

## **CIVIL INFRACTION FOR CERTAIN SNOWMOBILE VIOLATIONS**

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<http://www.house.mi.gov/hfa>

**House Bill 4138 as reported from committee**  
**Sponsor: Rep. Julie Alexander**  
**Committee: Judiciary**  
**Complete to 4-28-21**

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

### **SUMMARY:**

House Bill 4138 would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act (NREPA) to change the penalties associated with improper snowmobile registration.

The bill would amend section 82113 of NREPA. Section 82113 requires a snowmobile owner who has been issued a certificate of registration to affix the registration decal to each side of the forward half of the cowl above the footwell of the snowmobile<sup>1</sup> and prohibits a number from being attached to, or otherwise displayed on, the snowmobile that is not the number awarded to the snowmobile on the registration certificate or granted reciprocity under Part 821.

Currently, a person who violates section 82113 is guilty of a misdemeanor. The Michigan Penal Code provides that a misdemeanor for which no specific penalty is prescribed (as in this case) is punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

Under the bill, a person who violated either of the provisions described above would be responsible for a civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.82113

### **BACKGROUND:**

House Bill 4138 is a reintroduction of House Bill 5551 of the 2019-20 legislative session. That bill was passed by the House of Representatives.

Additionally, the bill is part of a larger civil infraction package in the current legislative session (including at least House Bills 4136 and 4144 through 4155) that either have been reported by the House Judiciary committee or are still under its consideration.

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<sup>1</sup> Note that section 82105 provides that "The registration decal shall be displayed as prescribed by rule promulgated by the Secretary of State." For an image from the Secretary of State that shows the location of decal placement (the same as prescribed by section 82113), see [https://www.michigan.gov/documents/decals\\_16060\\_7.pdf](https://www.michigan.gov/documents/decals_16060_7.pdf)

## **FISCAL IMPACT:**

House Bill 4138 would have an indeterminate fiscal impact on the state and on local units of government. Currently, under section 82133 of NREPA, unless otherwise stated, a person who violates any provision within Part 821 of the act is guilty of a misdemeanor. The penalties for violations under the bills would be reduced from misdemeanor charges to civil infractions. Reducing penalties from misdemeanors to civil infractions would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenues used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails, and how those costs are financed, vary by jurisdiction, so the savings to local units cannot be determined. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the Revised Judicature Act (RJA), \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. The fiscal impact on local court systems would depend on how provisions of the bills affected caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur under provisions of the bills, an estimate of the amount of additional revenue to the state cannot be made.

## **POSITIONS:**

The Michigan Catholic Conference indicated support for the bill. (4-20-21)

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■ 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.