results.

5 (16) ~~(12)~~—In a court action in this state, if competent  
 6 evidence demonstrates that a vehicle that is permitted to operate  
 7 on a road, ~~or~~ street, **OR STATE TRUNK LINE HIGHWAY** pursuant to the  
 8 code was in a collision with an ORV required to be operated on the  
 9 far right of the maintained portion of a road, ~~or~~ street, **OR STATE**  
 10 **TRUNK LINE HIGHWAY** pursuant to ~~an ordinance adopted under~~  
 11 ~~subsection (2), (3), or (5),~~ **SUBSECTION (10)**, the operator of the  
 12 ORV shall be considered prima facie negligent.

13 (17) ~~(13)~~—A violation of an ordinance described in this  
 14 section is a municipal civil infraction. The ordinance may provide  
 15 for a ~~maximum~~ fine of not more than \$500.00 for a violation of the  
 16 ordinance. In addition, the court shall order the defendant to pay  
 17 the cost of repairing any damage to the environment, a road, ~~or~~  
 18 street, **OR STATE TRUNK LINE HIGHWAY**, or public property ~~damaged as~~  
 19 a result of the violation.

20 (18) ~~(14)~~—The treasurer of the local unit of government shall  
 21 deposit fines collected by that local unit of government under  
 22 section 8379 of the revised judicature act of 1961, 1961 PA 236,  
 23 MCL 600.8379, and subsection ~~(13)~~ **(17)** and damages collected under  
 24 subsection ~~(13)~~ **(17)** into a fund to be designated as the "ORV  
 25 fund". The legislative body of the local unit of government shall  
 26 appropriate revenue in the ORV fund as follows:

27 (a) Fifty percent to the county sheriff or police department

1 responsible for law enforcement in the local unit of government for  
2 ORV enforcement and training.

3 (b) Fifty percent to the board of county road commissioners  
4 or, in the case of a city or village, to the department responsible  
5 for street maintenance in the city or village. ~~7—HOWEVER, IF A FINE~~  
6 ~~WAS COLLECTED FOR A VIOLATION OF AN ORDINANCE ADOPTED UNDER~~  
7 ~~SUBSECTION (7), 50% OF THE FINE REVENUE SHALL BE APPROPRIATED TO~~  
8 ~~THE STATE TRANSPORTATION DEPARTMENT. REVENUE APPROPRIATED UNDER~~  
9 ~~THIS SUBDIVISION SHALL BE USED~~ for repairing damage to roads, ~~or~~  
10 streets, ~~OR STATE TRUNK LINE HIGHWAYS~~ and the environment that may  
11 have been caused by ORVs and for posting signs indicating ORV speed  
12 limits or indicating whether roads, ~~or streets, OR STATE TRUNK LINE~~  
13 ~~HIGHWAYS~~ are open or closed to the operation of ORVs ~~under AS~~  
14 ~~AUTHORIZED PURSUANT TO~~ this section.

15 ~~—— (15) As used in this section:~~

16 ~~—— (a) "Eligible county" means any of the following:~~

17 ~~—— (i) Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, or~~  
18 ~~Sanilac county or a county lying north thereof, including all of~~  
19 ~~the counties of the Upper Peninsula.~~

20 ~~—— (ii) St. Clair county.~~

21 ~~—— (b) "Local unit of government" means a county, township, or~~  
22 ~~municipality.~~

23 ~~—— (c) "Municipality" means a city or village.~~

24 ~~—— (d) "Road" means a county primary road or county local road as~~  
25 ~~described in section 5 of 1951 PA 51, MCL 247.655.~~

26 ~~—— (e) "Street" means a city or village major street or city or~~  
27 ~~village local street as described in section 9 of 1951 PA 51, MCL~~

1 ~~247.659-~~

2 (19) A PERSON WHO VIOLATES A RULE PROMULGATED OR ORDER ISSUED  
3 UNDER SUBSECTION (6) IS RESPONSIBLE FOR A STATE CIVIL INFRACTION  
4 AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00. IN  
5 ADDITION, THE COURT SHALL ORDER THE DEFENDANT TO PAY THE COST OF  
6 REPAIRING ANY DAMAGE TO THE ENVIRONMENT, A STATE TRUNK LINE  
7 HIGHWAY, OR PUBLIC PROPERTY AS A RESULT OF THE VIOLATION.

