

EXEMPT ORV OPERATORS FROM HAVING TO WEAR HELMET AND EYEWEAR ON THEIR OWN PROPERTY

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House Bill 5191 as enacted

Public Act 147 of 2014

Sponsor: Rep. Bruce R. Rendon

House Committee: Tourism

Senate Committee: Outdoor Recreation and Tourism

Complete to 10-14-14

A SUMMARY OF HOUSE BILL 5191 AS ENACTED 6-5-14

The bill amends Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to allow property owners to operate off-road recreation vehicles (ORV) on their own private property without having to wear a crash helmet and protective eyewear.

Previously, individuals were prohibited from operating an ORV unless both the operator and any passenger were wearing crash helmets and protective eyewear that had been approved by the U.S. Department of Transportation. This requirement, then and now, does not apply to:

- An individual who owns the property on which the ORV is operating, is a family member of the owner and resides at that property, or is an invited guest of an individual who owns the property. This exception would not apply to:
 - Those younger than 16 years of age and those who are 16 or 17 years of age that do not have parental consent.
 - Individuals participating in an organized ORV riding or racing event on an individual's property, if that individual is receiving a consideration for use of his or her property for operating ORVs.
- Individuals wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds U.S. Department of Transportation standards for a crash helmet.
- Individuals operating an ORV on a state licensed game bird hunting preserve at up to 10 mph.

House Bill 5191 maintained the current exemptions from the helmet requirement and also exempts an individual who owns the property on which the ORV is operating.

[The new exemption created under House Bill 5191 is similar to the exemption from the helmet requirements for snowmobile operators. Under Part 821 (MCL 324.82123), individuals operating or riding on a snowmobile must wear a crash helmet unless operating on their own private property.]

MCL 324.81133 & 81147

FISCAL IMPACT:

House Bill 5191 would not have a significant fiscal impact on the State of Michigan or local units of government.

The bill creates an exemption for the helmet and protective eyewear requirement to property owners operating ORVs on their own land. Under current law, an individual found in violation of the helmet requirement would be responsible for a state civil infraction and a fine of up to \$500.

Any fiscal impact from the provisions of the bill would be based upon the amount of fine revenue that would no longer be collected from these violations from property owners under current law. This fine revenue would have been distributed to county treasurers for the funding of public libraries.

BACKGROUND INFORMATION AND DISCUSSION:

Previously, Part 811 required operators of, and passengers on, ORVs to wear crash helmets and protective eyewear, regardless of whether they are operating the ORV on private or public land. According to testimony, the bill is the result of an individual being ticketed by law enforcement for operating an ORV without a helmet on his privately owned land. Supporters believe land owners should be free to operate ORVs without helmets on their own land and that the current requirement is an infringement on private property rights.

The exemption provided for ORV operators on their privately-owned land mirrors the current exemption provided to snowmobile operators. Currently, under Part 821, snowmobile operators do not have to wear crash helmets when operating on their own private property.

The Department of Natural Resources expressed concern regarding maintained trail systems that may pass through privately owned land and the possibility that individuals could end up on publicly maintained trail systems without proper crash helmets.

Additionally, some believe that helmets should be worn whenever an individual is operating an ORV (or other forms of recreation vehicles), regardless of who owns the property. When accidents occur on privately owned land, individuals not wearing crash helmets face increased likelihood of sustaining injuries. Allowing individuals to operate ORVs without crash helmets also contradicts manufacturer recommendations for safe use.

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