

HOUSE BILL NO. 4139

February 04, 2021, Introduced by Reps. LaFave and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 81122 (MCL 324.81122), as amended by 2013 PA
119.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81122. (1) A person shall not operate an ORV that is not
2 registered under the code upon a street, county road, or highway,
3 except as provided in section 81131 or under the following
4 conditions and circumstances:

1 (a) The operator of a vehicle may cross a street, county road,
2 or highway, other than a limited access highway, at ~~a right angles,~~
3 ~~for the purpose of getting from 1 area to another,~~ **angle**, if the
4 operation can be done in safety. The operator shall bring the
5 vehicle to a complete stop before proceeding across a street,
6 county road, or highway, and shall yield the right-of-way to
7 oncoming traffic. **A person who violates this subdivision is**
8 **responsible for a state civil infraction and may be ordered to pay**
9 **a civil fine of not more than \$150.00.**

10 (b) A vehicle may be operated on a street, county road, or
11 highway for a special event of limited duration and conducted
12 according to a prearranged schedule only under permit from the
13 governmental unit having jurisdiction. Subject to subsection (2), a
14 special event involving ORVs may be conducted on the frozen surface
15 of public waters only under permit from the department.

16 (c) A farmer, employee of a farmer, or family member of a
17 farmer who is at least 16 years of age may operate an ORV on a
18 street, county road, or highway while traveling to or from the
19 farmer's residence, ~~or~~ work location, or field during the course of
20 farming operations. An ORV shall not be operated pursuant to this
21 subdivision during the period of 30 minutes before sunset to 30
22 minutes after sunrise or when visibility is substantially reduced
23 due to weather conditions. The individual shall operate the ORV in
24 the same manner and on the same portion of the street, county road,
25 or highway as required under section 81131(9). The state
26 transportation department and ~~all of its~~ employees are immune from
27 tort liability for injury or damages sustained by any person
28 arising in any way by reason of the operation or use of an ORV for
29 the limited purposes allowed under this subdivision. An operator of

1 an ORV under this subdivision shall have attached to the ORV a flag
2 made of reflective material. The flag shall extend not less than 8
3 feet from the surface of the street, county road, or highway and
4 not less than 4 feet above the top of the ORV. The flag shall be
5 not less than 12 inches high by 18 inches long and ~~not~~ measure **not**
6 less than 100 square inches.

7 (2) The department shall not require a permit under this part
8 merely for organized group recreational ORV riding on department
9 lands, or for an ORV event on the frozen surface of public waters,
10 if conducted in compliance with applicable statutes, rules, and
11 orders. ~~Within 90 days after the effective date of the amendatory~~
12 ~~act from the 2013-2014 legislative session that added this~~
13 ~~subsection,~~ **By December 24, 2014,** the department shall develop and
14 establish, in consultation with representatives of the Michigan
15 snowmobile and trails advisory committee and other interested
16 parties, policy criteria for determining circumstances under which
17 notice to the department or a permit is required for ORV events on
18 department lands.

19 (3) In a court action, ~~in this state~~ if competent evidence
20 demonstrates that a vehicle that is permitted to operate on a
21 highway pursuant to the code is in a collision on a roadway with an
22 ORV that is not registered under the code, the operator of the ORV
23 involved in the collision shall be considered prima facie
24 negligent.