

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

SUBCHAPTER 6

MOTORIZED RECREATIONAL VEHICLES

OFF-ROAD RECREATION VEHICLES

PART 811

OFF-ROAD RECREATION VEHICLES

324.81101 Definitions.

Sec. 81101. As used in this part:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "ATV" means a vehicle with 3 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.

(c) "Code" means the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(d) "County road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655, or a segment thereof.

(e) "Dealer" means a person engaged in the sale, lease, or rental of an ORV as a regular business or, for purposes of selling licenses under section 81116, any other person authorized by the department to sell licenses or permits, or both, under this act.

(f) "Designated", unless the context implies otherwise, means posted by the department, with appropriate signs, as open for ORV use.

(g) "Farm vehicle" means either of the following:

(i) An implement of husbandry as defined in section 21 of the Michigan vehicle code, 1949 PA 300, MCL 257.21.

(ii) A vehicle used in connection with a farm operation as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(h) "Forest road" means a hard surfaced road, gravel or dirt road, or other route capable of travel by a 2-wheel drive, 4-wheel conventional vehicle designed for road use. Forest road does not include a street, county road, or highway.

(i) "Forest trail" means a designated path or way that is not a route.

(j) "Highway" means a state trunk line highway or a segment of a state trunk line highway.

(k) "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, and medical and disability information.

(l) "Late model ORV" means an ORV manufactured in the current model year or the 5 model years immediately preceding the current model year.

(m) "Law of another state" means a law or ordinance enacted by any of the following:

(i) Another state.

(ii) A local unit of government in another state.

(iii) Canada or a province or territory of Canada.

(iv) A local unit of government in a province or territory of Canada.

(n) "Local unit of government" means a county, township, or municipality.

(o) "Maintained portion" means the roadway and any shoulder of a street, county road, or highway.

(p) "Manufacturer" means a person, partnership, corporation, or association engaged in the production and manufacture of ORVs as a regular business.

(q) "Municipality" means a city or village.

(r) "Off-road vehicle account" means the off-road vehicle account of the Michigan conservation and recreation legacy fund established in section 2015.

(s) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.

(t) "Operator" means an individual who operates or is in actual physical control of the operation of an ORV.

(u) "ORV" or, unless the context implies a different meaning, "vehicle" 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 2-wheel vehicle, a vehicle with 3 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. ORV or vehicle 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.

(v) "ORV safety certificate" means an ORV safety certificate issued under section 81130 or, except as used in section 81130, a comparable safety certificate issued under the authority of another state or province of Canada.

(w) "Owner" means any of the following:

(i) A vendee or lessee of an ORV that is the subject of an agreement for the conditional sale or lease of the ORV, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee.

(ii) A person renting an ORV, or having the exclusive use of an ORV, for more than 30 days.

(iii) A person who holds legal ownership of an ORV.

(x) "Peace officer" means any of the following:

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of a municipality.

(vi) An officer of the department of state police.

(vii) The director and conservation officers employed by the department.

(y) "Person with a disability" means an individual who has 1 or more of the following physical characteristics:

(i) Blindness.

(ii) Inability, during some time of the year, to ambulate more than 200 feet without having to stop and rest.

(iii) Loss of use of 1 or both legs or feet.

(iv) Inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces, or other device required to aid mobility.

(v) A lung disease from which the individual's expiratory volume for 1 second, measured by spirometry, is less than 1 liter, or from which the individual's arterial oxygen tension is less than 60 mm/hg of room air at rest.

(vi) A cardiovascular disease that causes the individual to measure between 3 and 4 on the New York heart classification scale, or that results in a marked limitation of physical activity by causing fatigue, palpitation, dyspnea, or anginal pain.

(vii) Other diagnosed disease or disorder including, but not limited to, severe arthritis or a neurological or orthopedic impairment that creates a severe mobility limitation.

(z) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on ORV operation or equipment-related violations or civil infractions, operator or vehicle registration status, accidents, or other behaviorally related information.

(aa) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) A violation or an attempted violation of section 81134(1), (3), (4), (5), (6), or (7), except that only 1 violation or attempted violation of section 81134(6), a local ordinance substantially corresponding to section 81134(6), a law of another state substantially corresponding to section 81134(6), or a law of the United States substantially corresponding to section 81134(6) may be used as a prior conviction other than for enhancement purposes as provided in section 81134(11)(b).

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of an ORV, or an attempt to commit any of those crimes.

(iii) Former section 81135.

(bb) "Public agency" means the department or a local or federal unit of government.

(cc) "Roadway" means the portion of a street, county road, or highway improved, designed, or ordinarily used for travel by vehicles registered under the code. Roadway does not include the shoulder.

(dd) "Route" means a forest road or other road that is designated for purposes of this part by the

department.

(ee) "Safety chief instructor" means an individual who has been certified by a nationally recognized ORV organization to certify instructors and to do on-sight evaluations of instructors.

(ff) "Shoulder" means that portion of a street, county road, or highway contiguous to the roadway and generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped motor vehicles otherwise permitted on the roadway.

(gg) "Southern county" means Muskegon, Kent, Ionia, Clinton, Shiawassee, Genesee, Lapeer, or Macomb County, or a county lying south of the territory constituted by these counties.

(hh) "Specialty court program" means a program under any of the following:

(i) A drug treatment court, as defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult.

(ii) A DWI/sobriety court, as defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

(iii) A hybrid of the programs under subparagraphs (i) and (ii).

(iv) A mental health court as defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

(v) A veterans treatment court, as defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

(ii) "Street" means a city or village major street or city or village local street as described in section 9 of 1951 PA 51, MCL 247.659, or a segment thereof.

(jj) "Traffic lane" means a clearly marked lane on a roadway.

(kk) "Unmaintained portion" means the portion of a street, county road, or highway that is not the maintained portion.

(ll) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye by an observer who is able to come to the immediate aid of the operator.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 1998, Act 86, Imd. Eff. May 13, 1998;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2009, Act 196, Imd. Eff. Dec. 28, 2009;—Am. 2009, Act 200, Imd. Eff. Dec. 29, 2009;—Am. 2012, Act 246, Imd. Eff. July 2, 2012;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013;—Am. 2013, Act 249, Imd. Eff. Dec. 26, 2013;—Am. 2014, Act 405, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021;—Am. 2023, Act 210, Eff. Feb. 13, 2024.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81102 Repealed. 2013, Act 119, Imd. Eff. Sept. 25, 2013.

Compiler's note: The repealed section pertained to vehicles exempt from licensure requirements.

324.81103 Subject to MCL 324.81109(5); ORV; certificate of title generally.

Sec. 81103. (1) This section is subject to section 81109(5).

(2) After April 1, 1991, every ORV sold by a dealer to a retail purchaser shall be subject to the certificate of title provisions of this part.

(3) After April 1, 1991, a person who purchases or otherwise acquires an ORV shall apply for a certificate of title as provided in this part.

(4) After April 1, 1991, the owner of an ORV that has not been titled pursuant to subsection (2) or (3) or the code may apply for and, if otherwise eligible, receive a certificate of title issued under this part. If the ORV was previously titled under the code, it is not eligible for titling under this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81104 Application for title to ORV under code.

Sec. 81104. The owner of an ORV that has been and is titled under this part may apply for and, if

otherwise eligible, receive a title to the ORV under the code. If the owner applies for a title under the code, any certificate of title issued under this part shall at that time be surrendered to the department of state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81105 ORV; sale or assignment of ownership; purchase or acquisition; requirements; exception if subject to a security interest.

Sec. 81105. (1) Subject to subsection (2), after an ORV has been titled under this part, both of the following apply:

(a) The owner, except as provided in section 81104, shall not sell or otherwise assign ownership in the ORV without delivering to the transferee a certificate of title showing assignment of the ORV in the transferee's name.

(b) A person shall not purchase or otherwise acquire an ORV without obtaining a certificate of title to it in the person's name pursuant to either this part or the code.

(2) As provided under section 81109(5), the department of state is not required to issue a certificate of title to the owner of an ORV if the title is subject to a security interest.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81106 ORV exempt from MCL 257.1101 to 257.1133 and MCL 500.3101 to 500.3179.

Sec. 81106. An ORV is exempt from the motor vehicle accident claims act, Act No. 198 of the Public Acts of 1965, being sections 257.1101 to 257.1133 of the Michigan Compiled Laws, and from sections 3101 to 3179 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81107 Manufacturer's certificate of origin.

Sec. 81107. (1) A person shall not sell or otherwise transfer an ORV to a dealer, to be used by the dealer for purposes of display and resale, without delivering to the dealer a manufacturer's certificate of origin executed in accordance with this section. A dealer shall not purchase or otherwise acquire a new ORV without obtaining a manufacturer's certificate of origin.

(2) A manufacturer's certificate of origin shall contain the following information:

(a) A description of the ORV, including year, make, model or series, and vehicle identification number.

(b) Certification of the date of the transfer of the ORV to the dealer.

(c) The dealer's name and address.

(d) Certification that this transaction is the first transfer of the new ORV in ordinary commerce.

(e) The transferor's signature and address.

(3) An assignment of a manufacturer's certificate of origin shall be printed on the reverse side of the certificate. The assignment shall include the name and address of the transferee, a certification that the ORV is new, and a warranty that the title at the time of delivery is subject only to the secured interests set forth in the assignment.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81108 Application for ORV certificate of title; form; contents; security agreement; perfection of security interest; priority.

Sec. 81108. (1) An application for an ORV certificate of title shall be on a form prescribed by the department of state. The application shall include a certification. The owner or purchaser shall sign the application or, if the application is filed electronically, provide information requested by the department of state to verify the owner's identity. The application shall contain, in addition to other information required by the department of state, the following information:

(a) The applicant's name and address.

(b) A statement of any security interest or other liens on the ORV, along with the name and address of any lienholder.

(c) If a lien is not outstanding, a statement of that fact.

(d) A description of the ORV, including the year, make, model or series, and vehicle identification number.

(2) An application for an ORV certificate of title that indicates the existence of a security interest in the ORV shall, if requested by the security interest holder, be accompanied by a copy of the security agreement, which may be unsigned. The department of state shall indicate on the copy the date and place of filing and shall return the copy to the person who filed the application. The filer shall forward the copy to the security interest holder identified in the application.

(3) Receipt by the secretary of state of a properly tendered application for an ORV certificate of title that indicates the existence of a security interest in the ORV is a condition of perfection of a security interest in the ORV, unless, under section 81109(5), the department of state does not issue certificates of title for ORVs subject to a security interest, and is equivalent to filing a financing statement under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.9994, with respect to the ORV. When a security interest in an ORV is perfected, it has priority over the rights of a lien creditor as lien creditor is defined in section 9102 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2005, Act 39, Imd. Eff. June 7, 2005;—Am. 2012, Act 28, Imd. Eff. Feb. 23, 2012;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81109 Making application to department of state for issuance of ORV certificate of title; transactions by electronic means required; security interest.

Sec. 81109. (1) The purchaser or other transferee of an ORV subject to the titling provisions of this part shall, except as provided in subsection (2), apply to the department of state for issuance of a certificate of title to the ORV. The application shall be filed within 15 days after the date of purchase or transfer.

(2) A dealer selling ORVs at retail, within 15 days after delivering an ORV to a retail purchaser, shall apply to the department of state for issuance of an ORV certificate of title in the purchaser's name. The purchaser of the ORV shall sign the application and other papers necessary to enable the dealer to secure the title from the department of state. If the ORV was not previously titled, the application shall be accompanied by a manufacturer's certificate of origin.

(3) At the request of the applicant, the department of state shall process an application for an ORV certificate of title on an expedited basis.

(4) An application filed with the department of state pursuant to this section shall be accompanied by the fee or fees prescribed in section 81110.

(5) The department of state may require that all transactions concerning ORV security interests be conducted by electronic means, as determined by the department of state. In that case, if an ORV is subject to a security interest, the department of state is not required to issue a certificate of title to the owner of the ORV or a lienholder if it maintains a record of title electronically. After all security interests have been terminated, or for purposes of retitling the ORV in another state or any other purpose considered appropriate by the department of state, the department of state may issue a paper copy of the ORV title to the ORV owner.

(6) An ORV sale transaction in which a security interest is entered by electronic means shall include a document recording entry of the electronic security interest and information regarding the financial institution that holds the security interest. When a secured party is presented with payment in satisfaction of the security interest, a secured receipt in a form approved by the department of state may be produced and submitted to the department of state in lieu of the certificate of title for purposes of transferring ownership in the ORV.

(7) Beginning January 1, 1992, a person who violates this section is responsible for a state civil infraction

and may be ordered to pay a civil fine of not more than \$100.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81110 Fee for processing application for ORV certificate of title.

Sec. 81110. (1) The department of state shall charge a fee of \$11.00 for processing an application for an ORV certificate of title or a duplicate ORV certificate of title. The department of state shall charge an additional fee of \$5.00 for processing an application on an expedited basis.

(2) If a check or draft in payment of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee and any penalty.

(3) The department of state may suspend an ORV certificate of title if the department of state determines that a fee prescribed in this section has not been paid and remains unpaid after reasonable notice or demand.

(4) If a fee is still delinquent 15 days after the department of state has given notice to a person who tendered the check or draft, a \$10.00 penalty shall be assessed and collected in addition to the fee.

(5) The revenue collected from the fees imposed under this section shall be used to support the administrative costs of the secretary of state required by this section. Annual revenue collected in excess of these administrative costs shall be credited to the off-road vehicle account. Amounts appropriated for administrative costs but unexpended shall be credited to the off-road vehicle account.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81111 Refusal to issue ORV certificate of title; grounds; issuance and delivery; requiring certification of ownership.

Sec. 81111. (1) The department of state may refuse to issue an original or duplicate ORV certificate of title under the circumstances provided in section 81109(5) or if any of the following occur:

(a) The applicant fails to furnish all required information or reasonable additional information requested by the department of state.

(b) The required fee has not been paid.

(c) The applicant is not entitled to an ORV certificate of title under this part.

(d) The ORV is titled under the code.

(e) The application contains a false or fraudulent statement.

(f) The department of state has reasonable grounds to believe that the ORV was stolen or embezzled.

(2) Subject to subsection (1), if satisfied that the applicant is the owner of the ORV and is otherwise entitled to an ORV certificate of title, the department of state shall issue an ORV certificate of title in the applicant's name. The certificate shall be mailed or otherwise delivered to the owner of the ORV or to another person specified by the owner in a separate instrument, in a form prescribed by the department of state.

(3) If the secretary of state is not satisfied as to the ownership of an ORV which is not a late model ORV and whose value does not exceed \$1,500.00, the secretary of state shall require the applicant to certify that the applicant is the owner of the ORV and therefore entitled to make application for a certificate of title for the ORV.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81112 Manufacturing requirements for ORV certificate of title; uniform method of numbering; contents; prohibited acts; penalties.

Sec. 81112. (1) An ORV certificate of title shall be manufactured in a manner to prevent as nearly as possible the reproduction, alteration, counterfeiting, forging, or duplication of the certificate without ready detection. An ORV certificate of title shall contain on its face the information set forth in the application, including a notation of all secured interests in the ORV, the date on which the application was filed, and other information required by the department of state.

(2) The department of state shall prescribe a uniform method of numbering ORV certificates of title.

(3) An ORV certificate of title shall contain a form for assignment and warranty of title by the owner with space for the notation of a security interest in the ORV. The ORV certificate of title may also contain other forms that the department of state considers necessary to facilitate the effective administration of this part. The certificate shall bear the coat of arms of this state.

(4) A person shall not do any of the following:

(a) Reproduce, alter, counterfeit, forge, or duplicate an ORV certificate of title or hold or use an ORV certificate of title knowing it is reproduced, altered, counterfeited, forged, or duplicated.

(b) Fraudulently indicate on an ORV certificate of title that there is no security interest on record for the ORV.

(c) Forge or counterfeit a letter, receipt, or other document from the holder of a security interest in an ORV indicating that the security interest has been released.

(5) A person who violates subsection (4) is subject to the following penalties:

(a) If the intent of the violation was to commit or aid in the commission of an offense punishable by imprisonment for 1 or more years, the person committing the violation is guilty of a misdemeanor punishable by imprisonment for a period equal to that which could be imposed for the commission of the offense the person had the intent to aid or commit or a fine of not more than \$5,000.00, or both.

(b) If the intent of the violation was to commit or aid in the commission of an offense punishable by imprisonment for not more than 1 year, the person committing the violation is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(6) A person who is convicted of a violation of subsection (4)(b) or (c), in addition to any other penalty, shall pay restitution to the holder of a security interest in the ORV in the amount of the outstanding lien on the ORV.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2005, Act 271, Imd. Eff. Dec. 19, 2005;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: ORV

Popular name: Off-Road Vehicle Act

Popular name: NREPA

324.81113 Loss, mutilation, or illegibility of ORV certificate; application for and issuance of duplicate; legend; indexes.

Sec. 81113. (1) If an ORV certificate of title or duplicate certificate of title is lost or mutilated or becomes illegible, the person entitled to possession of the certificate, or the legal representative or successor in interest to the titleholder of record, may apply to the department of state for a duplicate ORV certificate of title. Upon receipt of the application, the fee prescribed in section 81110, and information satisfactory to the department of state to establish entitlement to the duplicate, the department of state may issue a duplicate ORV certificate of title to the applicant. As provided under section 81109(5), the department of state is not required to issue a duplicate certificate of title to the owner of an ORV if the title is subject to a security interest.

(2) A duplicate ORV certificate of title shall contain the legend: "This is a duplicate certificate of title and may be subject to the rights of a person under the original certificate."

(3) The secretary of state shall maintain 1 or more indexes pertaining to ORV certificates of title. Upon receiving an application for an ORV certificate of title, the secretary of state may check the information in the application and accompanying documents against the indexes of titled, registered, stolen, and recovered ORVs and against other records maintained by the secretary of state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81114 Records available to public; commercial lookup service of ORV operation, title, and registration; disposition of fees; computerized central file; purging records; providing records to nongovernmental person or entity; payment; admissibility in evidence.

Sec. 81114. (1) The secretary of state shall make available to the public records maintained under this part, other than those declared to be confidential by law or that are restricted by law from disclosure to the public, under procedures prescribed in this part and the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The secretary of state may provide a commercial lookup service of ORV operation, title, and registration records maintained under this part. For each individual record looked up, the secretary of state shall charge a fee of \$15.00 per record. The secretary of state shall process a commercial lookup request only if the request is in a form or format prescribed by the secretary of state. The secretary of state shall credit fees collected under this subsection to the transportation administration collection fund created in section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b, through October 1, 2027.

(3) The secretary of state shall create and maintain a computerized central file that includes the information contained on application forms received under this part and the name of each individual who is convicted of an offense, who fails to comply with an order or judgment issued, or against whom an order is entered under this part. The computerized central file must be interfaced with the law enforcement information network as provided in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(4) The secretary of state may purge a record of an ORV certificate of title and any record pertaining to it 7 years after the title was issued or the record was made or received.

(5) The secretary of state shall not provide an entire computerized central or other file of records maintained under this part to a nongovernmental person or entity unless the purchaser pays the prescribed fee or price for each individual record contained within the computerized file.

(6) A certified copy of an order, record, or paper maintained under this part is admissible in evidence in the same manner as the original and is prima facie proof of the facts stated in the original.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2005, Act 174, Imd. Eff. Oct. 12, 2005;—Am. 2009, Act 100, Imd. Eff. Sept. 30, 2009;—Am. 2011, Act 90, Imd. Eff. July 15, 2011;—Am. 2015, Act 77, Eff. Oct. 1, 2015;—Am. 2017, Act 199, Eff. Mar. 15, 2018;—Am. 2019, Act 81, Imd. Eff. Sept. 30, 2019;—Am. 2023, Act 140, Imd. Eff. Sept. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81114a Disclosure of personal information; uses.

Sec. 81114a. (1) Except as provided in this section and in section 81114c, personal information in a record maintained under this part shall not be disclosed, unless the person requesting the information furnishes proof of identity considered satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 81114c. Notwithstanding this section, highly restricted personal information shall be used and disclosed only as expressly permitted by law.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of a specified federal law. As used in this section, "specified federal law" means the automobile information disclosure act, Public Law 85-506, 15 U.S.C. 1231 to 1232 and 1233, the former motor vehicle information and cost savings act, Public Law 92-513, the former national traffic and motor vehicle safety act of 1966, Public Law 89-563, the anti-car theft act of 1992, Public Law 102-519, 106 Stat. 3384, the clean air act, chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q, and all federal regulations promulgated to implement these federal laws.

(3) Personal information in a record maintained under this part may be disclosed as follows:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of ORV and operator safety or ORV theft; ORV emissions; ORV product alterations, recalls, or advisories; performance monitoring of ORVs; ORV research activities, including survey research; and the removal of nonowner records from the original records of ORV

manufacturers.

(c) For use in the normal course of business by a business or its agents, employees, or contractors to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court, administrative agency, or self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer, self-insurer, or insurance support organization, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded ORV.

(h) For use by any licensed private security guard agency or alarm system contractor licensed under the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, or a private detective or private investigator licensed under the private detective license act of 1965, 1965 PA 285, MCL 338.821 to 338.851, for any purpose permitted under this section.