8 Sec. 81133. (1) An individual shall not operate an ORV:

9 (a) At a rate of speed greater than is reasonable and proper,  
10 or in a careless manner, having due regard for conditions then  
11 existing.

12 (b) Unless the individual and any passenger in or on the  
13 vehicle is wearing on his or her head a crash helmet and protective  
14 eyewear approved by the United States department of transportation.  
15 This subdivision does not apply to either of the following:

16 (i) The operator of or a passenger in a vehicle that is  
17 equipped with a roof that meets or exceeds standards for a crash  
18 helmet if the operator and each passenger is wearing a properly  
19 adjusted and fastened safety belt.

20 (ii) The operator of or a passenger in an ORV that is operated  
21 on a state licensed game bird hunting preserve at a speed of not  
22 greater than 10 miles per hour.

23 (c) During the hours of 1/2 hour after sunset to 1/2 hour  
24 before sunrise without displaying a lighted headlight and lighted  
25 taillight. The requirements of this subdivision are in addition to  
26 any applicable requirements of section ~~81131(8)~~-81131(12).

27 (d) Unless equipped with a braking system that may be operated

1 by hand or foot, capable of producing deceleration at 14 feet per  
2 second on level ground at a speed of 20 miles per hour; a brake  
3 light, brighter than the taillight, visible **FROM BEHIND THE VEHICLE**  
4 when the brake is activated, ~~to the rear of the vehicle when~~ **IF** the  
5 vehicle is operated during the hours of 1/2 hour after sunset and  
6 1/2 hour before sunrise; and a throttle so designed that when the  
7 pressure used to advance the throttle is removed, the engine speed  
8 will immediately and automatically return to idle.

9 (e) In a state game area or state park or recreation area,  
10 except on roads, trails, or areas designated for this purpose; on  
11 ~~state owned~~ **OTHER STATE-OWNED** lands under the control of the  
12 department ~~other than game areas, state parks, or recreational~~  
13 ~~areas~~ where the operation would be in violation of rules  
14 promulgated by the department; in a forest nursery or planting  
15 area; on public lands posted or reasonably identifiable as an area  
16 of forest reproduction, and when growing stock may be damaged; in a  
17 dedicated natural area of the department; or in any area in such a  
18 manner as to create an erosive condition, or to injure, damage, or  
19 destroy trees or growing crops. However, the department may permit  
20 an owner and guests of the owner to use an ORV within the  
21 boundaries of a state forest in order to access the owner's  
22 property.

23 (f) On the frozen surface of public waters within 100 feet of  
24 an individual not in or upon a vehicle, or within 100 feet of a  
25 fishing shanty or shelter or an area that is cleared of snow for  
26 skating purposes, except at the minimum speed required to maintain  
27 controlled forward movement of the vehicle, or as may be authorized

1 by permit in special events.

2 (g) Unless the vehicle is equipped with a spark arrester type  
3 United States forest service approved muffler, in good working  
4 order and in constant operation. Exhaust noise emission shall not  
5 exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January  
6 1, 1986, when the vehicle is under full throttle, traveling in  
7 second gear, and measured 50 feet at right angles from the vehicle  
8 path with a sound level meter that meets the requirement of ANSI  
9 S1.4 1983, using procedure and ancillary equipment therein  
10 described; or 99 Db(A) or 94 Db(A) on a vehicle manufactured after  
11 January 1, 1986, or that level comparable to the current sound  
12 level as provided for by the United States environmental protection  
13 agency when tested according to the provisions of the current SAE  
14 J1287, June 86 test procedure for exhaust levels of stationary  
15 motorcycles, using sound level meters and ancillary equipment  
16 therein described. A vehicle subject to this part, manufactured or  
17 assembled after December 31, 1972 and used, sold, or offered for  
18 sale in this state, shall conform to the noise emission levels  
19 established by the United States environmental protection agency  
20 under the noise control act of 1972, 42 USC 4901 to 4918.

