

HOUSE BILL No. 4297

February 20, 2013, Introduced by Rep. Foster and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74116, and 78119 (MCL 324.74101, 324.74116, and 324.78119), sections 74101 and 74116 as amended by 2010 PA 33 and section 78119 as added by 2010 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 74101. As used in this part:

2 (a) "Commercial motor vehicle" means a commercial vehicle as
3 defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL
4 257.7.

5 (b) "DISABLED VETERAN" MEANS A RESIDENT WHO SERVED IN THE
6 ARMY, AIR FORCE, NAVY, MARINE CORPS, OR COAST GUARD, WHO WAS
7 RELEASED FROM HIS OR HER MILITARY SERVICE WITH AN HONORABLE OR
8 GENERAL DISCHARGE, AND WHO, AS DETERMINED BY THE UNITED STATES

1 DEPARTMENT OF VETERANS AFFAIRS, IS AT LEAST 30% DISABLED AS A
2 RESULT OF MILITARY SERVICE AND ENTITLED TO VETERANS' BENEFITS.

3 (C) ~~(b)~~—"Improvement program" means the construction,
4 reconstruction, development, improvement, bettering, operating,
5 maintaining, and extending a facility at a state park, including a
6 site improvement, impoundment, road and parking lot, toilet
7 building, concession building, shelter building, bathhouse,
8 utility, outdoor center, visitor service facility, ski area, ski
9 tow, ski shelter, and administration unit.

10 (D) ~~(e)~~—"Motor vehicle" means a vehicle that is self-
11 propelled.

12 (E) ~~(d)~~—"Nonresident motor vehicle" means a motor vehicle
13 other than a commercial motor vehicle that is not registered as a
14 motor vehicle in this state.

15 (F) ~~(e)~~—"Recreation passport fee" means that term as defined
16 in section 2001.

17 (G) ~~(f)~~—"Resident motor vehicle" means a motor vehicle other
18 than a commercial motor vehicle that is registered as a motor
19 vehicle in this state.

20 (H) ~~(g)~~—"State park" means a state park or state recreation
21 area designated by the director.

22 (I) ~~(h)~~—"State park improvement account" means the state park
23 improvement account of the Michigan conservation and recreation
24 legacy fund provided for in section 2030.

25 (J) ~~(i)~~—"State park revenues" means all revenues collected for
26 state parks, including but not limited to, revenue from recreation
27 passport fees, motor vehicle permits, concession fees, nonmotorized

1 trail permits, fees, leases, camping fees, sale of farm animals
2 from Maybury state park, donations, and gifts.

3 Sec. 74116. (1) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND**
4 **(5)**, the operator of a nonresident motor vehicle or commercial
5 motor vehicle shall not enter any state park with that motor
6 vehicle unless a valid motor vehicle park permit issued under
7 section 74117 is affixed to the lower right-hand corner of the
8 windshield. An annual motor vehicle park permit for a nonresident
9 motor vehicle shall be affixed permanently for that year. The
10 department shall post signs at parks that state that a motor
11 vehicle permit is required for entry by a nonresident motor vehicle
12 or commercial motor vehicle.

13 (2) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND (5)**, the
14 operator of a resident motor vehicle shall not enter a state park
15 with the resident motor vehicle unless the recreation passport fee
16 has been paid for that motor vehicle.

17 (3) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND (5)**, if the
18 secretary of state issues registration tabs or stickers as
19 described in section 805 of the Michigan vehicle code, 1949 PA 300,
20 MCL 257.805, the operator of a resident motor vehicle shall not
21 enter a state park with the resident motor vehicle unless the
22 resident motor vehicle has a registration tab or sticker or
23 temporary registration plate marked as provided under that section
24 to show that the recreation passport fee has been paid.

25 (4) ~~The requirements of subsections~~ **SUBSECTIONS** (1) to (3) do
26 not apply under any of the following circumstances:

27 (a) While the motor vehicle is being driven or parked within

1 an established federal, state, or county highway within a state
2 park.

3 (b) If the motor vehicle is used in the operation or
4 maintenance of a state park, is an emergency motor vehicle, is a
5 state owned or law enforcement motor vehicle, or is a private motor
6 vehicle being operated on official state business.

7 (c) If and to the extent the department waives the
8 requirements for department-sponsored events or other circumstances
9 as determined by the director or the director's designee.