(i) For use by an ORV rental business, or its employees, agents, contractors, or service firms, for the purpose of making rental decisions.

(j) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(k) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81114b Resale or redisclosure of personal information; maintenance of records; duration; availability for inspection.

Sec. 81114b. (1) An authorized recipient of personal information under section 81114a may resell or redisclose the information for any use permitted under section 81114a.

(2) Any authorized recipient of personal information disclosed under section 81114a who resells or rediscloses personal information shall be required by the secretary of state to maintain for a period of not less than 5 years records as to the information obtained and the permitted use for which it was obtained, and to make such records available for inspection by the secretary of state, upon request.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81114c Furnishing list of information to federal, state, or local governmental agency; contract for sale of lists of records; surveys, marketing, and solicitations; insertion of safeguards in agreement or contract; resale or redisclosure of information; disclosure of list based on ORV operation or sanctions to nongovernmental agency.

Sec. 81114c. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this part to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. Unless otherwise prohibited by law, the secretary of state may charge

the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds \$25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media, and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of records maintained under this part in bulk, in addition to those lists distributed at cost or at no cost under this section, for purposes defined in section 81114a(3). The secretary of state shall require each purchaser of information in bulk to execute a written purchase contract. The secretary of state shall fix a market-based price for the sale of lists of bulk information, which may include personal information. The proceeds from each sale shall be used by the secretary of state to defray the costs of list preparation and for other necessary or related expenses.

(3) The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, and solicitations. The secretary of state shall ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this part.

(4) The secretary of state may insert any safeguard the secretary considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information furnished or sold is used only for a permissible use and that the rights of individuals and of the secretary of state are protected.

(5) An authorized recipient of personal information disclosed under this section who resells or rediscloses the information for any of the permissible purposes described in section 81114a(3) shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(6) The secretary of state shall not disclose a list based on ORV operation or sanctions to a nongovernmental agency, including an individual.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2000, Act 194, Eff. Jan. 1, 2001.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81114f Electronic lien title system; notification and release of security interests in ORVs; participation required; electronic transfers; admissibility in civil, criminal, or administrative proceedings; requirements; definitions.

Sec. 81114f. (1) The secretary of state may enter into 1 or more contracts under this section to establish, implement, and operate an electronic lien title system to process the notification and release of security interests in ORVs through electronic file transfers, or as otherwise determined by the secretary of state, in lieu of the issuance and maintenance of paper documents otherwise required by law. Any such contract shall require the protection of proprietary information in the electronic lien title system and provide for the protection of a competitive free market.

(2) Except for persons who are not normally engaged in the business or practice of financing ORVs, all secured parties are required to participate in the electronic lien title system.

(3) For the purposes of this part, any requirement that a security interest or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic lien title system. The satisfaction of a security interest may be electronically transmitted to the secretary of state. A secured party shall execute a release of its security interest in an ORV in a manner prescribed by the department not more than 14 days after the secured party receives the payment in satisfaction of the security interest. If the certificate of title is in the possession of the ORV owner, the secured party shall deliver the release to the ORV owner or as otherwise directed by the owner. However, if the certificate of title is held electronically as provided under section 81109(5), the secured party shall deliver the release of security interest to the department of state, and the department of state shall cancel the security

interest. If the secured party fails to comply with these requirements for the release of a secured interest, the secured party is liable to the ORV owner for all damages sustained by the owner because of the failure to comply. The electronic lien title system shall provide a mechanism by which an ORV dealer may assign ownership of an ORV without proof that the prior security interest was satisfied existing on the electronic lien title system. However, in the event of such an assignment, the dealer warrants that the title is free and clear of all liens and assumes responsibility for the satisfaction of the security interest.

(4) A certified copy of the secretary of state's electronic record of a security interest is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence of the security interest. If a certificate of title is maintained in the electronic lien title system, a certified copy of the secretary of state's electronic record of the certificate of title is admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence and contents of the certificate of title.

(5) The secretary of state may determine any requirements necessary to carry out this section, including, but not limited to, 1 or more of the following:

(a) Monitoring the reasonable fees charged by service providers or a contractor for the establishment and maintenance of the electronic lien title system.

(b) The qualifications of service providers for participation in the electronic lien title system.

(c) The qualifications for a contractor to enter into a contract with the secretary of state to establish, implement, and operate the electronic lien title system.

(d) Program specifications that a contractor must adhere to in establishing, implementing, and operating the electronic lien title system.

(6) The electronic lien title system under this section shall be established, implemented, and operational by February 16, 2021.

(7) By February 16, 2021, the department shall require a person to enter evidence of security interests and any related information into the electronic lien title system in lieu of paper documents.

(8) As used in this section:

(a) "Contractor" means a person who enters into a contract with the secretary of state to establish, implement, and operate the electronic lien title system described in this section.

(b) "Electronic lien title system" means a system to process the notification and release of security interests through electronic file transfers that is established and implemented under this section.

(c) "Service provider" means a person who provides secured parties with software to manage electronic lien and title data as provided under this section.

History: Add. 2018, Act 519, Eff. Mar. 29, 2019.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81115 Licensing of ORV required; exceptions; reciprocal agreement.

Sec. 81115. (1) Subject to subsection (2), a person shall not operate an ORV under any of the following conditions unless the ORV is licensed with the department or a dealer as provided under this part:

(a) Except as otherwise provided by law, on or over land, snow, ice, or other natural terrain.

(b) Except as otherwise provided in this part, on a forest trail or in a designated area.

(c) On a street, county road, or highway, except if the vehicle is registered under the code.

(2) An ORV is not required to be licensed under this part under any of the following circumstances:

(a) The ORV is used exclusively in a comprehensive program for training as required in section 81129.

(b) The ORV is operated solely on private property by the owner of the property, a family member of the owner, or an invited guest of the owner.

(c) The ORV is being operated on a free ORV-riding day. The department shall designate as free ORV-riding days each year a Saturday and the following Sunday that are also designated as free fishing days under section 43534. In addition, the department may designate 1 other day or 2 other consecutive days each year as free ORV-riding days. A person operating an unlicensed ORV during a free ORV-riding day has the same privileges and is subject to the same rules and regulations as a person operating an ORV licensed as required under subsection (1).

(d) If and to the extent the department waives the requirement pursuant to a reciprocal agreement with another state.

(3) The department is authorized to enter a reciprocal agreement described in subsection (2)(d).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2008, Act 240, Imd. Eff. July

17, 2008;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81116 Application for license by owner or dealer of ORV; filing; form; application fee; false information prohibited; issuance of license; validity; permit fees; purchase and resale of ORV licenses; refunds; records; attachment of license to vehicle; license not required for vehicle used and stored outside state; lost or destroyed license.

Sec. 81116. (1) To obtain a license required under this part, the owner of an ORV shall file an application with the department or a dealer on forms provided by the department. If an ORV is sold by a dealer, the application for a license shall be submitted to the department by the dealer in the name of the owner. The application shall include a certification. The owner of the vehicle shall sign the application or, if the application is filed electronically, provide information requested by the department to verify the owner's identity. The application shall be accompanied by a fee as provided in subsection (2). A person shall not file an application for a license that contains false information. Upon receipt of the application in approved form and payment of the appropriate fee, the department or dealer shall issue to the applicant a license. A license is valid for the 12-month period beginning April 1 and ending the following March 31.

(2) The fee for a license is as follows:

(a) Except as provided in subdivision (b), \$26.25.

(b) If the license authorizes operation of the ORV on state ORV trails, \$36.25.

(3) A dealer may purchase from the department ORV licenses for resale to owners of vehicles that require a license under this part. The department shall refund to a dealer the purchase price of any ORV licenses returned within 90 days after the end of the 12-month period for which they were valid. A dealer shall maintain and provide to the department records of ORV license sales on forms provided by the department. In addition to the sale of ORV licenses, a dealer engaged in the sale, lease, or rental of ORVs as a regular business may sell any other license or permit authorized by the department to be sold by other dealers under the statutes of this state.

(4) Before a vehicle that requires an ORV license is operated, the owner shall ensure that a license is permanently attached to the vehicle in the manner prescribed by and, subject to this subsection, in the location designated by the department. The license for a 2-wheel vehicle shall be attached as provided in either of the following:

(a) Centered on the exposed surface of the rear fender.

(b) Located at a visible place facing forward on a front suspension fork.

(5) If, when a vehicle that otherwise requires a license under this part is sold, the purchaser certifies on a form provided by the department that the vehicle will be used and stored outside of this state and will not be returned by the purchaser to this state for use, a license is not required for the vehicle.

(6) If a license acquired by the owner of an ORV is lost or destroyed, the department shall provide that person with a replacement license free of charge. The department may require a person requesting a replacement license to supply sufficient evidence of the loss or destruction of the original license.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1995, Act 99, Imd. Eff. June 22, 1995;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2006, Act 477, Imd. Eff. Dec. 21, 2006;—Am. 2012, Act 28, Imd. Eff. Feb. 23, 2012;—Am. 2013, Act 75, Imd. Eff. June 25, 2013;—Am. 2017, Act 199, Eff. Mar. 15, 2018;—Am. 2022, Act 57, Eff. Mar. 29, 2023;—Am. 2023, Act 217, Eff. Feb. 13, 2024.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81117 Off-road vehicle account.

Sec. 81117. (1) Money in the off-road vehicle account shall be used only for the following:

(a) Signage for and improvement, maintenance, and construction of ORV trails, routes, or areas.

(b) The administration and enforcement of this part.

(c) The leasing of land.

(d) The acquisition of easements, permits, or other agreements for the use of land for ORV trails, routes, or areas.

(e) The restoration of any of the natural resources of this state on public land that are damaged due to ORV

use in conjunction with the plan required by section 81123.

(f) One dollar of the revenue from each fee collected under section 81116 shall be used for the purposes of sections 81129 and 81130.

(2) All revenue from each fee collected under section 81116 shall be deposited in the off-road vehicle account.

(3) All funds allocated under this part shall be for projects that are open to the public.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81118 Repealed. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: The repealed section pertained to creation of safety education fund.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81119 Distribution of revenue in form of grants.

Sec. 81119. (1) Not less than 50% of the money in the off-road vehicle account shall be distributed each year in the form of grants for the purpose of planning, improving, constructing, signing, and maintaining ORV trails, areas, and routes and access to those trails, areas, and routes, the leasing of land, the acquisition of easements, permits, or other agreements for the use of land for ORV trails, areas, and routes, to public agencies and nonprofit incorporated clubs and organizations.

(2) An application by a public agency or a nonprofit incorporated club or organization shall include a plan for restoration of any of the natural resources of this state on public land that are damaged due to ORV use. The public agencies or nonprofit incorporated clubs or organizations shall indicate on their application that their use of grant money is consistent with, and meets the requirements of, the plan developed by the department pursuant to section 81123, and the trail, route, or area is available to the public. The department shall not approve a grant unless the application meets the requirements of the plan. The department shall make application forms available and consider grant requests on a yearly basis.

(3) A grant shall not be made for a trail, route, or area unless the trail, route, or area is available for ORV use and is approved by the department. A grant for the cost of leasing of land and the acquisition of easements, permits, or other agreements may equal 100% of incurred expense. Specifications shall be prescribed by the department.

(4) Not less than 31-1/4% of the money in the off-road vehicle account shall be used each year for enforcement of this part or the purchase of any necessary equipment used for enforcement of this part. Of the amount available for enforcement, the department shall make available 24% of the funds for distribution in the form of grants by the department to the county sheriffs' departments. The balance of the funds available shall be used by the department for the enforcement of this part or for the purchase of any necessary equipment used for the enforcement of this part. In making grants available for distribution under this subsection, the department shall consider the following factors:

(a) The number of miles of ORV trails, routes, or areas within the county.

(b) The number of sheriff's department employees available for enforcement of this part.

(c) The estimated number of ORVs within the county and that are brought into the county for ORV use.

(d) The estimated number of days that ORVs may be used within that county.

(e) Any other factors considered appropriate by the department. The department shall require a county sheriff receiving a grant under this subsection to maintain records and submit an annual report to verify expenditure of grant money received.

(5) Not less than 12-1/2% of the revenue in the off-road vehicle account shall be distributed each year in the form of grants to public agencies and nonprofit incorporated clubs and organizations for the restoration of damage that is caused by ORV use to natural resources on public land. A grant under this subsection may be in addition to a grant under subsection (1). An application for a grant under this subsection shall comply with

subsection (2).

(6) Not more than 3-1/8% of the revenue in the off-road vehicle account in any year shall be used for administration of this part. The department may use revenue from the funds for personnel to operate the program under this part.

(7) The remaining 3-1/8% of the revenue in the off-road vehicle account may be used for the purposes described in subsections (1) and (4), except that 25 cents of each fee for a license sold by a dealer shall be retained by the dealer as a commission for services rendered. If the remainder of the money in the off-road vehicle account is used for the purposes described in subsection (4), it shall be allocated as provided in subsection (4).

(8) Grants under this section shall remain available until expended once a contract or commitment has been entered into under this section. A contract shall be for a period of not more than 2 years. A grant not expended within the contract period may be renewed by the department by entering into a new contract.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81120 Prohibited conduct; violations as felony; penalties.

Sec. 81120. (1) A person who makes a false representation or false certification to obtain personal information under this part, or who uses personal information for a purpose other than a permissible purpose identified in section 81114a or 81114c, is guilty of a felony.

(2) A person who is convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section is guilty of a felony punishable by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81121 Renting, leasing, or furnishing ORV; maintaining safe operating condition; explanation of operation; liability insurance.

Sec. 81121. (1) A dealer shall maintain in safe operating condition an ORV rented, leased, or furnished by the dealer. The dealer, dealer's agents, or employees shall explain the operation of the vehicle being rented, leased, or furnished, and if the dealer, dealer's agent, or employee believes the person to whom the vehicle is to be rented, leased, or furnished is not competent to operate the vehicle with safety to that person or others, the dealer, dealer's agent, or employee shall refuse to rent, lease, or furnish the vehicle.

(2) A dealer renting, leasing, or furnishing a vehicle shall carry a policy of liability insurance subject to limits, exclusive of interest and costs, with respect to the vehicle, as follows: \$20,000.00 because of bodily injury to, or death of, 1 person in any 1 accident, and \$40,000.00 because of bodily injury to, or death of, 2 or more persons in any 1 accident, and \$10,000.00 because of injury to, or destruction of, property of others in any 1 accident, or alternatively, the dealer shall demand and be shown proof that the person renting, leasing, or being furnished a vehicle carries a liability policy of at least the type and coverage as specified above.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81122 Prohibited operation of unregistered ORV; permit not required; operator as prima

facie negligent.

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

(a) The operator of a vehicle may cross a street, county road, or highway, other than a limited access highway, at right angles, for the purpose of getting from 1 area to another, if the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a street, county road, or highway, and shall yield the right-of-way to oncoming traffic.

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

(c) A farmer, employee of a farmer, or family member of a farmer who is at least 16 years of age may operate an ORV on a street, county road, or highway while traveling to or from the farmer's residence or work location or field during the course of farming operations. An ORV shall not be operated pursuant to this subdivision during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions. The individual shall operate the ORV in the same manner and on the same portion of the street, county road, or highway as required under section 81131(9). The state transportation department and all of its employees are immune from tort liability for injury or damages sustained by any person arising in any way by reason of the operation or use of an ORV for the limited purposes allowed under this subdivision. An operator of an ORV under this subdivision shall have attached to the ORV a flag made of reflective material. The flag shall extend not less than 8 feet from the surface of the street, county road, or highway and not less than 4 feet above the top of the ORV. The flag shall be not less than 12 inches high by 18 inches long and not measure less than 100 square inches.

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

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

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81123 Comprehensive plan for management of ORV use of certain areas, routes, and trails; revision; approval; designation of ORV trails and areas for nonconflicting recreation trail use; designated scramble area; maps of trails.

Sec. 81123. (1) The department shall, by October 1, 1991, develop a comprehensive plan for the management of ORV use of areas, routes, and trails maintained by or under the jurisdiction of the department or a local unit of government pursuant to section 81131. The plan shall, as a minimum, set forth the following methods and timetable:

(a) The inventorying, by appropriate means, of all areas, forest roads, and forest trails used by or suitable for use by ORVs.

(b) The identification and evaluation of the suitability of areas, forest roads, and forest trails to sustain ORV use.

(c) The designation of areas, forest roads, and forest trails for ORV use, including use by persons with disabilities.

(d) The development of resource management plans to maintain areas, forest roads, or forest trails and to restore or reconstruct damaged areas, forest roads, or forest trails. The plans shall include consideration of the social, economic, and environmental impact of ORV use.

(e) Specifications for trails and areas.

(2) The plan developed under subsection (1) shall be revised every 2 years. The plan shall be submitted to the legislature for approval. The legislature shall approve the plan without amendment by concurrent resolution adopted by both standing committees of the house of representatives and senate that consider natural resources matters and both houses of the legislature by recorded vote. The department shall submit any subsequent revisions to the plan to the secretary of the senate and the clerk of the house of representatives at least 20 session days before the effective date of the revisions. If both standing committees of the house of representatives and senate that consider natural resources matters fail to reject the revisions within those 20 session days, the revisions shall be considered approved.

(3) The plan may designate where bicyclists, hikers, equestrians, and other nonconflicting recreation trail users may use ORV trails or areas.

(4) By May 7, 1992, the department shall designate an appropriate area in the northern Lower Peninsula and an appropriate area in southeast Michigan as a scramble area.

(5) Copies of maps of trails shall be prepared and made available by the department in sufficient quantities to accompany each ORV certificate of title issued by the secretary of state and to place in each county sheriff's office and each department of natural resources field office.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81124 Rules.

Sec. 81124. If the department finds that rules are necessary to implement the regulatory provisions of this part or to clarify the intent of this part, the department shall promulgate rules.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81125 Repealed. 2003, Act 111, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to ORV trails advisory committee.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81126 Repealed. 2016, Act 288, Imd. Eff. Sept. 28, 2016.

Compiler's note: The repealed section pertained to applicability of MCL 324.81123, 324.81125, and 324.81127 to the Upper Peninsula and submission of a report to legislative committees.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81127 Comprehensive system; ORV use on forest roads and other state owned land; revisions; needs of hunters, senior citizens, and individuals with disabilities.

Sec. 81127. (1) Under the comprehensive system previously approved and implemented under former section 16d of 1975 PA 319, all forest roads shall be open to ORV use as provided in section 72118. All other state owned land under the jurisdiction of the department shall be closed to ORV use except the following:

- (a) Designated roads that are not forest roads.
- (b) Designated trails.
- (c) Designated areas.

(2) The commission shall approve any subsequent revisions to the system and shall establish an effective date for the revisions. The department shall submit the revisions approved by the commission to the secretary of the senate and the clerk of the house of representatives at least 20 session days before the effective date determined by the commission.

(3) In developing the system, the department shall consider the needs of hunters, senior citizens, and individuals with disabilities.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998;—Am. 2016, Act 288, Imd. Eff. Sept. 28, 2016.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81128 Repealed. 2013, Act 119, Imd. Eff. Sept. 25, 2013.

Compiler's note: The repealed section pertained to citizens review board.

324.81129 Operation of ORV or ATV by child; requirements; ORV information and safety advice; training program and performance testing; course instruction; ORV safety certificates; rules; exceptions; additional requirements.

Sec. 81129. (1) Subject to subsection (17), a parent or legal guardian of a child less than 16 years of age shall not permit the child to operate an ORV unless the child is under the direct visual supervision of an adult and the child has an ORV safety certificate in his or her immediate possession.

(2) Subject to subsection (17), a parent or legal guardian of a child less than 12 years of age shall not permit the child to operate an ATV with 4 or more wheels unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV used in agricultural operations.

(3) A parent or legal guardian of a child less than 16 years of age shall not permit the child to operate a 3-wheeled ATV.

(4) Subject to subsection (17), the owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by a child less than 16 years of age unless the child is under the direct visual supervision of an adult and the child has an ORV safety certificate in his or her immediate possession.

(5) Subject to subsection (17), the owner or person in charge of an ATV with 4 or more wheels shall not knowingly permit the vehicle to be operated by a child less than 12 years of age unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV used in agricultural operations.

(6) The owner or person in charge of a 3-wheeled ATV shall not knowingly permit the vehicle to be operated by a child less than 16 years of age.

(7) The owner or person in charge of an ORV shall not knowingly permit the vehicle to be operated by an individual who is incompetent to operate the vehicle because of mental or physical disability.

(8) The department shall implement a comprehensive program for the training of ORV operators and the preparation and dissemination of ORV information and safety advice to the public. The program shall provide for the training of youthful operators and for the issuance of ORV safety certificates to those who successfully complete the training and may include separate instruction for each type of ORV.

(9) In implementing a program under subsection (8), the department shall cooperate with private organizations and associations, private and public corporations, the department of education, the department of state, and local governmental units. The department shall consult with ORV and environmental organizations and associations in regard to the subject matter of a training program and performance testing that leads to certification of ORV operators.

(10) The department may designate a qualified individual to provide course instruction and to award ORV safety certificates.

(11) The department may promulgate rules to implement subsections (8) to (10) and (17).