21 (h) Within 100 feet of a dwelling at a speed greater than the  
22 minimum required to maintain controlled forward movement of the  
23 vehicle, except on property owned or under the operator's control  
24 or on which the operator is an invited guest, or on a roadway,  
25 forest road, or forest trail maintained by or under the  
26 jurisdiction of the department, or on a ~~road or street~~ **HIGHWAY** on  
27 which ORV use is authorized ~~under~~ **PURSUANT TO** section 81131(2),

1 (3), ~~or~~(5), (6), OR (7).

2 (i) In or upon the lands of another without the written  
3 consent of the owner, the owner's agent, or a lessee, when required  
4 by part 731. The operator of the vehicle is liable for damage to  
5 private property **CAUSED BY OPERATION OF THE VEHICLE**, including, but  
6 not limited to, damage to trees, shrubs, or growing crops, injury  
7 to other living creatures, or ~~damage caused through vehicle~~  
8 ~~operation in a manner so as to create~~ erosive or other ecological  
9 damage. The owner of the private property may recover from the  
10 individual responsible nominal damages of not less than the amount  
11 of damage or injury. Failure to post private property or fence or  
12 otherwise enclose in a manner to exclude intruders or of the  
13 private property owner or other authorized person to personally  
14 communicate against trespass does not imply consent to ORV use.

15 (j) In an area on which public hunting is permitted during the  
16 regular November firearm deer season from 7 a.m. to 11 a.m. and  
17 from 2 p.m. to 5 p.m., except during an emergency or for law  
18 enforcement purposes, to go to and from a permanent residence or a  
19 hunting camp otherwise inaccessible by a conventional wheeled  
20 vehicle, **OR** to remove from public land a deer, elk, or bear that  
21 has been taken under a valid license; ~~except for the~~**TO** conduct of  
22 necessary work functions involving land and timber survey,  
23 communication and transmission line patrol, ~~and~~**OR** timber harvest  
24 operations; or except on property owned or under control of the  
25 operator or on which the operator is an invited guest. A hunter  
26 removing game under this subdivision may leave the designated trail  
27 or forest road only to retrieve the game and shall not exceed 5

1 miles per hour. A vehicle registered under the code is exempt from  
2 this subdivision while operating on a public highway or public or  
3 private road capable of sustaining automobile traffic. A person  
4 holding a valid permit to hunt from a standing vehicle issued under  
5 part 401, or a person with a disability using an ORV to access  
6 public lands for purposes of hunting or fishing through use of a  
7 designated trail or forest road, is exempt from this subdivision.  
8 An individual holding a valid permit to hunt from a standing  
9 vehicle issued under part 401, or a person with a disability using  
10 an ORV to access public lands for purposes of hunting or fishing,  
11 may display a flag, the color of which the department shall  
12 determine, to identify himself or herself as a person with a  
13 disability or an individual holding a permit to hunt from a  
14 standing vehicle under part 401.

15 (k) Except as otherwise provided in section 40111(3) or (4),  
16 while transporting on the vehicle a bow unless unstrung or encased,  
17 or a firearm unless unloaded and securely encased, or equipped with  
18 and made inoperative by a manufactured keylocked trigger housing  
19 mechanism.

20 (l) On or across a cemetery or burial ground, or land used as  
21 an airport.

22 (m) Within 100 feet of a slide, ski, or skating area, unless  
23 the vehicle is being used for the purpose of servicing the area or  
24 is being operated pursuant to section 81131(2), (3), ~~or~~(5), (6),  
25 OR (7).

