

HOUSE BILL No. 4684

May 2, 2013, Introduced by Reps. Denby, Graves, O'Brien, Jacobsen, Pagel, Rogers, Heise, Kowall, Daley, Shirkey, Goike, Yonker, Kesto, McMillin, Pettalia and Franz and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 82101 (MCL 324.82101), as amended by 2010 PA
371.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82101. As used in this part:

2 (A) "AUCTION" MEANS THE SALE OR OFFER FOR SALE BY BIDDING OF
3 REAL OR PERSONAL PROPERTY AT A PUBLIC OR PRIVATE LOCATION.

4 (B) "AUCTIONEER" MEANS A PERSON THAT IS ENGAGED IN THE
5 BUSINESS OF CONDUCTING AUCTIONS OR THAT OFFERS TO CONDUCT AN
6 AUCTION FOR COMPENSATION.

7 (C) ~~(a)~~ "Conviction" means a final conviction, the payment of
8 a fine, a plea of guilty or nolo contendere if accepted by the
9 court, or a finding of guilt or probate court disposition on a

1 violation of this part, regardless of whether the penalty is
2 rebated or suspended.

3 (D) ~~(b)~~—"Dealer" means any person engaged in the sale, lease,
4 or rental of snowmobiles as a regular business, other than an
5 auctioneer. ~~as that term is defined in section 2901 of the~~
6 ~~occupational code, 1980 PA 299, MCL 339.2901.~~

7 (E) ~~(c)~~—"Former section 15a" means section 15a of former 1968
8 PA 74, as constituted ~~prior to~~ **BEFORE** May 1, 1994.

9 (F) ~~(d)~~—"Highly restricted personal information" means an
10 individual's photograph or image, social security number, digitized
11 signature, and medical and disability information.

12 (G) ~~(e)~~—"Highway or street" means the entire width between the
13 boundary lines of every way publicly maintained if any part of it
14 is open to public use for vehicular travel.

15 (H) ~~(f)~~—"Historic snowmobile" means a snowmobile that is over
16 25 years old and that is owned solely as a collector's item and for
17 occasional use and for participation in club activities,
18 exhibitions, tours, parades, and similar uses, including mechanical
19 testing.

20 (I) ~~(g)~~—"In-kind contributions" means services and goods as
21 approved by the department that are provided by a grant recipient
22 toward completion of a department-approved local snowmobile program
23 under section 82107.

24 (J) ~~(h)~~—"Law of another state" means a law or ordinance
25 enacted by any of the following:

26 (i) Another state.

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

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

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

4 (K) ~~(i)~~—"Long-term incapacitating injury" means an injury that
5 causes a person to be in a comatose, quadriplegic, hemiplegic, or
6 paraplegic state, which state is likely to continue for 1 year or
7 more.

8 (I) ~~(j)~~—"Operate" means to ride in or on and be in actual
9 physical control of the operation of a snowmobile.

10 (M) ~~(k)~~—"Operator" means any ~~person~~ **INDIVIDUAL** who operates a
11 snowmobile.

12 (N) ~~(l)~~—"Owner" means any of the following:

13 (i) A person ~~who~~ **THAT** holds the legal title to a snowmobile.

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

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

21 (O) ~~(m)~~—"Peace officer" means any of the following:

22 (i) A sheriff.

23 (ii) A sheriff's deputy.

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

27 (iv) A village or township marshal.

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

2 (vi) An officer of the Michigan state police.

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

5 (viii) A law enforcement officer who is certified under the
6 commission on law enforcement standards act, 1965 PA 203, MCL
7 28.601 to 28.616, provided that officer is policing within his or
8 her jurisdiction.

9 (P) ~~(n)~~—"Personal information" means information that
10 identifies an individual, including an individual's driver
11 identification number, name, address not including zip code, and
12 telephone number, but does not include information on snowmobile
13 operation or equipment-related violations or civil infractions,
14 operator or snowmobile registration status, accidents, or other
15 behaviorally-related information.

16 (Q) ~~(e)~~—"Probate court or family division disposition" means
17 the entry of a probate court order of disposition or family
18 division order of disposition for a child found to be within the
19 provisions of chapter XIIA of the probate code of 1939, 1939 PA
20 288, MCL 712A.1 to 712A.32.

21 (R) ~~(p)~~—"Prosecuting attorney", except as the context requires
22 otherwise, means the attorney general, the prosecuting attorney of
23 a county, or the attorney representing a local unit of government.

24 (S) ~~(q)~~—"Recreational snowmobile trail improvement subaccount"
25 means the recreational snowmobile trail improvement subaccount of
26 the snowmobile account created in section 82110.

27 (T) ~~(r)~~—"Right-of-way" means that portion of a highway or

1 street less the roadway and any shoulder.

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

7 (V) ~~(t)~~ "Shoulder" means that portion of a highway or street
8 on either side of the roadway that is normally snowplowed for the
9 safety and convenience of vehicular traffic.

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

16 (X) ~~(v)~~ "Snowmobile account" means the snowmobile account of
17 the Michigan conservation and recreation legacy fund provided for
18 in section 2025.

19 (Y) ~~(w)~~ "Snowmobile registration fee subaccount" means the
20 snowmobile registration fee subaccount of the snowmobile account
21 created in section 82111.

22 (Z) ~~(x)~~ "Zone 1" means all of the Upper Peninsula.

23 (AA) ~~(y)~~ "Zone 2" means all of that part of the Lower
24 Peninsula north of a line beginning at and drawn from a point on
25 the Michigan-Wisconsin boundary line due west of the westerly
26 terminus of River road in Muskegon county; thence due east to the
27 westerly terminus of River road; thence north and east along the

1 center line of the River road to its intersection with highway M-
 2 120; thence northeasterly and easterly along the center line of
 3 highway M-120 to the junction of highway M-20; thence easterly
 4 along the center line of M-20 to its junction with US-10 at the
 5 Midland-Bay county line; thence easterly along the center line of
 6 the "business route" of highway US-10 to the intersection of
 7 Garfield road in Bay county; thence north along the center line of
 8 Garfield road to the intersection of the Pinconning road; thence
 9 east along the center line of Pinconning road to the intersection
 10 of the Seven Mile road; thence north along the center of the Seven
 11 Mile road to the Bay-Arenac county line; thence north along the
 12 center line of the Lincoln School road (county road 25) in Arenac
 13 county to the intersection of highway M-61; thence east along the
 14 center line of highway M-61 to the junction of highway US-23;
 15 thence northerly and easterly along the center line of highway US-
 16 23 to the center line of the Au Gres river; thence southerly along
 17 the center line of the river to its junction with Saginaw Bay of
 18 Lake Huron; thence north 78° east to the international boundary
 19 line between the United States and the Dominion of Canada.

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

22 Enacting section 1. This amendatory act does not take effect
 23 unless Senate Bill No. ____ or House Bill No. 4681(request no.
 24 02040'13) of the 97th Legislature is enacted into law.