(12) Subject to subsection (17), a child who is less than 16 years of age shall not operate an ORV unless the child is under the direct visual supervision of an adult and the child has an ORV safety certificate in his or her immediate possession.

(13) Subject to subsection (17), a child who is less than 12 years of age shall not operate an ATV with 4 or more wheels unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child. This subsection does not apply to the operation of an ATV in agricultural operations.

(14) A child who is less than 16 years of age shall not operate a 3-wheeled ATV.

(15) Subject to subsection (17), when operating an ORV, a child who is less than 16 years of age shall present the ORV safety certificate to a peace officer upon demand.

(16) Notwithstanding any other provision of this section, an operator who is less than 12 years of age shall not cross a street, county road, or highway. An operator who is not less than 12 years of age but less than 16

years of age may cross a street, county road, or highway or operate an ORV pursuant to section 81131(9) if the operator has an ORV safety certificate in his or her immediate possession and meets any other requirements under this section for operation of the vehicle.

(17) The requirement that a child possess an ORV safety certificate to operate an ORV, and the requirement that a child who is less than 12 years of age not operate an ATV with 4 or more wheels unless the child is not less than 10 years of age and is on private land owned by a parent or legal guardian of the child, do not apply if all of the following requirements are met:

(a) The child is participating in an organized ORV riding or racing event held on land not owned by this state.

(b) The child's parent or legal guardian has provided the event organizer with written permission for the child to participate in the event.

(c) The event organizer has not less than \$500,000.00 liability insurance coverage for the event.

(d) A physician or physician's assistant licensed or otherwise authorized under part 170 or 175 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556, or a paramedic or emergency medical technician licensed under part 209 of the public health code, 1978 PA 368, MCL 333.20901 to 333.20979, is present at the site of the event or available on call.

(e) The event is at all times under the direct visual supervision of adult staff of the event organizer and a staff member serves as a flagger to warn participants if another participant is injured or an ORV is inoperable in the ORV operating area.

(f) Fencing or another means of crowd control is used to keep spectators out of the ORV operating area.

(g) If the event is on a closed course, dust is controlled in the ORV operating area and the riding surface in the ORV operating area is otherwise properly prepared.

(h) Three-wheeled ATVs are not used by participants.

(i) Any ATVs used by participants are equipped with a side step bar or comparable safety equipment and with a tether kill switch, and the tether is used by all participants.

(j) Each participant in the event wears a crash helmet approved by the United States department of transportation, a protective long-sleeved shirt or jacket, long pants, boots, and protective gloves.

(k) Any other applicable requirements of this part or rules promulgated under this part are met.

(18) If a child less than 16 years of age participates and is injured in an organized ORV riding or racing event, the organizer of the event shall, within 30 days after the event, submit to the department a report on a form developed by the department. The report shall include all of the following information, as applicable:

(a) Whether any participant less than 16 years of age was killed or suffered an injury resulting in transportation to a hospital as a result of an ORV accident at the event.

(b) The age of the child.

(c) Whether the child had been issued an ORV safety certificate.

(d) The type of ORV operated.

(e) A description of the accident and injury.

(19) The requirements of this section are in addition to any applicable requirements of section 81131(13).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2008, Act 164, Imd. Eff. June 19, 2008;—Am. 2008, Act 240, Imd. Eff. July 17, 2008;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013;—Am. 2013, Act 249, Imd. Eff. Dec. 26, 2013;—Am. 2018, Act 237, Eff. Sept. 25, 2018.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81130 ORV safety education course.

Sec. 81130. (1) A person who is under 16 years of age, before operating an ATV or ORV, shall complete an ORV safety education course approved by the department. This course may include a written examination and a driving test designed to test the competency of the applicant. Upon successful completion of this safety education course, a person shall receive an ORV safety certificate.

(2) A safety education course conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or another governmental agency located in this state or by a department approved nonprofit service organization shall be conducted in compliance with this section. An agency or a school conducting a course under this subsection may apply to the department for a grant from the off-road vehicle account for costs associated with conducting a course.

(3) Except for a course conducted by a private business enterprise as provided by subsection (4), an

applicant for a safety education course under this section shall pay not more than a \$25.00 course fee or in the case of a university or community college a fee not more than the cost of 1 credit hour of instruction. The course fees shall only be used for funding the administration and implementation of the course.

(4) An ATV or ORV, or both, safety education course required by this section and approved by the department may be conducted by a private business enterprise. A private business enterprise may charge a course fee not to exceed the cost of conducting the course.

(5) The director shall designate a person to be the state coordinator of the ATV and ORV safety education program. A person designated under this subsection shall have successfully completed ATV and ORV safety courses.

(6) The director shall designate a person who has successfully completed ATV and ORV safety courses to perform annual inspections of course sites.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 111, Eff. Oct. 1, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81131 Ordinance allowing disabled person to operate ORV; notice of public hearing; closure of county road to operation of ORVs; operation of ORVs on highway; operation of ORV with flow of traffic; maintaining county road or street or highway not required; immunity from tort liability; "gross negligence" defined; operator of ORV as prima facie negligent; violation as municipal civil infraction; deposit of fines; violation as state civil infraction.

Sec. 81131. (1) A municipality may pass an ordinance allowing a permanently disabled person to operate an ORV in that municipality.

(2) Subject to subsection (4), a county board of commissioners may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the county. Not less than 45 days before a public hearing on the ordinance, the county clerk shall send notice of the public hearing, by certified mail, to the county road commission, to the legislative body of each township and municipality located within the county, to the state transportation department if the road intersects a highway, and, if state forestland is located within the county, to the department. If the county is a southern county, before adopting an ordinance under this subsection, the county board of commissioners shall consult with the board of county road commissioners.

(3) Subject to subsection (4), the legislative body of a township or municipality may adopt an ordinance authorizing the operation of ORVs on 1 or more county roads located within the township or municipality, respectively. Not less than 28 days before a public hearing on the ordinance, the clerk of the township or municipality shall send notice of the public hearing, by certified mail, to the county road commission, to the county board of commissioners, to the legislative body of every other township and municipality located within the county, to the state transportation department if the road intersects a highway, and, if state forestland is located within the township or municipality, to the department. If the township or municipality is located in a southern county, before adopting an ordinance under this subsection, the legislative body of the township or municipality shall consult with the board of county road commissioners. This subsection does not apply to a township or municipality until 1 year after the effective date of the amendatory act that first authorized the county in which that township or municipality is located to adopt an ordinance under subsection (2).

(4) The board of county road commissioners may close a county road to the operation of ORVs otherwise authorized pursuant to subsection (2) or (3). A county road commission shall not under this subsection close more than 30% of the linear miles of county roads located within the county to the operation of ORVs otherwise authorized pursuant to subsection (2) or (3). The legislative body of a township or municipality may adopt an ordinance to close a county road located in the township or municipality to the operation of ORVs otherwise authorized pursuant to subsection (2). The legislative body of a village may adopt an ordinance to close a county road located in the village to the operation of ORVs otherwise authorized by the township pursuant to subsection (3). A county road may be closed to the operation of ORVs under this subsection only to protect the environment or if the operation of ORVs poses a particular and demonstrable threat to public

safety.

(5) The legislative body of a municipality may adopt an ordinance authorizing the operation of ORVs on 1 or more streets within the municipality.

(6) The legislative body of a local unit of government may request the state transportation department to authorize the local unit of government to adopt an ordinance authorizing the operation of ORVs on a highway, other than an interstate highway, located within the local unit of government. The request shall describe how the authorization would meet the requirements of subsection (7). The state transportation department shall solicit comment on the request from the department, ORV clubs, and local units of government where the highway is located. The state transportation department shall consider comments received on the request before making a decision on the request. The state transportation department shall grant the request in whole or in part or deny the request not more than 60 days after the request is received. If the state transportation department grants a request in whole or in part under this subsection, the local unit of government that submitted the request may adopt an ordinance authorizing the operation of ORVs on the highway that was the subject of the request. A county may submit a request for authorization under this subsection on behalf of 1 or more local units of government located within that county if requested by those local units of government. Before January 1, 2015, the state transportation department may authorize the operation of ORVs on a highway as provided in this subsection and subsection (7) on the department's initiative and without having received a request from a local unit of government.

(7) The state transportation department shall authorize operation of an ORV under subsection (6) only on a highway that is not an interstate highway and that meets 1 or more of the following requirements:

(a) Serves as a connector between ORV areas, routes, or trails designated by the department or an ORV user group.

(b) Provides access to tourist attractions, food service establishments, fuel, motels, or other services.

(c) Serves as a connector between 2 segments of the same county road that run along discontinuous town lines and on which ORV use is authorized pursuant to subsection (2) or (3).

(d) Includes a bridge or culvert that allows an ORV to cross a river, stream, wetland, or gully that is not crossed by a street or county road on which ORVs are authorized to operate under subsection (2), (3), or (5).

(8) The state transportation department may close a highway to the operation of ORVs otherwise authorized pursuant to subsection (6) after written notice to the clerk of each local unit of government where the highway is located and the senate and house committees with primary responsibility for natural resources, recreation, and transportation. The notice shall be in writing and sent by first-class United States mail or personally delivered not less than 30 days before the adoption of the rule or order closing the highway. The notice shall set forth specific reasons for the closure.

(9) Subject to subsection (4), if a local unit of government adopts an ordinance pursuant to subsection (2), (3), or (5), a person may operate an ORV with the flow of traffic on the far right of the maintained portion of the street or county road covered by the ordinance. If the operation of ORVs on a highway is authorized pursuant to subsection (6), a person may operate an ORV with the flow of traffic as follows:

(a) On the right shoulder of the highway.

(b) If there is not a right shoulder or the right shoulder is not of adequate width, on the right unmaintained portion of the highway.

(c) On the far right of the right traffic lane of the highway, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.

(10) A person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) at a speed greater than 25 miles per hour or a lower posted ORV speed limit or in a manner that interferes with traffic on the street, county road, or highway.

(11) Unless the person possesses a license as defined in section 25 of the Michigan vehicle code, 1949 PA 300, MCL 257.25, a person shall not operate an ORV as authorized pursuant to subsection (2), (3), (5), or (6) if the ORV is registered as a motor vehicle under chapter II of the Michigan vehicle code, 1949 PA 300, MCL 257.201 to 257.259, and either is more than 65 inches wide or has 3 wheels. ORVs operated as authorized pursuant to subsection (2), (3), (5), or (6) shall travel single file, except that an ORV may travel abreast of another ORV when it is overtaking and passing, or being overtaken and passed by, another ORV.

(12) A person shall not operate an ORV as authorized pursuant to this section without displaying a lighted headlight and lighted taillight.

(13) A person under 18 years of age shall not operate an ORV as authorized pursuant to this section unless the person is in possession of a valid driver license or under the direct supervision of a parent or guardian and the person has in his or her immediate possession an ORV safety certificate issued pursuant to this part or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. A

person under 12 years of age shall not operate an ORV as authorized pursuant to this section. The requirements of this subsection are in addition to any applicable requirements of section 81129.

(14) A township that has authorized the operation of ORVs on a county road under subsection (3) does not have a duty to maintain the maintained portion or unmaintained portion of the county road in a condition reasonably safe and convenient for the operation of ORVs. This state does not have a duty to maintain a highway in reasonable repair so that it is reasonably safe and convenient for the operation of ORVs except ORVs registered and operated as motor vehicles as provided in the code. A board of county road commissioners, a county board of commissioners, or a municipality does not have a duty to maintain the maintained portion or unmaintained portion of a county road or street under its jurisdiction in a condition reasonably safe and convenient for the operation of ORVs, except the following ORVs:

(a) ORVs registered and operated as motor vehicles as provided in the code.

(b) ORVs operated as authorized pursuant to subsection (1).

(15) Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV that is not registered under the code or that is registered under the code but is operated as authorized pursuant to subsection (2), (3), (5), or (6). The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

(16) In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the code was in a collision on a roadway with an ORV that is not registered under the code, the operator of the ORV shall be considered prima facie negligent.

(17) A violation of an ordinance described in this section is a municipal civil infraction. The ordinance may provide for a fine of not more than \$500.00 for a violation of the ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a street, county road, or highway, or public property as a result of the violation.

(18) The treasurer of the local unit of government shall deposit fines collected by that local unit of government under section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379, and subsection (17) and damages collected under subsection (17) into a fund to be designated as the "ORV fund". The legislative body of the local unit of government shall appropriate revenue in the ORV fund as follows:

(a) Fifty percent to the county sheriff or police department responsible for law enforcement in the local unit of government for ORV enforcement and training.

(b) Fifty percent to the board of county road commissioners or, in the case of a city or village, to the department responsible for street maintenance in the city or village. However, if a fine was collected for a violation of an ordinance adopted under subsection (6), 50% of the fine revenue shall be appropriated to the state transportation department. Revenue appropriated under this subdivision shall be used for repairing damage to streets, county roads, or highways and the environment that may have been caused by ORVs and for posting signs indicating ORV speed limits or indicating whether streets, county roads, or highways are open or closed to the operation of ORVs under this section.

(19) A person who violates a rule promulgated or order issued under subsection (6) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a highway, or public property as a result of the violation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2008, Act 240, Imd. Eff. July 17, 2008;—Am. 2009, Act 175, Imd. Eff. Dec. 15, 2009;—Am. 2011, Act 107, Imd. Eff. July 19, 2011;—Am. 2013, Act 117, Imd. Eff. Sept. 25, 2013;—Am. 2013, Act 118, Imd. Eff. Sept. 25, 2013.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81132 Rules; ordinance enacted under authority of rule; enforcement.

Sec. 81132. (1) The department may promulgate rules governing the operation and conduct of ORVs, vehicle speed limits, use of vehicles by day and hour, and the establishment and designation of areas within which vehicles may be used in a manner compatible with, and that will best protect, the public safety and

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general welfare on the frozen surface of public waters, and that will preserve the submerged marshlands adjacent to the borders of the Great Lakes, Lake St. Clair, and the navigable inland waters of the state.

(2) The department, on its own initiative or on receipt of a certified resolution of the governing body of a local unit of government may initiate investigations into the need for special rules governing the operation of vehicles on the frozen surface of public waters and the submerged marshlands adjacent to the borders of the Great Lakes, Lake St. Clair, and the navigable inland waters of the state. If controls for that activity are considered necessary, or when the amendment or rescission of an existing rule is required, a rule must be prepared. Notice of a public hearing must be made not less than 10 days prior to the hearing, in a newspaper of general circulation in the area within which the rules are to be imposed, amended, or rescinded.

(3) The proposed rule must then be submitted to the governing body of the political subdivision in which the affected frozen waters or marshes lie. Within 30 calendar days, the governing body shall inform the department that it approves or disapproves of the proposed rule. If the governing body disapproves the proposed rule, further action must not be taken. If the governing body approves the proposed rule, a local ordinance may be enacted which must be identical to the rule, and which ordinance must not be effective until the rule is in effect in accordance with law. The department shall then promulgate the rule.

(4) When an ordinance is enacted under the authority of a rule, and that rule is subsequently suspended by the legislature, or amended or rescinded by the department, the ordinance must also be suspended, amended, or repealed.

(5) A local peace officer may enforce an ordinance enacted pursuant to this section, and a state peace officer shall enforce a rule promulgated under this section.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2023, Act 210, Eff. Feb. 13, 2024.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81133 Operation of ORV; prohibited acts; crash helmet and protective eyewear required; exception; assumption of risk.

Sec. 81133. (1) An individual shall not operate an ORV:

(a) At a rate of speed greater than is reasonable and proper, or in a careless manner, having due regard for conditions then existing.

(b) During the hours of 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and lighted taillight. The requirements of this subdivision are in addition to any applicable requirements of section 81131(12).

(c) Unless the vehicle is equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, if the vehicle is operated during the hours of 1/2 hour after sunset and 1/2 hour before sunrise; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(d) In a state game area or state park or recreation area, except on roads, trails, or areas designated for this purpose, notwithstanding section 72118; on other state-owned lands under the control of the department where the operation would be in violation of rules promulgated by the department; in a forest nursery or planting area; on public lands posted or reasonably identifiable as an area of forest reproduction, and when growing stock may be damaged; in a dedicated natural area of the department; or in any area in such a manner as to create an erosive condition, or to injure, damage, or destroy trees or growing crops. However, the department may permit an owner and guests of the owner to use an ORV within the boundaries of a state forest in order to access the owner's property.

(e) On the frozen surface of public waters within 100 feet of an individual not in or upon a vehicle, or within 100 feet of a fishing shanty or shelter or an area that is cleared of snow for skating purposes, except at the minimum speed required to maintain controlled forward movement of the vehicle, or as may be authorized by permit in special events.

(f) Unless the vehicle is equipped with a spark arrester type United States Forest Service approved muffler, in good working order and in constant operation. Exhaust noise emission shall not exceed 86 Db(A) or 82 Db(A) on a vehicle manufactured after January 1, 1986, when the vehicle is under full throttle, traveling in second gear, and measured 50 feet at right angles from the vehicle path with a sound level meter that meets the requirement of ANSI S1.4 1983, using procedure and ancillary equipment therein described; or 99 Db(A)

or 94 Db(A) on a vehicle manufactured after January 1, 1986, or that level comparable to the current sound level as provided for by the United States Environmental Protection Agency when tested according to the provisions of the current SAE J1287, June 86 test procedure for exhaust levels of stationary motorcycles, using sound level meters and ancillary equipment therein described. A vehicle subject to this part, manufactured or assembled after December 31, 1972 and used, sold, or offered for sale in this state, shall conform to the noise emission levels established by the United States Environmental Protection Agency under the noise control act of 1972, 42 USC 4901 to 4918.

(g) Within 100 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle, except under any of the following circumstances:

(i) On property owned by or under the operator's control or on which the operator is an invited guest.

(ii) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(iii) On a street, county road, or highway on which ORV use is authorized under section 81131(2), (3), (5), or (6).

(h) In or upon the lands of another without the written consent of the owner, the owner's agent, or a lessee, when required by part 731. The operator of the vehicle is liable for damage to private property caused by operation of the vehicle, including, but not limited to, damage to trees, shrubs, or growing crops, injury to other living creatures, or erosive or other ecological damage. The owner of the private property may recover from the individual responsible nominal damages of not less than the amount of damage or injury. Failure to post private property or fence or otherwise enclose in a manner to exclude intruders or of the private property owner or other authorized person to personally communicate against trespass does not imply consent to ORV use.

(i) In an area on which public hunting is permitted during the regular November firearm deer season, from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except as follows:

(i) During an emergency.

(ii) For law enforcement purposes.

(iii) To go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle.

(iv) To remove legally harvested deer, bear, or elk from public land. An individual shall operate an ORV under this subparagraph at a speed not exceeding 5 miles per hour, using the most direct route that complies with subdivision (n).

(v) To conduct necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.

(vi) On property owned or under control of the operator or on which the operator is an invited guest.

(vii) While operating a vehicle registered under the code on a private road capable of sustaining automobile traffic or a street, county road, or highway.

(viii) If the individual holds a valid permit to hunt from a standing vehicle issued under part 401 or is a person with a disability using an ORV to access public lands for purposes of hunting or fishing through use of a designated trail or forest road. An individual holding a valid permit to hunt from a standing vehicle issued under part 401, or a person with a disability using an ORV to access public lands for purposes of hunting or fishing, may display a flag, the color of which the department shall determine, to identify himself or herself as a person with a disability or an individual holding a permit to hunt from a standing vehicle under part 401.

(j) Except as otherwise provided in section 40111, while transporting on the vehicle a bow unless unstrung or encased, or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(k) On or across a cemetery or burial ground, or land used as an airport.

(l) Within 100 feet of a slide, ski, or skating area, unless the vehicle is being used for the purpose of servicing the area or is being operated pursuant to section 81131(2), (3), (5), or (6).

(m) On an operating or nonabandoned railroad or railroad right-of-way, or public utility right-of-way, other than for the purpose of crossing at a clearly established site intended for vehicular traffic, except railroad, public utility, or law enforcement personnel while in performance of their duties, and except if the right-of-way is designated as provided for in section 81127.

(n) In or upon the waters of any stream, river, bog, wetland, swamp, marsh, or quagmire except over a bridge, culvert, or similar structure.

(o) To hunt, pursue, worry, kill, or attempt to hunt, pursue, worry, or kill an animal, whether wild or domesticated.

(p) In a manner so as to leave behind litter or other debris.

(q) On public land, in a manner contrary to operating regulations.

(r) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances:

(i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle.

(ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.

(s) While transporting any passenger in or upon an ORV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(t) On adjacent private land, in an area zoned residential, within 300 feet of a dwelling at a speed greater than the minimum required to maintain controlled forward movement of the vehicle except under any of the following circumstances:

(i) On a forest road or forest trail if the forest road or forest trail is maintained by or under the jurisdiction of the department.

(ii) On a street, county road, or highway on which ORV use is authorized under section 81131(2), (3), (5), or (6).

(u) On a forest trail if the ORV is greater than 50 inches in width.

(2) An individual who is operating or is a passenger on an ORV shall wear a crash helmet and protective eyewear that are approved by the United States Department of Transportation. This subsection does not apply to any of the following:

(a) An individual who owns 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 an individual who owns the property. An exception under this subdivision does not apply to any of the following:

(i) An individual less than 16 years of age.

