

Legislative Analysis



ADD EXCEPTION TO ORV AND SNOWMOBILE HELMET REQUIREMENTS

Phone: (517) 373-8080
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Senate Bills 209, 210, and 211 as passed by the Senate

Sponsor: Sen. Ed McBroom

House Committee: Natural Resources and Outdoor Recreation

Senate Committee: Natural Resources

Complete to 2-9-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bills 210 and 211 would amend the Natural Resources and Environmental Protection Act (NREPA) to add an exception to the helmet requirements for ORV and snowmobile use for an individual who has written verification from a physician that the individual is unable to wear a crash helmet for physical or medical reasons. Senate Bill 209 would amend the Revised Judicature Act to hold a physician harmless from civil liability for providing or failing to provide written verification of an inability to wear a safety belt or crash helmet for a patient under the physician's care.

Senate Bill 210 would amend Part 811 (Off-Road Recreation Vehicles) of NREPA, which generally requires an individual who is operating or is a passenger on an **ORV** to wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. The act provides a list of exceptions to the requirement.

ORV means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related two-wheel vehicle, a vehicle with three or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation may be an ORV. An ATV is an ORV. [An ATV is defined as a vehicle with three or more wheels that is designed for off-road use, has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.] ORV does *not* include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

The bill would add to the list of exceptions an individual who possesses a written verification from a physician that the individual, for physical or medical reasons, is unable to wear a crash helmet. The individual would have to show the written verification to a peace officer upon request.

MCL 324.81133

Senate Bill 211 would amend Part 821 (Snowmobiles) of NREPA, which currently requires a person operating or riding on a snowmobile to wear a crash helmet approved by the United States Department of Transportation. However, the requirement does not apply to a person riding on or operating a snowmobile on his or her own property.

The bill would add that the helmet requirement also does not apply to a person who possesses a written verification from a physician that the person, for physical or medical reasons, is unable to wear a crash helmet. The person would have to show the written verification to a peace officer upon request.

MCL 324.82123

Senate Bill 209 would add a new section to the Revised Judicature Act to provide that a physician is not liable for civil damages that result from the physician's provision of or failure to provide a written verification that an individual who is under the physician's care is unable, for physical or medical reasons, to do one or more of the following:

- Wear a helmet, as described (see above) in Part 811 or Part 821 of NREPA.
- Wear a safety belt, as described in section 710e of the Michigan Vehicle Code.

The Michigan Vehicle Code generally requires an operator and front seat passenger of a motor vehicle operated on a street or highway in Michigan to wear a properly adjusted and fastened safety belt. The provision does not apply to an operator or passenger who possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

Proposed MCL 600.2980

FISCAL IMPACT:

Senate Bill 209 would have no fiscal impact on the state or on local units of government.

Senate Bills 210 and 211 are unlikely to affect costs or revenues for the Department of Natural Resources or local units of government.

Legislative Analyst: Emily S. Smith
Fiscal Analysts: Robin Risko
Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.