26 (n) On an operating or nonabandoned railroad or railroad  
27 right-of-way, or public utility right-of-way, other than for the

1 purpose of crossing at a clearly established site intended for  
2 vehicular traffic, except railroad, public utility, or law  
3 enforcement personnel while in performance of their duties, and  
4 except if the right-of-way is designated as provided for in section  
5 81127.

6 (o) In or upon the waters of any stream, river, bog, wetland,  
7 swamp, marsh, or quagmire except over a bridge, culvert, or similar  
8 structure.

9 (p) To hunt, pursue, worry, kill, or attempt to hunt, pursue,  
10 worry, or kill an animal, whether wild or domesticated.

11 (q) In a manner so as to leave behind litter or other debris.

12 (r) ~~In~~ **ON PUBLIC LAND**, a manner contrary to operating  
13 regulations. ~~on public lands.~~

14 (s) While transporting or possessing, in or on the vehicle,  
15 alcoholic liquor in a container that is open or uncapped or upon  
16 which the seal is broken, except under either of the following  
17 circumstances:

18 (i) The container is in a trunk or compartment separate from  
19 the passenger compartment of the vehicle.

20 (ii) If the vehicle does not have a trunk or compartment  
21 separate from the passenger compartment, the container is encased  
22 or enclosed.

23 (t) While transporting any passenger in or upon an ORV unless  
24 the manufacturing standards for the vehicle make provisions for  
25 transporting passengers.

26 (u) On adjacent private land, in an area zoned residential,  
27 within 300 feet of a dwelling at a speed greater than the minimum

1 required to maintain controlled forward movement of the vehicle  
2 except on a roadway, forest road, or forest trail maintained by or  
3 under the jurisdiction of the department, or on a ~~road or street~~  
4 **HIGHWAY** on which ORV use is authorized under section 81131(2), (3),  
5 ~~or~~(5), (6), OR (7).

6 (2) **EACH PERSON WHO PARTICIPATES IN THE SPORT OF ORV OPERATION**  
7 **ACCEPTS THE RISKS ASSOCIATED WITH THAT SPORT INsofar AS THE DANGERS**  
8 **ARE OBVIOUS AND INHERENT. THOSE RISKS INCLUDE, BUT ARE NOT LIMITED**  
9 **TO, INJURIES TO PERSONS OR PROPERTY THAT CAN RESULT FROM VARIATIONS**  
10 **IN TERRAIN; SURFACE OR SUBSURFACE SNOW OR ICE CONDITIONS; BARE**  
11 **SPOTS; ROCKS, TREES, AND OTHER FORMS OF NATURAL GROWTH OR DEBRIS;**  
12 **AND COLLISIONS WITH FILL MATERIAL, DECKS, BRIDGES, SIGNS, FENCES,**  
13 **TRAIL MAINTENANCE EQUIPMENT, OR OTHER ORVS. THOSE RISKS DO NOT**  
14 **INCLUDE INJURIES TO PERSONS OR PROPERTY THAT RESULT FROM THE USE OF**  
15 **AN ORV BY ANOTHER PERSON IN A CARELESS OR NEGLIGENT MANNER LIKELY**  
16 **TO ENDANGER PERSON OR PROPERTY. WHEN AN ORV IS OPERATED IN THE**  
17 **VICINITY OF A RAILROAD RIGHT-OF-WAY, EACH PERSON WHO PARTICIPATES**  
18 **IN THE SPORT OF ORV OPERATION ADDITIONALLY ASSUMES RISKS INCLUDING,**  
19 **BUT NOT LIMITED TO, ENTANGLEMENT WITH RAILROAD TRACKS, SWITCHES,**  
20 **AND TIES AND COLLISIONS WITH TRAINS AND TRAIN-RELATED EQUIPMENT AND**  
21 **FACILITIES.**

22 Enacting section 1. Sections 81102 and 81128 of the natural  
23 resources and environmental protection act, 1994 PA 451, MCL  
24 324.81102 and 324.81128, are repealed.