(ii) An individual 16 or 17 years of age, unless the individual has consent from his or her parent or guardian to ride without a crash helmet.

(iii) An individual participating in an organized ORV riding or racing event if an individual who owns the property receives consideration for use of the property for operating ORVs.

(b) An individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States Department of Transportation standards for a crash helmet.

(c) An ORV operated on a state-licensed game bird hunting preserve at a speed of not greater than 10 miles per hour.

(d) An ORV operated for the purpose of towing a fishing shanty or supply shed over the frozen surface of public waters at the minimum speed required to maintain controlled forward movement of the vehicle or while traveling to and from a fishing shanty at a speed of not greater than 10 miles per hour. An owner of private property is not liable for personal injuries, including death, to an individual who operates an ORV as described in this subdivision without wearing a helmet while traveling on the owner's property.

(3) Each person who participates in the sport of ORV riding accepts the risks associated with that sport insofar as the dangers are inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; defects in traffic lanes; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with fill material, decks, bridges, signs, fences, trail maintenance equipment, or other ORVs. Those risks do not include injuries to persons or property that result from the use of an ORV by another person in a careless or negligent manner likely to endanger person or property. When an ORV is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of ORV riding additionally assumes risks including, but not limited to, entanglement with railroad tracks, switches, and ties and collisions with trains and train-related equipment and facilities.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998;—Am. 2008, Act 240, Imd. Eff. July 17, 2008;—Am. 2008, Act 365, Imd. Eff. Dec. 23, 2008;—Am. 2012, Act 246, Imd. Eff. July 2, 2012;—Am. 2012, Act 340, Imd. Eff. Oct. 16, 2012;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013;—Am. 2013, Act 249, Imd. Eff. Dec. 26, 2013;—Am. 2014, Act 147, Imd. Eff. June 4, 2014;—Am. 2016, Act 288, Imd. Eff. Sept. 28, 2016;—Am. 2018, Act 206, Eff. Sept. 18, 2018.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81134 Operation of or authorizing operation of ORV while under influence of alcoholic liquor or controlled substance prohibited; visible impairment; violation; penalty; "serious impairment of a body function" defined; person less than 21 years of age; person less

than 16 years of age occupying ORV; penalties; costs; screening, assessment, and rehabilitative services; duty of court before accepting guilty plea; record.

Sec. 81134. (1) A person shall not operate an ORV if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance, as defined by section 7104 of the public health code, 1978 PA 368, MCL 333.7104, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(2) The owner or person in charge or in control of an ORV shall not authorize or knowingly permit the ORV to be operated by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate an ORV is visibly impaired due to the consumption of an alcoholic liquor, a controlled substance, or a combination of an alcoholic liquor and a controlled substance.

(3) A person shall not operate an ORV if, due to the consumption of alcoholic liquor, a controlled substance, as defined by section 7104 of the public health code, 1978 PA 368, MCL 333.7104, or a combination of alcoholic liquor and a controlled substance, the person's ability to operate an ORV is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty is permissible under this subsection.

(4) A person who operates an ORV in violation of subsection (1) or (3) and by the operation of that ORV causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(5) A person who operates an ORV within this state in violation of subsection (1) or (3) and by the operation of that ORV causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. As used in this subsection, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate an ORV if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2018, an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person shall not operate an ORV in violation of subsection (1), (3), (4), (5), or (6) while another person who is less than 16 years of age is occupying the ORV.

(8) If a person is convicted of violating subsection (1)(a) or (b), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 360 hours.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not less than \$100.00 or more than \$500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year.

(ii) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(9) A person who is convicted of violating subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

(10) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(i) Community service for not more than 45 days.

(ii) Imprisonment for not more than 93 days.

(iii) A fine of not more than \$300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to a fine of not less than \$200.00 or more than \$1,000.00, and either of the following:

(i) Community service for not less than 10 days or more than 90 days, and may be sentenced to imprisonment for not more than 1 year.

(ii) Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.

(c) If the violation occurs after 2 or more prior convictions regardless of the number of years that have elapsed since any prior conviction, the person shall be sentenced to a fine of not less than \$200.00 or more than \$1,000.00 and either of the following:

(i) Community service for a period of not less than 10 days or more than 90 days, and may be sentenced to imprisonment for not more than 1 year.

(ii) Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.

(11) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 360 hours.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(12) A person who violates subsection (7) is guilty of a crime as follows:

(a) A person who operates an ORV in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the ORV is guilty of a crime as follows:

(i) Except as provided in subdivision (b), a person who violates this subdivision is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(B) Community service for not less than 30 days or more than 90 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(b) A person who operates an ORV in violation of subsection (6) while another person who is less than 16 years of age is occupying the ORV is guilty of a misdemeanor punishable as follows:

(i) Except as provided in subparagraph (ii), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than \$500.00.

(C) Imprisonment for not more than 93 days.

(ii) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(B) Community service for not less than 30 days or more than 90 days.

(13) For a conviction under subsection (4) or (5), the court shall order, without an expiration date, that the person not operate an ORV.

(14) As part of the sentence for a violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall do the following:

(a) If the court finds that the person has no prior convictions within 7 years, the court shall order that the person not operate an ORV for a period of not less than 6 months or more than 2 years.

(b) If the court finds that the person has 1 or more prior convictions within 7 years, the court shall order that the person not operate an ORV for a period of not less than 1 year or more than 2 years.

(c) If the court finds that the person has 2 or more prior convictions within a period of 10 years, the court shall order that the person not operate an ORV for a period of not less than 1 year or more than 2 years.

(15) As part of the sentence for a violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall do the following:

(a) If the court finds that the person has no prior convictions within 7 years, the court shall order that the person not operate an ORV for a period of not less than 90 days or more than 1 year.

(b) If the court finds that the person has 1 or more prior convictions within 7 years, the court shall order that the person not operate an ORV for a period of not less than 6 months or more than 18 months.

(c) If the court finds that the person has 2 or more prior convictions within a period of 10 years, the court shall order that the person not operate an ORV for a period of not less than 1 year or more than 2 years.

(16) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1 to 769.36.

(17) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(18) Before imposing sentence for a violation of subsection (1), (3), (6), or (7) or a local ordinance substantially corresponding to subsection (1), (3), or (6), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(19) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension of the person's right to operate an ORV and the penalty imposed for violation of this section.

(20) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with a violation of this section. The municipal judge or clerk of the court of record shall prepare and immediately forward to the secretary of state an abstract of the court of record for each case charging a violation of this section.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996;—Am. 1998, Act 355, Eff. Oct. 1, 1999;—Am. 1999, Act 22, Eff. Oct. 1, 2000;—Am. 2001, Act 12, Eff. July 1, 2001;—Am. 2014, Act 405, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81135 Repealed. 2014, Act 405, Eff. Mar. 31, 2015.

Compiler's note: The repealed section pertained to operation of ORV by visibly impaired person.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81136 Chemical analysis of operator's blood, urine, or breath; admissibility; request for results of test; taking sample of urine or breath; withdrawing blood; liability; administration of tests by person of arrested person's own choosing; refusal to take test; other evidence; jury instruction; admissibility of blood withdrawn after accident; sample of decedent's blood.

Sec. 81136. (1) In a criminal prosecution for violating section 81134 or a local ordinance substantially corresponding to section 81134(1), (3), or (6) or in a criminal prosecution for negligent homicide, manslaughter, or murder resulting from the operation of an ORV while the operator is alleged to have been impaired by or under the influence of alcoholic liquor or a controlled substance or a combination of alcoholic liquor and a controlled substance, or to have had a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or to have had in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214, the amount of alcohol or controlled substance in the operator's blood at the time alleged as shown by chemical analysis of the operator's blood, urine, or breath is admissible into evidence.

(2) If a chemical test of an operator's blood, urine, or breath is given, the results of the test shall be made available to the person charged with an offense enumerated in subsection (1) or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(3) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the alcoholic content of the blood under this part. Liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this part unless the withdrawal is performed in a negligent manner.

(4) A person arrested for a crime enumerated in subsection (1) who takes a chemical test administered at the request of a peace officer as provided in this part shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this section within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the defendant's innocence or guilt of a crime enumerated in subsection (1). If the person arrested is administered a chemical test by a person of his or her own choosing, the person arrested shall be responsible for obtaining a chemical analysis of the test sample. The person shall be informed that he or she has the right to demand that a person of his or her choosing administer 1 of the chemical tests described in this section, that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person arrested shall be responsible for obtaining a chemical analysis of the test sample.

(5) A person arrested shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order. The person arrested shall also be advised that the person's refusal of the request of a peace officer to take a test described in this section shall result in the suspension of the person's right to operate an ORV.

(6) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was impaired by or under the influence of alcoholic liquor

or a controlled substance, or a combination of alcoholic liquor and a controlled substance, or whether the person had a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or had in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(7) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

"Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of the defendant's guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

(8) If after an accident the operator of an ORV involved in the accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in a criminal prosecution for a crime described in subsection (1) to show the amount of alcohol or presence of a controlled substance, or both, in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

(9) If after an accident the operator of an ORV involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content or presence of a controlled substance, or both. The medical examiner shall give the results of the chemical analysis to the law enforcement agency investigating the accident, and that agency shall forward the results to the department of state police.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81137 Implied consent to chemical tests of blood, breath, or urine; exception.

Sec. 81137. (1) Except as provided in subsection (2), a person who operates an ORV is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood, and may be requested by a peace officer to submit to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if:

(a) The person is arrested for a violation of section 81134(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 81134(1), (3), or (6).

(b) The person is arrested for negligent homicide, manslaughter, or murder resulting from the operation of an ORV, and the peace officer has reasonable grounds to believe that the person was operating the ORV in violation of section 81134.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81138 Chemical tests; advising of right to refuse; court order; report.

Sec. 81138. (1) A person who is requested pursuant to section 81137(1) to take a chemical test shall be advised of the right to refuse to submit to chemical tests; and if the person refuses the request of a peace officer to submit to chemical tests, a test shall not be given without a court order.

(2) If a person refuses the request of a peace officer under section 81137(1) to submit to a chemical test, a written report shall be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person committed a violation described in section 81137(1) and that the person refused to submit to a chemical test upon the request of the peace officer and was advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81139 Administrative hearing; notice.

Sec. 81139. (1) Upon receipt of a report made pursuant to section 81138, the secretary of state shall immediately notify the person in a writing, mailed to the person's last known address, that the report has been received and that within 14 days after the date of the notice the person may request an administrative hearing as provided in section 81140.

(2) The notice shall specifically state that failure to request a hearing within 14 days shall result in the suspension of the person's right to operate an ORV and that the person is not required to retain counsel for the hearing, although counsel will be permitted to represent the person at the hearing.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81140 Suspension of right to operate ORV; appointment of hearing officer; notice; powers of hearing officer; scope and conduct of hearing; final decision or order; petition; review; order; record of proceedings.

Sec. 81140. (1) If a person who refuses to submit to a chemical test under section 81138 does not request an administrative hearing within 14 days after the date of notice under section 81139, the secretary of state shall suspend the person's right to operate an ORV for a period of 1 year, or for a second or subsequent refusal within a period of 7 years, for 2 years.

(2) If an administrative hearing is requested, the secretary of state shall appoint a hearing officer to conduct the hearing. Not less than 10 days' notice of the hearing shall be provided by mail to the person submitting the request, to the peace officer who filed the report under section 81138, and, if a prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths and issue subpoenas for the attendance of necessary witnesses, and may grant a reasonable request for an adjournment. The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person committed a crime described in section 81137(1).

(b) Whether the person was placed under arrest for a crime described in section 81137(1).

(c) Whether the person reasonably refused to submit to a chemical test upon request of the officer.

(d) Whether the person was advised of his or her rights under section 81136.

(3) An administrative hearing conducted under this section is not a contested case for the purposes of chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. The hearing shall be conducted in an impartial manner. A final decision or order of a hearing officer shall be made in writing or stated in the record, and shall include findings of fact based exclusively on the evidence presented and matters officially noticed, and shall specify any sanction to be imposed against the person involved. A copy of the final decision or order shall be delivered or mailed immediately to the person and the peace officer.

(4) After the administrative hearing, if the person is found to have unreasonably refused to submit to a chemical test, the secretary of state shall suspend the person's right to operate an ORV for a period of 1 year, or for a second or subsequent refusal within a period of 7 years, for 2 years. Within 60 days after the final decision or order is issued by the hearing officer, the person may file a petition in the circuit court of the county in which the arrest was made to review the suspension. If after the hearing the person who requested the hearing prevails, the peace officer who filed the report under section 81138 may, with the consent of the

prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in section 81140b. The scope of the court's review shall be limited to the issues provided in section 106 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.306.

(5) The circuit court shall enter an order setting the cause for hearing for a date certain that is not more than 60 days after the date of the order. The order, a copy of the petition, which shall include the person's full name, current address, birth date, and driver's license number, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 50 days before the date set for the hearing. The department shall cause a record to be made of the proceedings held under subsection (2). The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review, the department shall transmit to the court in which the petition was filed, not less than 10 days before the matter is set for review, the original or a certified copy of the official record of the proceedings.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81140a Suspension or revocation of operator's or chauffeur's license; operation of ORV prohibited; violation as misdemeanor; penalty.

Sec. 81140a. (1) If the operator's or chauffeur's license of a person who is a resident of this state is suspended or revoked by the secretary of state under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or if the driver license of a person who is a nonresident is suspended or revoked under the law of the state in which he or she resides, that person shall not operate an ORV under this part for the same period.

(2) A person who violates this section is guilty of a misdemeanor punishable as follows:

(a) For a first conviction, imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent conviction, imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

History: Add. 1999, Act 43, Eff. Oct. 1, 2000.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81140b Final determination of secretary of state; petition for review in circuit court; filing; order setting cause for hearing; service on secretary of state; review of the record.

Sec. 81140b. (1) A person who is aggrieved by a final determination of the secretary of state under this part may petition for a review of the determination in the circuit court in the county where the person was arrested. The petition shall be filed within 63 days after the determination is made except that, for good cause shown, the court may allow the petition to be filed within 182 days after the determination is made. As provided in section 81140, a peace officer who is aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 81140 may, with the consent of the prosecuting attorney, petition for review of the determination in the circuit court in the county where the arrest was made. The petition shall be filed within 63 days after the determination is made except that, for good cause shown, the court may allow the petition to be filed within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain that is not more than 63 days after the date of the order. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver license number, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared under section 81140, the service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

(3) The court may take testimony and examine all the facts and circumstances incident to the order that the person not operate an ORV in this state. The court may affirm, modify, or set aside the order. The order of the court shall be duly entered, and the petitioner shall file a certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order.

(4) Except as otherwise provided in this section, in reviewing a determination under section 81140, the court shall confine its consideration to a review of the record prepared under section 81140 to determine whether the hearing officer properly determined the issues enumerated in section 81140.

(5) In reviewing a determination resulting in issuance of an order under section 81134, the court shall confine its consideration to a review of the record prepared under section 81140. The court shall set aside the determination of the secretary of state only if substantial rights of the petitioner have been prejudiced because the determination is any of the following:

- (a) In violation of the constitution of the United States, the state constitution of 1963, or a statute.
- (b) In excess of the secretary of state's statutory authority or jurisdiction.
- (c) Made upon unlawful procedure resulting in material prejudice to the petitioner.
- (d) Not supported by competent, material, and substantial evidence on the whole record.
- (e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.
- (f) Affected by other substantial and material error of law.

History: Add. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81141 Preliminary chemical breath analysis; arrest; admissibility of results; requirements; civil infraction; fine.

Sec. 81141. (1) A peace officer who has reasonable cause to believe that a person was operating an ORV and that the person by the consumption of alcoholic liquor may have affected his or her ability to operate the ORV, may require the person to submit to a preliminary chemical breath analysis.

(2) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(3) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in section 81136(1) or in an administrative hearing held under section 81140, solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subsection does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(4) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 81136, 81137, 81138, 81139, and 81140 for the purposes of chemical tests described in those sections.

(5) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81142 Operation of ORV after right suspended as misdemeanor; penalty.

Sec. 81142. A person whose right to operate an ORV has been suspended pursuant to this part and who operates an ORV is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$1,000.00, or both.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81143 Accident resulting in injury, death, or property damage; notice; report; report by medical facility; collection and evaluation of information; duties of operator.

Sec. 81143. (1) The operator of a vehicle involved in an accident resulting in injuries to, or the death of, a person, or resulting in property damage in an estimated amount of \$100.00 or more, shall immediately, by the

quickest available means of communication, notify a state police officer, or the sheriff's office of the county in which the accident occurred. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the director of the department of state police and forward the report to the department of state police and the department.

(2) A medical facility to which a person injured in an accident involving an ORV is transported shall report the accident to the department of state police.

(3) The department of state police, in cooperation with the department, shall collect and evaluate information concerning accidents involving ORVs.

(4) The operator of a vehicle involved in an accident upon public or private property resulting in injury to or the death of a person shall immediately stop at the scene of an accident and shall render to any person injured in the accident reasonable assistance in securing medical aid or transportation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81144 Arrest without warrant of alleged operator of ORV.

Sec. 81144. If a peace officer has reasonable cause to believe that a person was, at the time of an accident, the operator of an ORV involved in the accident and was operating the ORV while under the influence of an alcoholic liquor, a controlled substance as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104, or a combination of alcoholic liquor and a controlled substance, or was operating the ORV while his or her ability to operate an ORV was impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the peace officer may arrest the alleged operator of the ORV without a warrant.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 405, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81145 Violations; appearance tickets; prima facie evidence of operation by owner.

Sec. 81145. (1) A peace officer may issue an appearance ticket for a violation of this part under sections 9a to 9g of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

(2) In a proceeding for a violation of this part involving prohibited operation or conduct, the registration number or numbered decal or vehicle identification number displayed on an ORV constitutes prima facie evidence that the owner of the vehicle was the person operating the vehicle at the time of the offense; unless the owner identifies the operator of the vehicle to a peace officer, the vehicle was reported as stolen at the time of the violation, or that the vehicle was stolen or not in use at the time of the violation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2023, Act 210, Eff. Feb. 13, 2024.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81146 Failure or refusal to obey signal or request to stop; misdemeanor.

Sec. 81146. (1) An operator of an ORV, who is given by hand, voice, emergency light, or siren a visual or audible signal by a peace officer acting in the lawful performance of the peace officer's duty, directing the operator to bring the vehicle to a stop, and who willfully fails to obey the signal by increasing speed, extinguishing lights, or otherwise attempting to flee or elude the officer, is guilty of a misdemeanor. The peace officer giving the signal must be in uniform, and the peace officer's vehicle must be easily identifiable as an official law enforcement vehicle.

(2) The operator of a vehicle on the private premises of another, when visibly hailed by the owner or the owner's authorized agent, shall bring the vehicle to an immediate stop and provide personal identification. Refusal to obey such a request to stop or subsequent escape or attempt to escape is a misdemeanor.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2023, Act 210, Eff. Feb. 13, 2024.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81147 Violation of part as misdemeanor or civil violation; penalties; restoration; impoundment; disposition of seized ORV or personal property.

Sec. 81147. (1) Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$1,000.00, or both, for each violation.

(2) A person who violates section 81133(1)(d) by operating an ORV in such a manner as to create an erosive condition or who violates section 81133(1)(h) or (n) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both, for each violation.

(3) A person who violates section 81105, 81107, 81115, 81116, 81121, 81130, 81133(1)(b), (c), (e), (f), (g), (i), (k), or (l), or 81133(2) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(4) A person shall not remove, deface, or destroy a sign or marker placed by the department indicating the boundaries of an ORV trail or area or that marks a route.

(5) In addition to the penalties otherwise provided under this part, a court of competent jurisdiction may order a person to restore, as nearly as possible, any land, water, stream bank, streambed, or other natural or geographic formation damaged by the violation of this part to the condition it was in before the violation occurred.

(6) The department or any other peace officer may impound the ORV of a person who commits a violation of this part that is punishable as a misdemeanor or who causes damage to the particular area in which the ORV was used in the commission of the violation.

(7) Upon conviction of a person for violation described in subsection (6), a court of competent jurisdiction may order the ORV and any personal property on the ORV seized as a result of the violation returned to the owner or, upon recommendation of the local prosecuting attorney, turned over to the department. An ORV or any other property turned over to the department under this subsection shall be disposed of in the manner provided for condemnation of property in part 16. The proceeds realized by the department under this subsection shall first be used to restore areas damaged by ORV use, and any balance shall be deposited in the off-road vehicle account.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2008, Act 240, Imd. Eff. July 17, 2008;—Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013;—Am. 2014, Act 147, Imd. Eff. June 4, 2014.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81148 Condemnation of ORV unauthorized where trespass is result of emergency.

Sec. 81148. A person shall not have an ORV condemned pursuant to section 81147 if the trespass is the result of an emergency situation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81149 Repealed. 2018, Act 237, Eff. Sept. 25, 2018.

Compiler's note: The repealed section pertained to a report on the unrefunded gasoline sales tax money relating to nonhighway use of ORVs.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81150 Uniform interpretation.

