



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bills 209 through 211 (as introduced 3-9-21)

Sponsor: Senator Ed McBroom

Committee: Natural Resources

Date Completed: 3-9-21

## **CONTENT**

**Senate Bill 210 would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Act (NREPA) to do the following:**

- Allow an individual to ride an off-road vehicle (ORV) without a crash helmet or protective eyewear if he or she possessed a written verification from a physician that he or she could not, for physical or medical reasons, wear a helmet.
- Require an individual to exhibit the written verification upon the request of a peace officer.

**Senate Bill 211 would amend Part 821 (Snowmobiles) of NREPA to do the following:**

- Allow an individual to operate or ride a snowmobile without a helmet if he or she possessed a written verification from a physician that he or she could not, for physical or medical reason, wear a helmet.
- Require an individual to exhibit the written verification upon the request of a peace officer.

**Senate Bill 209 would amend the Revised Judicature Act to specify that a physician would not be liable for civil damages that resulted from the physician's provision of or failure to provide a written verification that an individual who was under his or her care was unable, for physical or medical reasons, to wear a crash helmet, safety belt, or both.**

## **Senate Bill 210**

Generally, Part 811 of NREPA prescribes certain requirements for operating an ORV. Currently, an individual who is operating or is a passenger on an ORV must wear a crash helmet and protective eyewear that are approved by the US Department of Transportation (USDOT). These requirements do not apply to any of the following:

- An individual who owned 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 the property owner, subject to certain exceptions.
- An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets the USDOT standards for a crash helmet.
- An ORV operated on a State-licensed game bird hunting preserve at a speed of 10 miles per hour or less.
- An ORV operated for towing a fishing shanty or supply shed over the frozen surface of public waters at the minimum speed required to maintain control of the ORV at a speed of 10 miles per hour or less.

Under the bill, the requirement for an ORV operator or passenger to wear a USDOT-approved crash helmet and protective eyewear would not apply to an individual who possessed a written verification from a physician that he or she, for physical or medical reasons, was unable to wear a helmet. The individual would have to exhibit the written verification upon the request of a peace officer.

### **Senate Bill 211**

Under Part 821 of NREPA, a person operating or riding on a snowmobile must wear a crash helmet approved by the USDOT; however, this requirement does not apply if the person is riding on or operating a snowmobile on his or her private property. Under the bill, the requirement also would not apply to a person who possessed a written verification from a physician that he or she, for physical or medical reasons, was unable to wear a helmet. The individual would have to exhibit the written verification upon the request of a peace officer.

### **Senate Bill 209**

The bill would amend the Revised Judicature Act to specify that a physician would not be liable for civil damages that resulted from the physician's provision of or failure to provide a written verification that an individual who was under his or her care was unable, for physical or medical reasons, to do one or more of the following:

- Wear a safety belt, as described in Section 710e of the Michigan Vehicle Code.
- Wear a helmet as described in Sections 81133 or 82123 of NREPA.

(Generally, the Vehicle Code requires operators and passengers of motor vehicles to wear safety belts, unless any of the exemptions to this requirement within the Code apply. Section 710e of the Code exempts an operator or passenger from the safety belt requirement if the operator or passenger has a written verification from a physician that the operator or the passenger is unable to wear a safety belt for physical or medical reasons.

Likewise, NREPA generally requires an individual operating an ORV or a snowmobile to wear a crash helmet approved by the US Department of Transportation. The Act provides certain exemptions to the helmet requirement when using an ORV.)

Proposed MCL 600.2980 (S.B. 209)  
MCL 324.81133 (S.B. 210)  
MCL 324.82123 (S.B. 211)

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco  
Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.