10 (5) SUBSECTIONS (1) TO (3) DO NOT APPLY IF A DISABLED VETERAN
11 ANNUAL MOTOR VEHICLE PARK PERMIT IS AFFIXED TO THE LOWER RIGHT-HAND
12 CORNER OF THE WINDSHIELD. THE DISABLED VETERAN ANNUAL MOTOR VEHICLE
13 PARK PERMIT SHALL BE AFFIXED PERMANENTLY FOR THE YEAR. THE
14 DEPARTMENT SHALL ISSUE A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK
15 PERMIT FREE OF CHARGE TO AN INDIVIDUAL UPON PRESENTATION OF PROOF
16 ACCEPTABLE TO THE DEPARTMENT THAT THE INDIVIDUAL IS A DISABLED
17 VETERAN. A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK PERMIT
18 AUTHORIZES THE ENTRY OF A MOTOR VEHICLE TO WHICH IT IS ORIGINALLY
19 ATTACHED WITHIN ANY STATE PARK DURING THE CALENDAR YEAR FOR WHICH
20 IT IS ISSUED. A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK PERMIT
21 SHALL NOT BE USED FOR A COMMERCIAL MOTOR VEHICLE.

22 Sec. 78119. (1) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND**
23 **(5)**, a person shall not enter, in a nonresident motor vehicle or
24 commercial motor vehicle, a designated state-operated public
25 boating access site without a valid pass affixed to the lower
26 right-hand corner of the windshield. A seasonal pass shall be
27 affixed permanently for the season.

1 (2) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND (5)**, the
2 operator of a resident motor vehicle shall not enter a designated
3 state-operated public boating access site with the resident motor
4 vehicle unless the recreation passport fee has been paid for that
5 motor vehicle.

6 (3) Subject to ~~subsection (4)~~, **SUBSECTIONS (4) AND (5)**, if the
7 secretary of state issues registration tabs or stickers as
8 described in section 805 of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.805, the operator of a resident motor vehicle shall not
10 enter a designated state-operated public boating access site with
11 the resident motor vehicle unless the resident motor vehicle has a
12 registration tab or sticker or temporary registration plate marked
13 as provided under that section to show that the recreation passport
14 fee has been paid.

15 (4) ~~The requirements of subsections~~ **SUBSECTIONS (1) to (3)** do
16 not apply under any of the following circumstances:

17 (a) If the motor vehicle is used in the operation or
18 maintenance of the public boating access site, is an emergency
19 motor vehicle, is a state-owned or law enforcement motor vehicle,
20 or is a private motor vehicle being operated on official state
21 business.

22 (b) If and to the extent the department waives the
23 requirements for department-sponsored events or other circumstances
24 as determined by the director or the director's designee.

25 **(5) SUBSECTIONS (1) TO (3) DO NOT APPLY IF A DISABLED VETERAN**
26 **ANNUAL MOTOR VEHICLE PARK PERMIT IS AFFIXED TO THE LOWER RIGHT-HAND**
27 **CORNER OF THE WINDSHIELD. THE DISABLED VETERAN ANNUAL MOTOR VEHICLE**

1 PARK PERMIT SHALL BE AFFIXED PERMANENTLY FOR THE YEAR. THE
2 DEPARTMENT SHALL ISSUE A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK
3 PERMIT FREE OF CHARGE TO AN INDIVIDUAL UPON PRESENTATION OF PROOF
4 ACCEPTABLE TO THE DEPARTMENT THAT THE INDIVIDUAL IS A DISABLED
5 VETERAN. A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK PERMIT
6 AUTHORIZES THE ENTRY OF A MOTOR VEHICLE TO WHICH IT IS ORIGINALLY
7 ATTACHED WITHIN ANY STATE PARK DURING THE CALENDAR YEAR FOR WHICH
8 IT IS ISSUED. A DISABLED VETERAN ANNUAL MOTOR VEHICLE PARK PERMIT
9 SHALL NOT BE USED FOR A COMMERCIAL MOTOR VEHICLE.

10 (6) ~~(5)~~—A person who violates subsection (1), (2), or (3) is
11 responsible for a state civil infraction and may be ordered to pay
12 a civil fine of not more than \$100.00. A person shall not be cited
13 for a violation of both subsections (2) and (3) for the same
14 incident.

15 (7) ~~(6)~~—In any proceeding for the violation of this part or a
16 rule promulgated under this part, if a motor vehicle is found
17 parked in a designated state-operated public boating access site,
18 the registration plate displayed on the motor vehicle constitutes
19 prima facie evidence that the owner of the motor vehicle was the
20 person who parked or placed it at the location where it was found.