Sec. 81150. The department shall disseminate information to its field officers and to state and local law enforcement agencies on a uniform interpretation of this part and each peace officer's duties and responsibilities in enforcing this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2023, Act 210, Eff. Feb. 13, 2024.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

324.81151 Abandonment of ORV prohibited; presumption; violation; civil infraction.

Sec. 81151. (1) A person shall not abandon an ORV in this state.

(2) The last titled owner of the ORV is presumed to be responsible for abandoning the ORV unless the person provides a record of the transfer of the ORV to another person. The record of transfer must be either a photocopy of the reassigned title or a form or document that includes the transferee's name, address, driver license number, and signature, the date of transfer of the ORV, and, if applicable, the sale price.

(3) Sections 80130f(2) to 80130p apply to an ORV in the same manner as those provisions apply to a vessel.

(4) A person who violates subsection (1) and who fails to redeem the ORV before disposition of the ORV under section 80130k is responsible for a state civil infraction as provided in section 8905a.

History: Add. 2014, Act 549, Eff. Apr. 16, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Off-Road Vehicle Act

Popular name: ORV

SNOWMOBILES

PART 821

SNOWMOBILES

324.82101 Definitions.

Sec. 82101. As used in this part:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "Auction" means the sale or offer for sale by bidding of real or personal property at a public or private location.

(c) "Auctioneer" means a person that is engaged in the business of conducting auctions or that offers to conduct an auction for compensation.

(d) "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.

(e) "Dealer" means any person engaged in the sale, lease, or rental of snowmobiles as a regular business, other than an auctioneer.

(f) "Former section 15a" means section 15a of former 1968 PA 74, as constituted before May 1, 1994.

(g) "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, and medical and disability information.

(h) "Highway or street" means the entire width between the boundary lines of every way publicly maintained if any part of it is open to public use for vehicular travel.

(i) "Historic snowmobile" means a snowmobile that is over 25 years old and that is owned solely as a collector's item and for occasional use and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing.

(j) "In-kind contributions" means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.

(k) "Law of another state" means a law or ordinance enacted by any of the following:

(i) Another state.

- (ii) A local unit of government in another state.
- (iii) Canada or a province or territory of Canada.
- (iv) A local unit of government in a province or territory of Canada.
- (l) "Operate" means to ride in or on and be in actual physical control of the operation of a snowmobile.
- (m) "Operator" means any individual who operates a snowmobile.
- (n) "Owner" means any of the following:
 - (i) A person that holds the legal title to a snowmobile.
 - (ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
 - (iii) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.
- (o) "Peace officer" means any of the following:
 - (i) A sheriff.
 - (ii) A sheriff's deputy.
 - (iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.
 - (iv) A village or township marshal.
 - (v) An officer of the police department of any municipality.
 - (vi) An officer of the Michigan state police.
 - (vii) The director and conservation officers employed by the department.
 - (viii) A law enforcement officer who is licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and is policing within his or her jurisdiction.
- (p) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.
- (q) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:
 - (i) A violation or an attempted violation of section 82127(1), (3), (4), (5), (6), or (7), except that only 1 violation or attempted violation of section 82127(6), a local ordinance substantially corresponding to section 82127(6), or a law of another state substantially corresponding to section 82127(6), or a law of the United States substantially corresponding to section 82127(6) may be used as a prior conviction other than for enhancement purposes as provided in section 82129a(1)(b).
 - (ii) Negligent homicide, manslaughter, or murder resulting from the operation of a snowmobile or an attempt to commit any of those crimes.
 - (iii) Former section 15a(1), (3), (4), or (5) of 1968 PA 74.
 - (iv) Former section 15a.
- (r) "Probate court or family division disposition" means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIII A of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.
- (s) "Prosecuting attorney", unless the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.
- (t) "Recreational snowmobile trail improvement subaccount" means the recreational snowmobile trail improvement subaccount of the snowmobile account created in section 82110.
- (u) "Right-of-way" means that portion of a highway or street not including the roadway and any shoulder.
- (v) "Roadway" means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any roadway separately, but not to all of the roadways collectively.
- (w) "Shoulder" means that portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.
- (x) "Snowmobile" means any motor-driven vehicle that is designed for travel primarily on snow or ice and that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- (y) "Snowmobile account" means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.
- (z) "Snowmobile registration fee subaccount" means the snowmobile registration fee subaccount of the

snowmobile account created in section 82111.

(aa) "Specialty court program" means a program under any of the following:

(i) A drug treatment court, as defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult.

(ii) A DWI/sobriety court, as defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

(iii) A hybrid of the programs under subparagraphs (i) and (ii).

(iv) A mental health court as defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

(v) A veterans treatment court, as defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

(bb) "Zone 1" means all of the Upper Peninsula.

(cc) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River Road in Muskegon County; thence due east to the westerly terminus of River Road; thence north and east along the center line of the River Road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay County line; thence easterly along the center line of the "business route" of highway US-10 to the intersection of Garfield Road in Bay County; thence north along the center line of Garfield Road to the intersection of the Pinconning Road; thence east along the center line of Pinconning Road to the intersection of the Seven Mile Road; thence north along the center of the Seven Mile Road to the Bay-Arenac County line; thence north along the center line of the Lincoln School Road (county road 25) in Arenac County to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres River; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

(dd) "Zone 3" means all of that part of the Lower Peninsula south of the line described in subdivision (bb).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2003, Act 43, Imd. Eff. July 14, 2003;—Am. 2003, Act 230, Imd. Eff. Dec. 18, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2005, Act 175, Imd. Eff. Oct. 12, 2005;—Am. 2008, Act 145, Eff. July 1, 2009;—Am. 2010, Act 371, Imd. Eff. Dec. 22, 2010;—Am. 2014, Act 195, Imd. Eff. June 24, 2014;—Am. 2014, Act 404, Eff. Mar. 31, 2015;—Am. 2016, Act 294, Eff. Jan. 2, 2017;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

In subdivision (dd) of this section, the reference to "subdivision (bb)" evidently should read "subdivision (cc)".

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82102 Snowmobiles; exemption from taxes and fees.

Sec. 82102. Snowmobiles are exempt from all taxes and fees imposed on vehicles under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, and the motor vehicle accident claims act, Act No. 198 of the Public Acts of 1965, being sections 257.1101 to 257.1133 of the Michigan Compiled Laws.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82102a Michigan snowmobile advisory committee.

Sec. 82102a. (1) The Michigan snowmobile advisory committee is created in the department. The committee shall consist of 7 individuals appointed by the director for 2-year terms. The members of the former snowmobile advisory board serving on April 29, 1994 shall serve on the committee until the expiration of their terms on the snowmobile advisory board. The director shall appoint 1 member of the committee as chairperson and that member shall serve as chairperson at the pleasure of the director. The membership of the committee shall consist of the following:

(a) Three persons representing the Michigan snowmobile association, 1 from each of the department's 3 regions. One of the 3 shall also have experience as an instructor in a snowmobile safety program.

(b) One person representing trail sponsors.

(c) One person representing the business community.

(d) Two persons representing at-large trail users.

(2) The committee shall meet twice each year and at the call of the committee chairperson as needed.

(3) The Michigan snowmobile advisory committee shall advise the department regarding all of the following:

(a) The development of criteria for safety education and training programs.

(b) The allocation of funds from the recreational snowmobile trail improvement subaccount.

(c) The promulgation of rules affecting snowmobile use in this state.

(d) The development of annual updates to the comprehensive plan for implementing a statewide recreational and snowmobile trails system.

(e) Implementation of the recommendations made by snowmobile users regarding trails that should be designated for snowmobile use.

(f) The development of a comprehensive plan for the use of snowmobiles in this state.

(4) As used in this section, "committee" means the Michigan snowmobile advisory committee.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

For transfer of powers and duties of Michigan snowmobile advisory committee to the Michigan trails advisory council, and abolishment of the advisory committee, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82103 Certificate of registration and registration decal required; exceptions; violation; penalty.

Sec. 82103. (1) Except as otherwise provided in this part, a snowmobile must not be operated unless the owner first obtains a certificate of registration and a registration decal. The certificate of registration must be secured at the time of purchase or transfer of ownership. A certificate of registration or a registration decal is not required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner or for a snowmobile used entirely in a safety education and training program conducted by a certified snowmobile safety instructor and authorized under section 82108.

(2) A person who is convicted of a violation of this section shall be fined not more than \$50.00.

(3) Notwithstanding any provision of this part to the contrary, before the start of each snowmobile season, the department shall designate 1 weekend in that snowmobile season during which registration under this part is not required to operate a snowmobile on snowmobile trails.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2022, Act 55, Imd. Eff. Apr. 7, 2022.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82104 Special event; certificate of registration or registration decal not required.

Sec. 82104. A certificate of registration or a registration decal is not required for a snowmobile that is exclusively operated in a special event of limited duration conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82105 Application for registration; forms; signature; fee; recording application; issuance of certificate of registration and decal; contents, legibility, and inspection of certificate; surety bond; issuance, duration, and renewal of certificate and registration decal; display of decal; destroying record of certificate.

Sec. 82105. (1) Before operating a snowmobile requiring registration in this state, the owner shall apply for

registration with the department of state on forms provided by the department of state. If the snowmobile was purchased from a retail dealer in this state, application for initial registration shall be made with the dealer at the point of sale. The dealer shall issue a temporary registration permit in a form received from and approved by the department of state that is valid for 15 days after the date of sale. Each retail dealer shall submit applications for registrations and fees to the department of state not less than once each week. The application shall include a certification. The new owner shall sign the application or, if the application is filed electronically, provide information requested by the department of state to verify the new owner's identity. The application shall also include the new owner's name and bona fide residence address and the names and addresses of holders of any security interest in the snowmobile and its accessories in the order of priority. The application shall be accompanied by a fee of \$30.00. Upon receipt of the application in approved form, the department of state shall enter the application upon its records and issue to the applicant a certificate of registration and decal. The certificate of registration shall contain the number awarded to the snowmobile, the name and address of the owner, other information the department of state considers necessary, and, beginning July 1, 2009, the name and address of the holders of secured interests. A person shall not operate a snowmobile that is required to be registered in this state unless the person possesses the certificate of registration in legible form. The person shall make the certificate of registration available for inspection upon demand by a peace officer.

(2) If the secretary of state is not satisfied as to the ownership of a snowmobile that is worth more than \$2,500.00, before registering the snowmobile and issuing a certificate of registration, the secretary of state may require the applicant to file a properly executed surety bond in a form prescribed by the secretary of state and executed by the applicant and a company authorized to conduct a surety business in this state. The bond shall be in an amount equal to twice the value of the snowmobile as determined by the secretary of state and shall be conditioned to indemnify or reimburse the secretary of state, any prior owner, and any subsequent purchaser of the snowmobile and their successors in interest against any expense, loss, or damage, including reasonable attorney fees, incurred as a result of the issuance of a certificate of registration for the snowmobile or any defect in the right, title, or interest of the applicant in the snowmobile. An interested person has a right of action to recover on the bond for a breach of the conditions of the bond, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of 3 years, or before 3 years if the snowmobile is no longer registered in this state and the current valid certificate of registration is surrendered to the secretary of state, unless the secretary of state has received notification of the pendency of an action to recover on the bond. If the secretary of state is not satisfied as to the ownership of a snowmobile that is worth \$2,500.00 or less, the secretary of state shall require the applicant to certify that the applicant is the owner of the snowmobile and entitled to register the snowmobile.

(3) The certificate of registration and registration decal authorizes the operation of the snowmobile for a 3-year period that begins on October 1 and expires on September 30 of the third year. The certificate of registration and registration decal may be renewed beginning July 1 of the expiration year by payment of a fee of \$30.00. The registration decal shall be displayed as prescribed by rule promulgated by the department of state.

(4) The department of state may destroy a record of a certificate of registration 7 years after expiration of the certificate.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 297, Eff. Mar. 23, 1999;—Am. 2005, Act 271, Imd. Eff. Dec. 19, 2005;—Am. 2008, Act 145, Eff. July 1, 2009;—Am. 2008, Act 399, Imd. Eff. Jan. 6, 2009;—Am. 2012, Act 28, Imd. Eff. Feb. 23, 2012.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82105a Fees; delinquency; penalty; deposit and use of collected penalties.

Sec. 82105a. (1) If a check, draft, or electronic payment of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check, draft, or electronic payment was tendered. The person tendering the check, draft, or electronic payment remains liable for the payment of each fee and any penalty.

(2) The department of state may suspend the operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, of the person tendering the check, draft, or electronic payment for a snowmobile registration if the department of state determines a fee prescribed in this section has not been paid and remains unpaid after reasonable notice or demand.

(3) If a fee is delinquent 15 days after the department of state has given notice to a person who tendered the check, draft, or electronic payment, a \$25.00 penalty shall be assessed and collected in addition to the fee.

(4) Except as otherwise provided in this part, the penalties collected under this section shall be deposited in the general fund and used first to defray the administrative costs of the department of state required by the registration provisions of this part. Any money not required for administration of the registration provisions of this part shall be credited each year to the recreational snowmobile trail improvement fund.

History: Add. 2008, Act 145, Eff. July 1, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82105b Cancellation, suspension, revocation, or refusal to issue snowmobile registration; conditions.

Sec. 82105b. The department of state may cancel, suspend, revoke, or refuse to issue a snowmobile registration if any of the following occur:

(a) The applicant has failed to furnish all required information or reasonable additional information requested by the department of state.

(b) The required fees have not been paid.

(c) The applicant is not entitled to a snowmobile registration under this part.

(d) The department of state issued the registration in error.

(e) The application contains a false or fraudulent statement.

(f) The department of state has reasonable grounds to believe that the snowmobile was stolen or embezzled.

History: Add. 2008, Act 145, Eff. July 1, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82105c Historic snowmobile registration decal; issuance; placement; fee; validity; revocation; exemption from registration; rules.

Sec. 82105c. (1) The secretary of state may issue to the owner of a historic snowmobile a historic snowmobile registration decal which shall bear the inscription "historic snowmobile - Michigan" and the registration number. The registration decal shall be affixed above or below the headlight or, if the historic snowmobile was not originally equipped with a headlight, on the forward half of the cowl above the footwell of the historic snowmobile.

(2) The owner of a historic snowmobile applying for a historic snowmobile registration decal under this section shall pay a fee of \$50.00 and shall certify that the snowmobile for which the registration is requested is owned and operated solely as a historic snowmobile.

(3) A registration issued under this section is valid for the period the historic snowmobile is owned by the owner and is nontransferable.

(4) The secretary of state may revoke a registration decal issued under this section, for cause shown and after a hearing, for failure of the applicant to comply with this section or for use of the snowmobile for which the registration was issued for purposes other than those enumerated in section 82101(f).

(5) A historic snowmobile registered under this section is exempt from registration under section 82105.

(6) The secretary of state may promulgate rules to implement this section.

History: Add. 2010, Act 371, Imd. Eff. Dec. 22, 2010.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82106 Disposition of revenue; designation of state recreational trail coordinator; plan for statewide recreational and snowmobile trails system; expenditures; construction of recreational trail facilities or major improvements on private land; interconnecting network of statewide snowmobile trails and use areas; alternative nonconflicting off-season recreational trail uses.

Sec. 82106. (1) Except as otherwise provided in this part, revenue received from the registration fees under this part shall be deposited as follows:

(a) Twenty-two dollars of each registration fee for a snowmobile and \$8.00 of each registration fee for a historic snowmobile shall be deposited into the snowmobile registration fee subaccount. However, if the

balance of the snowmobile registration fee subaccount exceeds \$1,600,000.00 at any time, the state treasurer shall transfer all amounts in excess of \$1,600,000.00 to the recreational snowmobile trail improvement subaccount. From the revenue deposited in the snowmobile registration fee subaccount under this part, the legislature shall make an annual appropriation as follows:

(i) Not more than \$3.00 of each registration fee for a snowmobile and not more than \$3.00 for each registration fee for a historic snowmobile collected during each fiscal year shall be appropriated to the department of state for administration of the registration provisions of this part. At the close of each state fiscal year, any money appropriated under this subparagraph but not expended shall be credited to the recreational snowmobile trail improvement subaccount. Additionally, if less than \$3.00 of each registration fee is appropriated to the department of state, the state treasurer shall transfer the difference between \$3.00 and the amount appropriated from each registration fee to the recreational snowmobile trail improvement subaccount.

(ii) Fourteen dollars of each fee for a registration for a snowmobile paid before July 1, 2009, or \$19.00 of each fee for a registration for a snowmobile paid on or after July 1, 2009, and \$5.00 of each fee for a registration for a historic snowmobile shall be appropriated to the department for purposes set forth in section 82107, including financial assistance to county sheriff departments and local law enforcement agencies for local snowmobile programs. Any money appropriated but not expended under this subparagraph shall be credited each year to the snowmobile registration fee subaccount.

(b) Five dollars of each fee for a registration for a snowmobile paid before July 1, 2009, and \$42.00 of each fee for registration of a historic snowmobile shall be deposited in the recreational snowmobile trail improvement subaccount and shall be administered by the department for the purposes of planning, construction, maintenance, and acquisition of trails and areas for the use of snowmobiles, or access to those trails and areas, and basic snowmobile facilities.

(c) From each fee for a registration for a snowmobile other than a historic snowmobile paid on or after July 1, 2009, \$8.00 shall be deposited into the permanent snowmobile trail easement subaccount under section 82110a. This money is intended to supplement other money expended for snowmobile-related activities of the department and not as a replacement for those expenditures.

(2) The department shall designate a state recreational trail coordinator and shall maintain a comprehensive plan for implementing a statewide recreational and snowmobile trails system. The comprehensive plan shall be reviewed and updated each year by the department.

(3) The money appropriated under this section to the department for snowmobile trails and areas, for access to those trails or areas, and for basic snowmobile facilities may be expended for the acquisition, development, and maintenance on any land in the state. This money may be used to purchase lands or secure easements, leases, permits, or other appropriate agreements permitting use of private property for snowmobile trails, basic facilities, and areas which may be used by bicyclists, hikers, equestrians, and other nonconflicting off-season recreational trail users, if the easements, leases, permits, or other agreements provide public access to the trail, use areas, and support facilities.

(4) Recreational trail facilities or major improvements shall not be constructed on private land unless a written agreement in the form of an easement, lease, or permit for a public trail right-of-way having a term of not less than 5 years is made between the owner of the land and the department.

(5) The money appropriated under this section shall be expended in a manner and as part of the overall plan of the department for an interconnecting network of statewide snowmobile trails and use areas giving consideration to expected snowfall and availability for use with adequate snow cover. Consideration shall be given in the plan for alternative nonconflicting off-season recreational uses of snowmobile trails.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1998, Act 297, Eff. Mar. 23, 1999;—Am. 2003, Act 230, Imd. Eff. Dec. 18, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2008, Act 399, Imd. Eff. Jan. 6, 2009;—Am. 2010, Act 371, Imd. Eff. Dec. 22, 2010.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82107 Annual budget request to include amounts for department enforcement of part and local snowmobile programs; financial assistance to counties; cooperation in conduct of program; records; reports; rules.

Sec. 82107. (1) The annual budget request of the department shall include an amount for department

enforcement of this part, for department administration of the programs provided for in this part, and for local snowmobile programs provided for under this section. In preparing its annual budget for snowmobile registration fee funds, the department shall do both of the following:

(a) Seek input from the snowmobile advisory committee created under section 82102a.

(b) To the degree feasible, give priority to use of the funds for enforcement efforts under local snowmobile programs.

(2) The department shall provide for an annual program of financial assistance to county sheriff departments and local law enforcement agencies for local snowmobile programs that shall include enforcement of this part and may also include, at the discretion of the department, a snowmobile safety education and training program based on the criteria set forth in section 82108. A county sheriff department or local law enforcement agency desiring to conduct a local snowmobile program shall submit to the department by November 1 of each year an estimate of authorized expenditures for the following calendar year, in a form and containing the information which the department requires. The department shall review the entire request and may approve a request for financial assistance in part or in whole.

(3) The amount of financial assistance to be allocated to a county sheriff department or local law enforcement agency pursuant to this section shall be determined by the department. In determining the amount of financial assistance provided to each county sheriff or local law enforcement agency, the department shall give priority to law enforcement activities and may give priority to locations where, in the determination of the department, a greater need for a local snowmobile program exists.

(4) Upon approval by the department, a county sheriff department or local law enforcement agency may use in-kind contributions in calculating its authorized expenditures not to exceed 15% of the total authorized expenditures.

(5) The department shall not provide financial assistance to a county sheriff department or local law enforcement agency in excess of 85% of the authorized expenditure documented by the county or local agency and approved by the department.

(6) Financial assistance allocated to a county sheriff department or local law enforcement agency under this section shall be used exclusively for the conduct of a local snowmobile program as provided by this part and the rules promulgated under this part.

(7) County sheriff departments and local law enforcement agencies that receive financial assistance under this section shall maintain records of activities, expenditures, and in-kind contributions and shall submit documentation and reports to the department by deadlines, in form, and containing information as the department requires.

(8) The department shall cooperate with county sheriff departments and local law enforcement departments that are operating local snowmobile programs that are funded under this section.

(9) The department may promulgate rules to implement this section.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 230, Imd. Eff. Dec. 18, 2003.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82108 Snowmobile safety education and training program.

Sec. 82108. (1) The department shall design by May 1, 1995 the minimum content of a comprehensive snowmobile safety education and training program, which shall include the preparation and dissemination of snowmobile information and safety advice to the public and training of operators. The content of the program shall include provision for the training of youthful operators at least 12 but less than 17 years of age and for the issuance of snowmobile safety certificates to those who successfully complete the training provided under the program. A person less than 17 years of age who successfully completes a training program shall carry the safety certificate on his or her person whenever operating a snowmobile in this state. The department and the counties shall encourage persons 17 years of age or over to take the program.

(2) The minimum content of a snowmobile safety education and training program shall include the following:

(a) Description of the snowmobile and its main parts.

(b) Description of machine controls, safety and operating procedures, and loading and towing procedures.

(c) General content of snowmobile and highway laws and rules.

(d) Safety hazards of operation, including possible hearing damage, and environmental consequences of snowmobile use.

(e) Performance and written tests.

(f) Familiarization with the snowmobile trail system in this state.

(3) The fee charged by a county for a training program shall be not more than \$5.00.

(4) In implementing a program that is established pursuant to this section, the department shall cooperate with private organizations and associations, private and public corporations, schools, and local governmental units. The department shall consult with the department of state police and county sheriffs in regard to subject matter of a training program and performance testing that leads to certification of snowmobile operators. However, a county may expand the course content beyond the minimum requirements established by subsection (2).

(5) The department may designate any person it considers qualified to provide course instruction and to award snowmobile safety certificates.

(6) A person less than 17 years of age who fails to have a safety certificate on his or her person is subject to a fine of not more than \$25.00.

(7) A person who has a valid safety certificate from another state or province shall not be required to complete the safety education and training program in this state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82109 Appropriation; uses; allocation; grants; contract payments; financial assistance; conditions; application; grant agreement or contract; payment; term; request for information; report.

Sec. 82109. (1) Money appropriated to the department from the recreational snowmobile trail improvement subaccount shall be used for 1 or more of the following:

(a) Planning, constructing, maintaining, and acquiring trails and areas for the use of snowmobiles, or access to those trails and areas, and basic snowmobile facilities.

(b) Financial assistance to local units of government and nonprofit incorporated snowmobile clubs or organizations considered eligible by the department.

(c) The department's administration of subdivisions (a) and (b).

(2) In preparing its annual budget for recreational snowmobile trail improvement funds and determining the allocation of funds as provided for in subsection (1), the department shall do both of the following:

(a) Seek input from the snowmobile advisory committee created under section 82102a.

(b) To the degree feasible, give priority to use of the funds for financial assistance to local units of government and nonprofit incorporated snowmobile clubs or organizations.

(3) A portion of the funds appropriated to the department each year shall be used to provide financial assistance to local units of government and nonprofit incorporated snowmobile clubs or organizations in the form of grants or contract payments for annual snowmobile trail maintenance costs, including signage and liability insurance. The department may also issue grants or enter into contracts for 1 or more of the following additional activities:

(a) Maintenance equipment.

(b) Repair or new development of snowmobile trails or related facilities, including the costs of designing and engineering for grant-funded improvements.

(c) Acquisition of land or rights in lands for snowmobile trails or related facilities, costs of leases, permits, easements, or other agreements that allow for use of private lands for public access to snowmobile trails and related facilities, or development of new snowmobile trails and related facilities.

(4) Financial assistance shall not be made under this section unless the costs are for a trail that is available for public snowmobile use and is approved by the department.

(5) Financial assistance shall be allocated as follows:

(a) Assistance for snowmobile trail maintenance costs, excluding signage and liability insurance, shall be according to a formula promulgated by the state recreational trail coordinator, which shall provide an amount up to 100% of the actual, eligible expense of maintaining the trail per year incurred and documented by the grant recipient or contractor and approved by the department.

(b) Assistance for the cost of land acquisition, leasing, permits, or other agreements may equal 100% of the actual, eligible expenses incurred and documented by the grant recipient or contractor and approved by the department.

(c) Assistance for signage may equal 100% of the actual, eligible costs incurred and documented by the grant recipient or contractor and approved by the department. In lieu of financial assistance for signage, the

department may choose to use recreational snowmobile trail improvement funds to purchase signs and provide them to grant recipients or contractors. Financial assistance for signs shall not be provided under this section unless the snowmobile trails meet minimum state snowmobile trail construction standards and are funded for snowmobile season maintenance.

(d) Assistance for trail insurance may equal 100% of the actual, eligible costs incurred and documented by the grant recipient or contractor and approved by the department.

(e) Assistance for repair or the development of new trails or trail facilities shall equal 100% of the actual, eligible costs incurred and documented by the grant recipient or contractor and approved by the department.

(f) The department may also assist in a portion of the costs of acquiring grooming equipment. The department shall determine the available grant or contract percentage for eligible grooming equipment costs on an annual basis and publish the percentage prior to the application deadline. Assistance for acquiring grooming equipment shall be based on actual, eligible costs incurred and documented by the grant recipient or contractor and approved by the department.

(6) To be considered for financial assistance, a local unit of government or nonprofit incorporated snowmobile club or organization must submit an application on a form provided by the department and by a deadline established by the department. An application shall include a proposed budget and the amount of financial assistance requested for each of the activities for which assistance is requested.

(7) To receive financial assistance under this section, a local unit of government or nonprofit incorporated snowmobile club or organization must enter into a grant agreement or contract with the department that specifies the obligations of the grant recipient or contractor. The grant agreement or contract shall include provisions as determined by the department, including, but not limited to, requirements that the grant recipient or contractor maintain records and submit documentation and reports to the department to verify expenditure of money received. The grant agreement or contract shall also require a grant recipient or contractor to adhere to trail specifications prescribed by the department.

(8) Upon execution of a grant agreement or contract, the department may, at its discretion, provide an advanced payment for a portion of the projected cost for 1 or more of the approved activities. The department shall make final payment upon completion of the project as determined by the department and department approval of cost documentation submitted by the grant recipient or contractor.

(9) A grant agreement or contract shall include a specified term for which the grant agreement or contract is valid. Grant or contract funds shall be encumbered upon execution of the grant agreement or contract and remain available for the specified term. Grant or contract funds not expended by a grant recipient or contractor within the specified term may, at the department's discretion, be reallocated to the grant recipient or contractor as part of a new grant agreement or contract.

(10) The department of state and the department shall include in their annual budget requests information detailing their snowmobile programs.

(11) Beginning March 31, 2004, the department shall provide a biannual report to the commission of its expenditures under this section for the prior 2 fiscal years.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 230, Imd. Eff. Dec. 18, 2003;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82110 Recreational snowmobile trail improvement subaccount; use; deposits; rules; projects open to public.

Sec. 82110. (1) The recreational snowmobile trail improvement subaccount is created as a subaccount of the snowmobile account. Money in the subaccount shall be used upon appropriation solely for the improvement of snowmobile trails and other nonconflicting recreational purposes.

(2) Five dollars of each fee collected under section 82105, a portion of each trail permit fee collected as provided under section 82118, and not less than 80% of the revenue from the fees collected under sections 82114 and 82115 shall be deposited in the recreational snowmobile trail improvement subaccount.

(3) The department shall promulgate rules for the administration of the recreational snowmobile trail improvement subaccount.

(4) All funds allocated under this part shall be for projects that are open to the public.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 16, Imd. Eff. June 12, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006.
Rendered Monday, July 7, 2025

23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82110a Permanent snowmobile trail easement subaccount.

Sec. 82110a. (1) The permanent snowmobile trail easement subaccount is created as a subaccount of the snowmobile account.

(2) The state treasurer may receive money or other assets from any source for deposit into the permanent snowmobile trail easement subaccount. The state treasurer shall direct the investment of the subaccount. The state treasurer shall credit to the subaccount interest and earnings from subaccount investments. Money in the subaccount at the close of the fiscal year shall remain in the subaccount and shall not lapse to the snowmobile account or the general fund. The department shall be the administrator of the subaccount for auditing purposes.

(3) The department shall expend money from the permanent snowmobile trail easement subaccount, upon appropriation, only to purchase lands, or secure easements or other appropriate agreements allowing use of private property, for permanent snowmobile trails that are open to the public in this state or to make grants for those purposes. To be eligible for a grant, an entity shall be a local unit of government or be organized for educational and charitable purposes within the meaning of 26 USC 501(c)(3) that includes promoting and facilitating the expansion and improvement of the existing snowmobile trail system in this state with permanent snowmobile trails.

(4) If a recipient of a grant under subsection (3) ceases to exist, any interest allowing the use of private property to establish permanent snowmobile trails that was obtained by that grant recipient with grant money under subsection (3) shall vest in this state, subject to the terms of the instrument creating the interest, including, but not limited to, terms concerning the scope of the easement.

(5) The department of attorney general shall review grants and other instruments proposed to be utilized for the purposes of subsections (3) and (4).

(6) The department in consultation with the snowmobile advisory committee shall promulgate rules for the administration of the permanent snowmobile trail easement subaccount.

(7) Any proceeds from the sale of lands purchased under subsection (3) or the termination of easements or other agreements secured under subsection (3) shall be deposited into the permanent snowmobile trail easement subaccount.

(8) If, at any time after July 1, 2010, the Michigan snowmobile advisory committee, by the affirmative vote of at least 5 members, determines that the public snowmobile trail system in this state is fully developed and not capable of expansion by adding further permanent snowmobile trail easements, the advisory committee shall report its determination to the department. The department shall, within 60 days, submit to the senate and house appropriations committees and standing committees with primary responsibility for outdoor recreation issues a report setting forth the department's recommendations concerning dissolution of the permanent snowmobile trail easement subaccount, the disposition of revenue in that subaccount, and other relevant issues under this part.

History: Add. 2008, Act 400, Imd. Eff. Jan. 6, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82111 Snowmobile registration fee subaccount; creation.

Sec. 82111. The snowmobile registration fee subaccount is created as a subaccount of the snowmobile account.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82112 Operation of snowmobile program; review of effectiveness; report.

Sec. 82112. (1) The department, in consultation with the snowmobile advisory board, shall conduct a review of the effectiveness of operation of the snowmobile program by the forestry division of the department and submit a written report to the house and senate committees that consider natural resources and conservation legislation by July 1, 1996.

(2) The review shall include, but not be limited to, consideration of the following:

(a) The manner in which trail improvement funds and snowmobile registration fee funds are spent and whether the spending is in accordance with this part.

(b) The manner in which the grant process has been implemented and to whom grants have been awarded during the time of the review.

(c) Establishment and maintenance of the snowmobile trails system.

(d) Long-term planning pertaining to the trails system.

(e) Contract grooming of snowmobile trails versus grooming of trails by employees of the department.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82113 Registration decal; display; issuance; expiration of certificate of registration; awarding certificate of number.

Sec. 82113. (1) The owner of a snowmobile having been issued a certificate of registration for the snowmobile shall affix to each side of the forward half of the cowl above the footwell of the snowmobile the registration decal assigned to that snowmobile. The registration decal shall be as prescribed by the department. Beginning July 1, 1999, the registration decal shall include the registration expiration date and the registration number and shall contain 2 letters and 4 numbers. The numbers shall contrast so as to be distinctly visible and legible. A number other than the number awarded to the snowmobile on the registration certificate, or granted reciprocity under this part, shall not be attached or otherwise displayed on the snowmobile.

(2) Not earlier than 90 days before the expiration date of a certificate, a registration decal or other device may be issued indicating that the certificate of registration is in full force and effect.

(3) A certificate of registration shall expire pursuant to section 82105.

(4) The department of state may award a certificate of number directly or may authorize a person to act as its agent for the awarding of a certificate of number.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 92, Imd. Eff. Aug. 1, 1997;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 1998, Act 297, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82114 Destruction, abandonment, sale, or transfer of snowmobile; change of address; notice; surrender of certificate; cancellation of certificate; destruction of record; recording new address; return of certificate to owner; application by transferee for new certificate; fee; operation without certificate prohibited; duplicate certificate; replacement registration decal.

Sec. 82114. (1) The owner of a snowmobile shall notify the department of state within 15 days if the snowmobile is destroyed or abandoned, or is sold, or an interest in the snowmobile is transferred either wholly or in part to another person, or if the owner's address no longer conforms to the address appearing on the certificate of registration. The notice shall consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided. If the certificate of registration is surrendered because the snowmobile was destroyed or abandoned, the department of state shall cancel the certificate of registration and enter that fact in the records of the department of state, and the number may be then reassigned. The department of state may destroy the record of a surrendered certificate of registration 10 years after its surrender.

(2) If the certificate of registration is surrendered because of the owner's change of address, the new address shall be recorded by the department of state and a certificate of registration bearing that information shall be returned to the owner.

(3) The transferee of a snowmobile registered under this part, within 15 days after acquiring the snowmobile, shall apply to the department of state for issuance of a new certificate of registration for the snowmobile, giving the previous registration number of the snowmobile and proof of payment or satisfaction of any security interest shown on the previous owner's certificate of registration or department of state's records. The application shall include a certification. The new owner shall sign the application or, if the application is filed electronically, provide information requested by the department of state to verify the owner's identity. The application shall also include the new owner's name and bona fide residence address and the names and addresses of the holders of security interests in the snowmobile and its accessories in the order of their priority. The application shall be accompanied by the fee prescribed in section 82105. Upon receipt of the application and fee, the department of state shall issue a new certificate of registration for the snowmobile to the new owner. Unless the application is made and the fee paid within 15 days of transfer of ownership, the snowmobile is without certificate of registration, and a person shall not operate the snowmobile until a valid certificate of registration is issued.

(4) If a certificate of registration is lost, mutilated, or illegible, the owner of the snowmobile shall obtain a duplicate of the certificate of registration upon application and payment of a fee of \$5.00.

(5) If a valid registration decal is lost, mutilated, or illegible, the owner of the snowmobile may obtain a replacement registration decal upon submission of proof of registration and payment of a fee of \$5.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2008, Act 145, Eff. July 1, 2009;—Am. 2012, Act 28, Imd. Eff. Feb. 23, 2012.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82115 Certificates of registration for dealers and manufacturers; use; fee; placement of registration decal.

Sec. 82115. A dealer or manufacturer, upon application to the department of state upon forms provided by it, may obtain certificates of registration for use in the testing or demonstrating of snowmobiles upon payment of \$10.00 for each of the first 2 registration certificates. Additional certificates as the dealer may require may be issued at a cost of \$5.00 each and used by the applicant only in the testing or demonstrating of snowmobiles by temporary placement of the registration decal on the snowmobile being tested or demonstrated. Any 1 certificate issued pursuant to this section may be used on only 1 snowmobile at any given time. The temporary placement of registration decals shall be as prescribed by this part or rules promulgated under this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: Snowmobiles

Popular name: NREPA

324.82116 Snowmobile numbers; stamping on frame or plate; location of number; possession of snowmobile with altered, defaced, or obliterated number.

Sec. 82116. (1) A snowmobile that is manufactured after December 1, 1972 for sale in this state shall have an identifying number that is stamped into the frame of the snowmobile or into a plate affixed to the frame and is unique from an identifying number on any other snowmobile. The number shall be stamped in a place where it is easily visible with a minimum of physical effort and it shall be termed the vehicle number. A manufacturer shall furnish to a requesting police agency, to the department of state, and to the department information as to the location of vehicle numbers on snowmobiles it produces. The vehicle number shall be printed on the certificate of registration issued by the department of state to the owner.

(2) Possession of a snowmobile with an altered, defaced, or obliterated vehicle number is a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$1,000.00, or both.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82116a Alteration, removal, or defacement of vehicle number; application for special identifying number; missing vehicle number; replacement; fee.

Sec. 82116a. (1) The owner of a snowmobile whose vehicle number has been altered, removed, or defaced,

including the owner of a snowmobile who intends to register the snowmobile as an assembled snowmobile, shall apply, in a form prescribed by the department of state, to the department of state for a special identifying number accompanied by an application for a certificate of registration and the required fees. The owner shall furnish information satisfying the department of state that he or she is the owner, upon receipt of which the department of state shall assign a special identifying number for the snowmobile, preceded by a symbol indicating this state. The department of state shall maintain a record of assigned special identifying numbers. The special identifying number shall be applied to the snowmobile as directed by the department of state. The special number shall be regarded as the identifying number of the snowmobile.

(2) The owner of a snowmobile whose vehicle number is missing shall apply, in a form prescribed by the department of state, to the department of state for a replacement vehicle number accompanied by a \$10.00 fee. The owner shall furnish information satisfying the department of state that he or she is the owner of the snowmobile upon receipt of which the department of state shall assign a replacement vehicle number that shall be applied to the snowmobile as directed by the department of state. The department of state shall note on the registration record for that snowmobile that a replacement vehicle number was issued for that snowmobile.

History: Add. 2008, Act 145, Eff. July 1, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82117 Dealers; duties; liability insurance.

Sec. 82117. (1) A dealer shall maintain in safe operating condition all snowmobiles rented, leased, or furnished by him or her. The dealer or the dealer's agents or employees shall explain the operation of the snowmobile being rented, leased, or furnished and, if the dealer or the dealer's agent or employee believes the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with competency to himself or herself and to the safety of others, the dealer shall refuse to rent, lease, or furnish the snowmobile. By October 15, 1994, the department shall furnish each dealer with a safety education checklist of not more than 1 page in length that the dealer shall distribute to each person who purchases, rents, or leases a snowmobile from that dealer.

(2) Any dealer renting, leasing, or furnishing any snowmobile shall carry a policy of liability insurance subject to limits exclusive of interests and costs, with respect to such snowmobile, as follows: \$20,000.00 because of bodily injury to or death of 1 person in any 1 accident and subject to that limit for 1 person, \$40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident, and \$10,000.00 because of injury to or destruction of property of others in any 1 accident; or, in the alternative, any dealer renting, leasing, or furnishing any snowmobile shall demand and be shown proof that the person renting, leasing, or being furnished a snowmobile carries liability policy of at least the type and coverage as specified in this subsection.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82118 Michigan snowmobile trail permit; exceptions.

Sec. 82118. (1) In addition to registration of a snowmobile under section 82105 or registration in another state or province, except as otherwise provided in this section, a person who desires to operate a snowmobile in this state shall purchase a Michigan snowmobile trail permit sticker. The Michigan snowmobile trail permit issued under this section is valid for a period of 1 year that begins on October 1 and ends on the following September 30. The fee for the permit is as follows:

(a) For permits valid for the 1-year period beginning October 1, 2009 or October 1, 2010, \$35.00.

(b) For permits valid for the 1-year period beginning October 1, 2011, 2012, 2013, 2014, or 2015, \$45.00.

(c) For permits valid for the 1-year period beginning October 1, 2016 and every fifth year thereafter, the state treasurer shall adjust the current permit fee by an amount determined by the state treasurer to reflect the cumulative percentage change in the Consumer Price Index during the most recent 5-year period for which Consumer Price Index statistics are available, rounded to the nearest dollar. A fee adjusted by the state treasurer under this subdivision remains in effect for 5 years. As used in this subdivision, "Consumer Price Index" means the most comprehensive index of consumer prices available for this state from the Bureau of Labor Statistics of the United States Department of Labor.

- (2) Revenue from the trail permit fee shall be allocated as follows:
- (a) 50 cents shall be retained by the department for administrative costs.
 - (b) \$1.00 shall be retained by the agent selling the permit.
 - (c) The balance shall be deposited in the recreational snowmobile trail improvement subaccount.
- (3) The department shall make the sale of trail permits available on its website. For each trail permit sold through the website, the amount otherwise credited to an agent under subsection (2) shall instead be credited to the recreational snowmobile trail improvement subaccount.
- (4) The trail permit sticker shall be permanently affixed to the snowmobile directly above or below the headlight of the snowmobile.
- (5) The department may contract with a person to act as an agent for the purpose of issuing Michigan snowmobile trail permits. The department shall sell the permits to agents in bulk. An agent may obtain a refund from the department for any permits that are not sold.
- (6) An agent who uses or allows the use of a permit by anyone except the snowmobile user to whom the permit is sold is guilty of a misdemeanor, punishable by a fine of \$50.00 for each instance of use or allowed use.
- (7) The department of state may suspend a certificate of registration if the department of state determines that the required fee has not been paid and remains unpaid after reasonable notice or demand. In addition to the required fee, a \$10.00 penalty shall be assessed and collected against any person who tenders an insufficient check or draft in payment of the fee.
- (8) A snowmobile used solely for transportation on the frozen surface of public waters for the purpose of ice fishing is exempt from the requirement of purchasing and displaying a snowmobile trail permit sticker under this section.
- (9) A person shall not charge a fee for a snowmobile trail permit in an amount that is greater than the fee printed on the face of the permit.
- (10) To obtain a snowmobile trail permit, an applicant must provide all information required on the permit application.
- (11) A person who fails to secure a permit under this section or who violates subsection (4) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$100.00.
- (12) The department shall, by June 1 of each year, report to the members of the appropriate standing committees and appropriations subcommittees of the house and senate, a detailed expenditure plan pertaining to the funds generated by this section. The plan shall include information as to how funds were expended in the prior year.
- (13) This section does not apply to a historic snowmobile registered under section 82105c.
- (14) Before the start of each snowmobile season, the department shall designate 1 weekend in that snowmobile season during which a trail permit under this section is not required.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 114, Eff. Mar. 21, 1996;—Am. 1996, Act 139, Imd. Eff. Mar. 21, 1996;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2001, Act 15, Imd. Eff. June 12, 2001;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2008, Act 400, Imd. Eff. Jan. 6, 2009;—Am. 2010, Act 371, Imd. Eff. Dec. 22, 2010;—Am. 2022, Act 56, Imd. Eff. Apr. 7, 2022.

Compiler's note: Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82119 Operation of snowmobiles prohibited; exceptions; permanent prohibition; requirements; rules.

Sec. 82119. (1) A person shall not operate a snowmobile upon a public highway, land used as an airport or street, or on a public or private parking lot not specifically designated for the use of snowmobiles except under the following conditions and circumstances:

(a) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway. However, a snowmobile may be operated on the right-of-way of a public highway against the flow of traffic if the right-of-way is a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2) and that is approved by the state transportation department. Snowmobiles operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another

snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

(b) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a limited access public highway if it is operated on a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2) and that is approved by the state transportation department. A snowmobile shall only be operated on that right-of-way in the manner provided in that plan. In addition, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

(c) A snowmobile may be operated on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to an approaching vehicle on the highway.

(d) In a court action in this state where competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a roadway, the driver of the snowmobile involved in the collision shall be considered prima facie negligent.

(e) A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway, for the purpose of getting from 1 area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his or her snowmobile to a complete stop before proceeding across the public highway and shall yield the right-of-way to all oncoming traffic.

(f) Snowmobiles may be operated on a highway in a county road system that is not normally snowplowed for vehicular traffic and on the plowed right-of-way or shoulder when no right-of-way exists on a snowplowed highway in the county road system, outside the corporate limits of a city or village, that is designated and marked for snowmobile use by the county road commission having jurisdiction. Upon the request of a county road commission that has designated all county roads outside the corporate limits of a city or village for snowmobile use, the state transportation department shall erect at county road commission expense and shall maintain, in accordance with the Michigan manual of uniform traffic control devices standards, the basic snowmobile sign unit together with a supplemental panel stating "permitted on right-of-way or shoulder of all (county name) roads — MCL 324.82119" at the county line on all state trunk line highways and county roads. A sign erected before the effective date of the 2005 amendatory act that amended this section may cite 1968 PA 74 instead of citing this section.

(g) A law enforcement officer of a local unit of government or the state may authorize use of a snowmobile on a public highway or street within his or her jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(h) A snowmobile may be operated on a highway or street for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(i) A city or village by ordinance may designate 1 or more specific public highways or streets within its jurisdiction as egress and ingress routes for the use of snowmobiles. A city or village acting under the authority of this subdivision shall erect and maintain, in accordance with the Michigan manual of uniform traffic control devices standards, a sign unit giving proper notice of the designation.

(2) The state transportation department and the department of natural resources may permanently prohibit snowmobile use as described in subsection (1)(a) or (b) in a highway right-of-way if, within 10 years after the effective date of the amendatory act that added this subsection, all of the following requirements are met:

(a) The right-of-way is designated in a closure plan developed by the state transportation department and the department of natural resources and approved by the state transportation commission and the commission of natural resources.

(b) The state transportation department and the department of natural resources have held a public hearing on the proposed prohibition in the county where the prohibition is to apply. The state transportation department and the department of natural resources shall give notice of the hearing by publication in a newspaper of general circulation in the county not more than 21 or less than 7 days before the hearing.

(c) The state transportation department and the department have consulted on the proposed prohibition with the snowmobile advisory committee created under section 82102a.

(d) Snowmobile use in that right-of-way poses a particular and demonstrable threat to public safety.

(e) The department has designated and, if required under subsection (1)(a) or (b), the state transportation

department has approved an alternative snowmobile trail that meets all of the following requirements:

- (i) Is open for use and functional during snowmobile season.
- (ii) Bypasses the highway right-of-way on which snowmobile use is to be prohibited.
- (iii) Provides access to any qualified business that, when the alternative snowmobile trail is designated, is located along the highway right-of-way on which snowmobile use is to be prohibited. As used in this subparagraph, "qualified business" means a gas station, restaurant, hotel, motel, convenience store, or grocery store or any other business that relies on snowmobile-based commerce.

(3) The state transportation department and the department of natural resources may promulgate rules to implement subsections (1)(b) and (2).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2005, Act 307, Imd. Eff. Dec. 27, 2005.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82120 Supervision of child less than 12 years of age; exception; conditions for operation of snowmobile by person 12 but less than 17 years of age; snowmobile safety certificate; crossing highway or street; duty of snowmobile owner; report of violation; suspension of certificate.

Sec. 82120. (1) A parent or legal guardian shall not permit his or her child who is less than 12 years of age to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.

(2) A person who is at least 12 but less than 17 years of age may operate a snowmobile if 1 of the following conditions exist:

- (a) The person is under the direct supervision of a person who is 21 years of age or older.
- (b) The person has in his or her immediate possession a snowmobile safety certificate issued pursuant to a program conducted under section 82107.
- (c) The person is on land owned or under the control of his or her parent or legal guardian.
- (d) The person possesses a snowmobile safety certificate issued to the person under the authority of a law of another state or province of Canada.

(3) A person who is operating a snowmobile pursuant to subsection (2)(b) shall present the snowmobile safety certificate to any peace officer upon demand.

(4) Notwithstanding section 82119, an operator who is less than 12 years of age shall not cross a highway or street. An operator who is at least 12 years of age but less than 17 years of age may cross a highway or street only if he or she has a valid snowmobile safety certificate in his or her immediate possession.

(5) The owner of a snowmobile shall not permit the snowmobile to be operated contrary to this section.

(6) When the judge of a juvenile court determines that a person who is less than 17 years of age has violated this part, the judge shall immediately report the determination to the department. The department upon receiving a notice of a determination pursuant to this subsection may suspend the snowmobile safety certificate without a hearing.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82121 Use of snowmobile to hunt wild bird or animal.

Sec. 82121. A snowmobile shall not be used to hunt, pursue, worry, or kill a wild bird or animal.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82122 Lights and brakes; minimum safety standards; certification as proof of compliance.

Sec. 82122. (1) A snowmobile shall not be operated unless it has at least 1 headlight, 1 taillight, and adequate brakes capable, while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more, of stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour or of locking the snowmobile's traction belt or belts.

(2) A person shall not sell or offer to sell in this state a snowmobile manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, safety standards for snowmobiles for product certification, including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements. Proof of compliance with this section shall be in the form of certification by a qualified independent testing company that is not affiliated with the manufacturer and is approved by the department.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82123 Crash helmet required.

Sec. 82123. A person operating or riding on a snowmobile shall wear a crash helmet on his or her head. Crash helmets shall be approved by the United States department of transportation. This section does not apply to a person riding on or operating a snowmobile on his or her own private property.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82124 Ordinances; duty to maintain highway; immunity from liability; “gross negligence” defined.

Sec. 82124. (1) Any municipality may pass an ordinance regulating the operation of snowmobiles if the ordinance meets substantially the minimum requirements of this part. A local unit of government may not adopt an ordinance that:

- (a) Imposes a fee for a license.
- (b) Specifies accessory equipment to be carried on the snowmobile.
- (c) Requires a snowmobile operator to possess a motor vehicle driver license.
- (d) Restricts operation of a snowmobile on the frozen surface of public waters or on lands owned by or under the control of the state except pursuant to section 82125.

(2) A board of county road commissioners, a county board of commissioners, and a county have no duty to maintain any highway under their jurisdiction in a condition reasonably safe and convenient for the operation of snowmobiles.

(3) Beginning on October 19, 1993, a board of county road commissioners, a county board of commissioners, and a county are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of a snowmobile on maintained or unmaintained highways, shoulders, and rights-of-way over which the board of county road commissioners, the county board of commissioners, or the county has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82125 Rules governing operation and conduct of snowmobiles; special rules; hearing; notice; corresponding ordinances; suspension, amendment, or repeal; enforcement.

Sec. 82125. (1) The department may promulgate rules to govern the operation and conduct of snowmobiles, speed limits, and the times when a snowmobile may be used and to establish and designate areas where snowmobiles may be used in a manner that will ensure compatible use and best protection of the safety and general welfare of the public on the frozen surface of public waters.

(2) The department, on its own initiative or upon receipt of a certified resolution of the governing body of a political subdivision, may initiate investigations into the need for special rules to govern the operation of snowmobiles on the frozen surface of public waters. If controls for an activity are considered necessary, or amendment or repeal of an existing rule is required, the department shall prepare a rule for consideration at a

public hearing. Notice of the public hearing shall be published in a newspaper of general circulation in the area where the rules are to be imposed, amended, or repealed, at least 10 days before the hearing.

(3) After a hearing is held pursuant to subsection (2), the proposed rule shall be submitted to the governing body of the political subdivision in which the affected frozen waters lie. The governing body shall inform the department that it approves or disapproves of the proposed rule within 30 days after receiving the rule from the department. If the governing body disapproves the proposed rule, further action shall not be taken. If the governing body approves the proposed rule, it may enact an ordinance that is identical to the proposed rule and the department shall promulgate the rule. An ordinance enacted pursuant to this subsection is not effective until the proposed rule is promulgated and effective.

(4) An ordinance that is the same as a rule that is suspended by the legislature or amended or repealed by the department shall likewise be suspended, amended, or repealed. The governing body, by majority vote, may repeal the ordinance at any time.

(5) Local law enforcement officers may enforce ordinances enacted pursuant to this section, and state and county enforcement officers shall enforce rules that are promulgated pursuant to this section.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82126 Operation of snowmobile; prohibitions; exemption; construction, operation, and maintenance of snowmobile trail; conditions; demarcation of trail by signing; “operate” defined; prohibited conduct; assumption of risk; violation of subsection (2) as civil infraction; fine.

Sec. 82126. (1) A person shall not operate a snowmobile under any of the following circumstances:

- (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
- (b) In a forest nursery, planting area, or on public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or posted or reasonably identifiable as a natural dedicated area that is in zone 2 or zone 3.
- (c) On the frozen surface of public waters as follows:
 - (i) Within 100 feet of a person, including a skater, who is not in or upon a snowmobile.
 - (ii) Within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile.
 - (iii) On an area that has been cleared of snow for skating purposes unless the area is necessary for access to the public water.
- (d) Within 100 feet of a dwelling between 12 midnight and 6 a.m., at a speed greater than the minimum required to maintain forward movement of the snowmobile.
- (e) In an area on which public hunting is permitted during the regular November firearm deer season from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except under 1 or more of the following circumstances:
 - (i) During an emergency.
 - (ii) For law enforcement purposes.
 - (iii) To go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle.
 - (iv) For the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, or timber harvest operations.
 - (v) On the person's own property or property under the person's control or as an invited guest.
- (f) While transporting on the snowmobile a bow, unless unstrung or encased, or a firearm, unless unloaded in both barrel and magazine and securely encased.
- (g) On or across a cemetery or burial ground.
- (h) Within 100 feet of a slide, ski, or skating area except when traveling on a county road right-of-way pursuant to section 82119 or a snowmobile trail that is designated and funded by the department. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
- (i) On a railroad or railroad right-of-way. This prohibition does not apply to railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties, or persons using a snowmobile trail located on or along a railroad right-of-way, or an at-grade snowmobile trail crossing of a railroad right-of-way, that has been expressly approved in writing by the owner of the right-of-way and each railroad company using the tracks and that meets the conditions imposed in subsections (4) and (5). A snowmobile trail or an at-grade snowmobile trail crossing shall not be constructed on a right-of-way

designated by the federal government as a high-speed rail corridor.

(2) Except as provided under subsection (3), a person shall not operate a snowmobile unless the snowmobile is equipped with a muffler in good working order and in constant operation from which noise emission does not exceed either of the following:

(a) For a snowmobile manufactured after July 1, 1977 and sold or offered for sale in this state, 78 decibels at 50 feet, as measured using the 2003 society of automotive engineers standard J192.

(b) For a stationary snowmobile manufactured after July 1, 1980 and sold or offered for sale in this state, 88 decibels, as measured using the 2004 society of automotive engineers standard J2567.

(3) A person is exempt from the requirement of subsection (2) under either of the following circumstances:

(a) While operating a snowmobile during an organized race on a course that is used solely for racing.

(b) While operating a snowmobile on private property, with the permission of the private property owner, in preparation for an organized race, if the operation of the snowmobile is in compliance with applicable local noise ordinances.

(4) A snowmobile trail located on or along a railroad right-of-way shall be constructed, operated, and maintained by a person other than the person owning the railroad right-of-way and the person operating the railroad, except that an at-grade snowmobile trail crossing of a railroad right-of-way shall be constructed and maintained by the person operating the railroad at the sole cost and expense of the person operating the trail connected by the crossing, pursuant to terms of a lease agreement under which the person operating the trail agrees to do all of the following:

(a) Indemnify the person owning the railroad right-of-way and the person operating the railroad against any claims associated with, arising from, or incidental to the construction, maintenance, operation, and use of the trail or at-grade snowmobile trail crossing.

(b) Provide liability insurance in the amount of \$2,000,000.00 naming the person owning the railroad right-of-way and the person operating the railroad as named insureds.

(c) Meet any other obligations or provisions considered appropriate by the person owning the railroad right-of-way or the person operating the railroad including, but not limited to, the payment of rent that the person owning the railroad right-of-way or the person operating the railroad is authorized to charge under this part and the meeting of all construction, operating, and maintenance conditions imposed by the person owning the railroad right-of-way and the person operating the railroad regarding the snowmobile trail.

(5) A snowmobile trail shall be clearly demarcated by signing constructed and maintained at the sole cost and expense of the grant program sponsor. The signing shall be placed at the outer edge of the railroad right-of-way, as far from the edge of the railroad tracks as possible, and not closer than 20 feet from the edge of the railroad tracks unless topography or other natural or manmade features require the trail to lie within 20 feet of the edge of the railroad tracks. The at-grade snowmobile trail crossing of a railroad right-of-way shall be aligned at 90 degrees or as close to 90 degrees as possible to the railroad track being crossed, and shall be located where approach grades to the crossing are minimal and where the vision of a person operating a snowmobile will be unobstructed as he or she approaches the railroad tracks. The design of the snowmobile trail, including the location of signing, shall be included upon plan sheets by the person constructing, operating, and maintaining the trail, and shall be approved in writing by the person owning the right-of-way and the person operating the railroad. Signing shall conform to specifications issued by the department to its snowmobile trail grant program sponsors.

(6) Notwithstanding section 82101, as used in this section, "operate" means to cause to function, run, or manage.

(7) A person shall not alter, deface, damage, or remove a snowmobile trail sign or control device.

(8) Each person who participates in the sport of snowmobiling accepts the risks associated with that sport insofar as the dangers are obvious and inherent. Those risks include, but are not limited to, injuries to persons or property that can result from variations in terrain; surface or subsurface snow or ice conditions; bare spots; rocks, trees, and other forms of natural growth or debris; and collisions with signs, fences, or other snowmobiles or snow-grooming equipment. Those risks do not include injuries to persons or property that can result from the use of a snowmobile by another person in a careless or negligent manner likely to endanger person or property. When a snowmobile is operated in the vicinity of a railroad right-of-way, each person who participates in the sport of snowmobiling additionally assumes risks including, but not limited to, entanglement with tracks, switches, and ties and collisions with trains and other equipment and facilities.

(9) A person who violates subsection (2) is responsible for a state civil infraction and shall be ordered to pay a civil fine of not less than \$100.00 or more than \$250.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1995, Act 201, Imd. Eff. Nov. 29, 1995;—Am. 1996, Act 500, Imd. Eff. Jan. 9, 1997;—Am. 1998, Act 30, Imd. Eff. Mar. 18, 1998;—Am. 2003, Act 2, Imd. Eff. Apr. 22, 2003;—Am. 2008, Act 27, Imd. Eff.

Mar. 13, 2008;—Am. 2008, Act 399, Imd. Eff. Jan. 6, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82126a Operation of snowmobile; prohibited conduct; violation as civil infraction.

Sec. 82126a. (1) A person shall not operate a snowmobile upon a highway, public trail, frozen surface of a public lake, stream, river, pond, or another public place, including but not limited to an area designated for the parking of snowmobiles or other motor vehicles, in a careless or negligent manner likely to endanger any person or property.

(2) A person who violates subsection (1) is responsible for a state civil infraction.

History: Add. 1998, Act 461, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82126b Operation of snowmobile; prohibited conduct; violation as misdemeanor; penalty.

Sec. 82126b. (1) A person shall not operate a snowmobile upon a highway, public trail, frozen surface of a public lake, stream, river, pond, or another public place, including, but not limited to, an area designated for the parking of snowmobiles or other motor vehicles, in willful or wanton disregard for the safety of persons or property.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$250.00.

History: Add. 1998, Act 461, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82126c Operation of snowmobile; conduct causing death or serious impairment of bodily function; violation as misdemeanor or felony; penalty; definition; order prohibiting operation of snowmobile.

Sec. 82126c. (1) A person who operates a snowmobile in a careless or negligent manner causing the death or serious impairment of bodily function of another is guilty of a misdemeanor and shall be imprisoned for not more than 2 years or fined not more than \$2,000.00, or both.

(2) A person who, by the operation of a snowmobile in a careless and heedless manner in willful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, causes the serious impairment of bodily function, but does not cause the death of another, is guilty of the offense of felonious operation, and shall be imprisoned for not more than 2 years or fined not more than \$2,000.00, or both.

(3) As used in this section, "serious impairment of bodily function" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- (c) Loss of an eye or ear or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.

(4) Upon a person's conviction of a violation under this section, the court may issue an order prohibiting the person from operating a snowmobile in this state for a period of 2 or more years in the discretion of the court. An order issued under this section is in addition to any other penalty authorized under this part.

History: Add. 1998, Act 461, Eff. Mar. 23, 1999.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82127 Operation of or authorizing operation of snowmobile while under influence of alcoholic liquor or controlled substance prohibited; visible impairment; violation; penalty; "serious impairment of a body function" defined; operation by person less than 21 years of age; "any bodily alcoholic content" defined; person less than 16 years of age occupying snowmobile.

Sec. 82127. (1) A person shall not operate a snowmobile in this state if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance, or both.
(b) The person has a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(2) The owner of a snowmobile or a person in charge or in control of a snowmobile shall not authorize or knowingly permit the snowmobile to be driven or operated by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor or a controlled substance, or both.
(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate a snowmobile is visibly impaired due to the consumption of an alcoholic liquor, a controlled substance, or a combination of an alcoholic liquor and a controlled substance.

(3) A person shall not operate a snowmobile when, due to the consumption of an alcoholic liquor or a controlled substance, or both, the person's ability to operate the snowmobile is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person who operates a snowmobile in violation of subsection (1) or (3) and by the operation of that snowmobile causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(5) A person who operates a snowmobile in violation of subsection (1) or (3) and by the operation of that snowmobile causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. As used in this subsection, "serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a snowmobile if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2018, an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person is subject to the following requirements:

(a) He or she shall not operate a snowmobile in violation of subsection (1), (3), (4), or (5) while another person who is less than 16 years of age is occupying the snowmobile.

(b) He or she shall not operate a snowmobile in violation of subsection (6) while another person who is less than 16 years of age is occupying the snowmobile.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2001, Act 12, Eff. July 1, 2001;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82128 Violations; sanctions.

Sec. 82128. (1) If a person is convicted of violating section 82127(1), the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor and may be punished by 1 or more of the following:

(i) Community service for not more than 45 days.

- (ii) Imprisonment for not more than 93 days.
- (iii) A fine of not less than \$100.00 or more than \$500.00.
- (b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to a fine of not less than \$200.00 or more than \$1,000.00 and either of the following:
 - (i) Community service for not less than 10 days or more than 90 days, and may be imprisoned for not more than 1 year.
 - (ii) Imprisonment for not less than 48 consecutive hours or more than 1 year, and may be sentenced to community service for not more than 90 days.
- (c) If the violation occurs after 2 or more prior convictions regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to imprisonment for not less than 1 year or more than 5 years or a fine of not less than \$500.00 or more than \$5,000.00, or both.
- (2) A term of imprisonment imposed under subsection (1)(b)(ii) or (1)(c) shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.
- (3) A person sentenced to perform service to the community under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service if ordered by the court.
- (4) In addition to the sanctions prescribed under subsection (1) and section 82127(4) and (5), the court may, under chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1 to 769.36, order the person to pay the costs of the prosecution. The court shall also impose sanctions under section 82142.
- (5) A person who is convicted of violating section 82127(2) is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1999, Act 22, Eff. Oct. 1, 2000;—Am. 2014, Act 404, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82129 Violations; sanctions.

Sec. 82129. (1) If a person is convicted of violating section 82127(3), the following apply:

- (a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:
 - (i) Community service for not more than 45 days.
 - (ii) Imprisonment for not more than 93 days.
 - (iii) A fine of not more than \$300.00.
- (b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00, and either of the following:
 - (i) Community service for not less than 10 days or more than 90 days, and may be sentenced to imprisonment for not more than 1 year.
 - (ii) Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.
- (c) If the violation occurs after 2 or more prior convictions regardless of the number of years that have elapsed since any prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00, and either of the following:
 - (i) Community service for a period of not less than 10 days or more than 90 days, and may be sentenced to imprisonment for not more than 1 year.
 - (ii) Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.
- (2) In addition to the sanctions prescribed in subsection (1), the court may, under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, order the person to pay the costs of the prosecution. The court shall also impose sanctions under section 82142.
- (3) A person sentenced to perform service to the community under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service as ordered by the court.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1999, Act 22, Eff. Oct. 1, 2000;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82129a Violation of MCL 324.82127(6); sanctions; community service.

Sec. 82129a. (1) If a person is convicted of violating section 82127(6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(i) Community service for not more than 360 hours.

(ii) A fine of not more than \$250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, including a prior conviction for section 82127(6), the person may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(2) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(3) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

History: Add. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82129b Violation of MCL 324.82127(7)(a) or (b); sanctions; community service.

Sec. 82129b. (1) A person who violates section 82127(7)(a) is guilty of a crime punishable as follows:

(a) Except as provided in subdivision (b), a person who violates section 82127(7)(a) is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(ii) Community service for not less than 30 days or more than 90 days.

(b) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates section 82127(7)(a) is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(2) A person who violates section 82127(7)(b) is guilty of a misdemeanor punishable as follows:

(a) Except as provided in subdivision (b), a person who violates section 82127(7)(b) may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(b) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates section 82127(7)(b) shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(ii) Community service for not less than 30 days or more than 90 days.

(3) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1 to 769.36.

(4) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

History: Add. 2014, Act 404, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82130 Enhanced sentence; listing of prior convictions; attempted violation.

Sec. 82130. (1) If the prosecuting attorney intends to seek an enhanced sentence under section 82128, 82129, 82129a, or 82129b based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information filed in district court, circuit court, recorder's court, municipal court, or probate court a statement listing the defendant's prior convictions.

(2) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) An abstract of conviction.

(b) An admission by the defendant.

(3) A person who is convicted of an attempted violation of section 82127(1) or (3) or a local ordinance substantially corresponding to section 82127(1) or (3) shall be punished as if the offense had been completed.

(4) When issuing an order under this part, the secretary of state and the court shall treat a conviction of an attempted violation of section 82127(1) or (3), former section 15a(1) or (3) of 1968 PA 74, a local ordinance substantially corresponding to section 82127(1) or (3), a law of another state substantially corresponding to section 82127(1) or (3), or a law of the United States substantially corresponding to section 82127(1) or (3) the same as if the offense had been completed.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82131 Display of lighted headlight and taillight required; applicability of section to snowmobile 25 years or older.

Sec. 82131. (1) A person shall not operate a snowmobile without displaying a lighted headlight and a lighted taillight. However, the headlight shall not be covered with a lens cap of any color.

(2) This section does not apply to a snowmobile of a model year 25 years old or older.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 29, Imd. Eff. Mar. 22, 2004.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82132 Accidents; notice; reports.

Sec. 82132. The operator of a snowmobile involved in an accident resulting in injuries to or the death of any person or property damage in an estimated amount of \$100.00 or more shall immediately by the quickest means of communication notify a state police officer or officers, the sheriff's office of the county in which the accident occurred, or the office of the police department of the local unit of government in which the accident occurred. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the director of the department of state police and forward the report to the department of state police within 14 days after the date of the accident. The department of state police shall forward a copy of all snowmobile accident reports to the department within 14 days after receipt of the accident report.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82133 Violation of part as misdemeanor; violation of 82113 and 82114(1) as civil infraction.

Sec. 82133. (1) Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor.

(2) An individual who violates section 82113 for a first time is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00.

(3) An individual who violates section 82114(1) for a first time is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2022, Act 23, Eff. June 8, 2022.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82134 Violations; appearance tickets; presumption.

Sec. 82134. (1) A peace or police officer may issue appearance tickets for violations of this part pursuant to sections 9a to 9e of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9e of the Michigan Compiled Laws.

(2) In a proceeding for a violation of this part involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of the offense.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82135 Failure to stop on signal of uniformed officer; penalty; identification of official vehicle.

Sec. 82135. An operator of a snowmobile who is given by hand, voice, emergency light, or siren a visual or audible signal by a peace, police, or conservation officer acting in the lawful performance of his or her duty, directing the operator to bring his or her snowmobile to a stop, and who willfully fails to obey the direction by increasing his or her speed or extinguishing his or her lights, or who otherwise attempts to flee or elude the officer, is guilty of a misdemeanor. The officer giving the signal shall be in uniform. A vehicle or snowmobile which is used by an officer at night for purposes of enforcing this part shall be identified as an official law enforcement vehicle or snowmobile.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82136 Arrest without warrant; preliminary chemical breath analysis.

Sec. 82136. (1) A peace officer, without a warrant, may arrest a person if the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a snowmobile involved in the accident in this state while in violation of section 82127(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 82127(1), (3), or (6).

(2) A peace officer who has reasonable cause to believe that a person was operating a snowmobile and that, by the consumption of alcoholic liquor, the person may have affected his or her ability to operate a snowmobile may require the person to submit to a preliminary chemical breath analysis. The following apply with respect to a preliminary chemical breath analysis:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 82143(1) or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subdivision does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 82143 to 82146 for the purposes of chemical tests described in those sections.

(d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82137 Chemical tests and analysis of person's blood, urine, or breath; provisions.

Sec. 82137. (1) The following apply with respect to a chemical test and analysis of a person's blood, urine, or breath, other than a preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance, or both, in an operator's blood at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding.

(b) A person arrested for a crime described in section 82143(1) shall be advised of all of the following:

(i) That if the person takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, the person has the right to demand that someone of the person's own choosing administer 1 of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under this part and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that the person is responsible for obtaining a chemical analysis of a test sample obtained pursuant to the person's own request.

(ii) That if the person refuses the request of a peace officer to take a test described in subparagraph (i), the test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

(iii) That the person's refusal of the request of a peace officer to take a test described in subparagraph (i) will result in issuance of an order that the person not operate a snowmobile.

(2) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician, qualified to withdraw blood and acting in a medical environment, may withdraw blood at the request of a peace officer for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in a person's blood, as provided in this subsection. A qualified person who withdraws or analyzes blood, or assists in the withdrawal or analysis, in accordance with this part is not liable for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures unless the withdrawal or analysis is performed in a negligent manner.

(3) A rule relating to a chemical test for alcohol or a controlled substance promulgated under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, applies to a chemical test administered under this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82138 Chemical test and analysis of person's blood, urine, or breath; additional provisions.

Sec. 82138. (1) A chemical test described in section 82137 shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 82143(1). A person who takes a chemical test administered at the request of a peace officer, as provided in section 82137, shall be given a reasonable opportunity to have someone of the person's own choosing administer 1 of the chemical tests described in section 82137 within a reasonable time after the person's detention, and the results of the test are admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by someone of the person's own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(2) If, after an accident, the operator of a snowmobile involved in an accident is transported to a medical facility and a sample of the operator's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance, or both, in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(3) If, after an accident, the operator of a snowmobile involved in an accident is deceased, a sample of the

decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the department of state police.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82139 Introduction of other evidence not limited by MCL 324.82137 and 324.82138; availability of chemical test results.

Sec. 82139. (1) The provisions of sections 82137 and 82138 relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether a person was impaired by, or under the influence of, alcoholic liquor or a controlled substance, or both, or whether the person had a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or had in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.

(2) If a chemical test described in sections 82137 and 82138 is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The results of the test shall be offered as evidence by the prosecution in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82140 Refusal to submit to chemical test; admissibility.

Sec. 82140.

A person's refusal to submit to a chemical test as provided in sections 82137 and 82138 is admissible in a criminal prosecution for a crime described in section 82143(1) only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining innocence or guilt of the defendant. The jury shall be instructed accordingly.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82141 Acceptance of guilty plea or nolo contendere; advisement by court of maximum imprisonment and fine; screening, assessment, and rehabilitative services; record.

Sec. 82141. (1) Before accepting a plea of guilty or nolo contendere under section 82127 or a local ordinance substantially corresponding to section 82127(1), (2), or (3), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation.

(2) Before imposing sentence, other than court-ordered operating sanctions, for a violation of section 82127(1), (3), (4), or (5) or a local ordinance substantially corresponding to section 82127(1) or (3), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education or treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(3) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with a violation of section 82127(1) or (3). The municipal judge or clerk of the court of

record shall prepare and immediately forward to the secretary of state an abstract of the court of record for each case charging a violation of section 82127(1) or (3).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1999, Act 22, Eff. Oct. 1, 2000.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82142 Consideration of prior convictions; sanctions.

Sec. 82142. Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of section 82127(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 82127(1), (3), or (6) whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions established under section 82130, except those convictions that, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following sanctions:

(a) For a conviction under section 82127(4) or (5), the court shall order, without an expiration date, that the person not operate a snowmobile.

(b) For a conviction under section 82127(1) or a local ordinance substantially corresponding to section 82127(1):

(i) If the court finds that the person has no prior convictions within 7 years, the court shall order that the person not operate a snowmobile for not less than 6 months or more than 2 years and shall require that the person take and successfully complete the snowmobile safety education and training program before operating a snowmobile.

(ii) If the court finds that the person has 1 or more prior convictions within 7 years, the court shall order that the person not operate a snowmobile for a period of not less than 1 year or more than 2 years and shall require the person to take and successfully complete the snowmobile safety education and training program before operating a snowmobile.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years, the court shall order, without an expiration date, that the person not operate a snowmobile.

(c) For a conviction under section 82127(3) or a local ordinance substantially corresponding to section 82127(3):

(i) If the court finds that the convicted person has no prior conviction within 7 years, the court shall order that the person not operate a snowmobile for not less than 90 days or more than 1 year.

(ii) If the court finds that the person has 1 prior conviction within 7 years, the court shall order that the person not operate a snowmobile for not less than 6 months or more than 2 years.

(iii) If the court finds that the person has 2 or more prior convictions within 10 years, the court shall order, without an expiration date, the person not to operate a snowmobile.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82143 Implied consent to chemical tests; circumstances; exception; administration of chemical test.

Sec. 82143. (1) A person who operates a snowmobile is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance, or both, in his or her blood in all of the following circumstances:

(a) The person is arrested for a violation of section 82127(1), (3), (4), (5), (6), or (7) or a local ordinance substantially corresponding to section 82127(1), (3), or (6).

(b) The person is arrested for negligent homicide, manslaughter, or murder resulting from the operation of a snowmobile, and the peace officer had reasonable grounds to believe that the person was operating the snowmobile in violation of section 82127.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) A chemical test described in subsection (1) shall be administered as provided in sections 82137 and 82138.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2014, Act 404, Eff. Mar.

31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82144 Refusal to submit to chemical test; court order; report to secretary of state.

Sec. 82144. (1) If a person refuses the request of a peace officer to submit to a chemical test offered under section 82137 or 82138, a test shall not be given without a court order, but the officer may seek to obtain the court order.

(2) If a person refuses a chemical test offered under section 82137 or 82138, or submits to the chemical test and the test reveals a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, the peace officer who requested the person to submit to the test shall immediately forward a written report to the secretary of state. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 82143(1), and either that the person has refused to submit to the test upon the request of the peace officer and has been advised of the consequences of the refusal or that the test revealed a blood alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. The form of the report shall be prescribed and furnished by the secretary of state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1996, Act 183, Imd. Eff. May 3, 1996;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82145 Refusal to submit to chemical test; notice of right to hearing.

Sec. 82145. (1) If a person refuses to submit to a chemical test pursuant to section 82144, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in section 82146. The form of the notice shall be prescribed and furnished by the secretary of state.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in issuance of an order that the person not operate a snowmobile. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel is permitted to represent the person at the hearing.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82146 Refusal to submit to chemical test; failure to request hearing; order; hearing procedures.

Sec. 82146. (1) If a person who refuses to submit to a chemical test under section 82144 does not request a hearing within 14 days of the date of notice under section 82145, the secretary of state shall issue an order that the person not operate a snowmobile for 1 year or, for a second or subsequent refusal within 7 years, for 2 years.

(2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322 of the Michigan vehicle code, 1949 PA 300, MCL 257.322. A person shall not order a hearing officer to make a particular finding on any issue enumerated under subdivisions (a) to (d). Not less than 5 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 82144, and, if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after the date of arrest and, except for delay attributable to the unavailability of the defendant, a witness, or material evidence or to an interlocutory appeal or exceptional circumstances, but not for delay attributable to docket congestion, shall be finally adjudicated within 77 days after the date of arrest. The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime

described in section 82143(1).

(b) Whether the person was placed under arrest for a crime described in section 82143(1).

(c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable.

(d) Whether the person was advised of his or her rights under section 82137.

(3) The hearing officer shall make a record of proceedings held under subsection (2). The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review under section 82150 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the petition is filed the original or a certified copy of the official record of the proceedings. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(4) After a hearing, if the person who requested the hearing does not prevail, the secretary of state shall order that the person not operate a snowmobile for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. The person may file a petition in the circuit court of the county in which the arrest was made to review the order as provided in section 82150. If after the hearing the person who requested the hearing prevails, the peace officer who filed the report under section 82144 may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in section 82150.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82147 Issuance of order by secretary of state; operation of snowmobile prohibited; imposition of suspension for more than 1 conviction or probate court dispositions from same incident.

Sec. 82147. (1) Notwithstanding a court order issued under section 82127(1), (3), (4), or (5), section 15a(1), (3), (4), or (5) of former 1968 PA 74, sections 82141 to 82142, or a local ordinance substantially corresponding to section 82127(1) or (3), or sections 82141 to 82142, if a court has not ordered a person not to operate a snowmobile as authorized by this part, the secretary of state shall issue an order that the person not operate a snowmobile as follows:

(a) For 90 days, upon receiving a record of the conviction of the person for a violation of section 82127(3), section 15a(3) of former 1968 PA 74, a local ordinance substantially corresponding to section 82127(3), or a law of another state substantially corresponding to section 82127(3), if the person has no prior convictions within 7 years for a violation of section 82127(1), (3), (4), or (5), section 15a(1), (3), (4), or (5) of former 1968 PA 74, or section 15a of former 1968 PA 74, a local ordinance substantially corresponding to section 82127(1) or (3) or section 15a of former 1968 PA 74, or a law of another state substantially corresponding to section 82127(1), (3), (4), or (5) or section 15a of former 1968 PA 74.

(b) For 1 year for a violation of section 324, 413, or 414 of the Michigan penal code, 1931 PA 328, MCL 750.324, 750.413, and 750.414; or a violation of section 626(3) or (4) of the Michigan vehicle code, 1949 PA 300, MCL 257.626.

(c) For 6 months, if the person has the following convictions within a 7-year period, whether under the law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) One conviction under section 82127(1), section 15a(1) of former 1968 PA 74, or section 15a of former 1968 PA 74.

(ii) Two convictions under section 82127(3), section 15a(3) of former 1968 PA 74, or section 15a of former 1968 PA 74.

(iii) One conviction under section 82127(1) or section 15a(1) of former 1968 PA 74 and 1 conviction under section 82127(3), section 15a(3) of former 1968 PA 74, or section 15a of former 1968 PA 74.

(iv) One conviction under section 82127(4) or (5) or section 15a(4) or (5) of former 1968 PA 74 followed by 1 conviction under section 82127(3) or section 15a(3) of former 1968 PA 74.

(2) If the secretary of state receives records of more than 1 conviction or probate court or family division of circuit court disposition of a person resulting from the same incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2001, Act 148, Eff. Feb. 1, 2002;—Am. 2008, Act 465, Imd. Eff. Jan. 9, 2009.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82147a Suspension or revocation of operator's or chauffeur's license; operation of snowmobile prohibited; violation as misdemeanor; penalty.

Sec. 82147a. (1) If the operator's or chauffeur's license of a person who is a resident of this state is suspended or revoked by the secretary of state under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or if the driver license of a person who is a nonresident is suspended or revoked under the law of the state in which he or she resides, that person shall not operate a snowmobile under this part for the same period.

(2) A person who violates this section is guilty of a misdemeanor punishable as follows:

(a) For a first conviction, imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) For a second or subsequent conviction, imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

History: Add. 1999, Act 43, Eff. Oct. 1, 2000.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82148 Convictions prohibiting operation of snowmobile; order; sharing conviction records; termination of indefinite order; multiple convictions or probate court dispositions resulting from same incident; hearing; record; judicial review.

Sec. 82148. (1) Upon receipt of the appropriate records of conviction, the secretary of state shall issue an order with no expiration date that the person not operate a snowmobile to a person having any of the following convictions, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Two convictions of a felony involving the use of a snowmobile within 7 years.

(b) Any combination of 2 convictions within 7 years for a violation of section 82127(1), section 15a(1) of former 1968 PA 74, or section 15a of former 1968 PA 74, as added by 1980 PA 402.

(c) One conviction under section 82127(4) or (5) or section 15a(4) or (5) of former 1968 PA 74.

(d) Any combination of 3 convictions within 10 years for a violation of section 82127(1) or (3), section 15a(1) or (3) of former 1968 PA 74, or section 15a of former 1968 PA 74, as added by 1980 PA 402.

(2) The department shall seek to enter agreements with the appropriate agencies of other states, Canada, and provinces and territories of Canada for the sharing of records of convictions described in subsection (1).

(3) The secretary of state shall issue an order with no expiration date that a person not operate a snowmobile notwithstanding a court order issued under section 82142, or a local ordinance substantially corresponding to section 82142. The secretary of state shall not terminate an indefinite order issued under this part until both of the following occur:

(a) The later of the following:

(i) The expiration of not less than 1 year after the order was issued.

(ii) The expiration of not less than 5 years after the date of a subsequent issuance of an indefinite order occurring within 7 years after the date of a prior order.

(b) The person meets the requirements of the department of state.

(4) Multiple convictions or probate court dispositions resulting from the same incident shall be treated as a single violation for purposes of issuance of an order under this section.

(5) A person who is aggrieved by the issuance of an order by the secretary of state under this section may request a hearing with the secretary of state. The hearing shall be requested within 14 days after issuance of an order under this section by the secretary of state. If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322 of the Michigan vehicle code, 1949 PA 300, MCL 257.322.

(6) The hearing officer shall make a record of proceedings held under subsection (5). The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review under section 82150 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the

petition is filed the original or a certified copy of the official record of the proceedings. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(7) Judicial review of an administrative sanction under this section is governed by the law in effect at the time the offense was committed or attempted.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2005, Act 175, Imd. Eff. Oct. 12, 2005;—Am. 2014, Act 404, Eff. Mar. 31, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82149 Operation of snowmobile prohibited; issuance of order without expiration date; notice; expiration of order; conditions.

Sec. 82149. (1) If a person is charged with, or convicted of, a violation of section 82127(1), (2), (3), (4), or (5), former section 15a(1), (2), (3), (4), or (5) of Act No. 74 of the Public Acts of 1968, or a local ordinance substantially corresponding to section 82127(1), (2), or (3), and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim's rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim's rights assessments, within 14 days after the notice is issued, the secretary of state will issue an order with no expiration date that the person not operate a snowmobile. If the person fails to appear within the 7-day period or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately issue the order and send a copy to the person by personal service or first-class mail sent to the person's last known address.

(2) An order imposed under subsection (1) remains in effect until both of the following occur:

(a) The court informs the secretary of state that the person has appeared before the court and that all matters relating to the violation are resolved.

(b) The person has paid to the court a \$25.00 administrative order processing fee.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82150 Final determination by secretary of state; petition for review in circuit court; consideration of record by court; authority of court to affirm, modify, or set aside order; applicability of section.

Sec. 82150. (1) A person who is aggrieved by a final determination of the secretary of state under this part may petition for a review of the determination in the circuit court in the county where the person was arrested. The petition shall be filed within 63 days after the determination is made except that, for good cause shown, the court may allow the petition to be filed within 182 days after the determination is made. As provided in section 82146, a peace officer who is aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 82146 may, with the consent of the prosecuting attorney, petition for review of the determination in the circuit court in the county where the arrest was made. The petition shall be filed within 63 days after the determination is made except that, for good cause shown, the court may allow the petition to be filed within 182 days after the determination is made.

(2) The circuit court shall enter an order setting the cause for hearing for a day certain that is not more than 63 days after the date of the order. The order, a copy of the petition, which shall include the person's full name, current address, and birth date, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared pursuant to section 82146, the service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

(3) Except as provided in subsections (4) and (6), the court may take testimony and examine all the facts and circumstances incident to the order that the person not operate a snowmobile. The court may affirm,

modify, or set aside the order. The order of the court shall be duly entered, and the petitioner shall file a certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order.

(4) In reviewing a determination under section 82146, the court shall confine its consideration to a review of the record prepared pursuant to section 82146 to determine whether the hearing officer properly determined the issues enumerated in section 82146.

(5) In reviewing a determination resulting in issuance of an order under section 82148(1)(b), (c), or (d), the court shall confine its consideration to a review of the record prepared pursuant to section 82148. The court shall set aside the determination of the secretary of state only if substantial rights of the petitioner have been prejudiced because the determination is any of the following:

(a) In violation of the constitution of the United States, the state constitution of 1963, or a statute.

(b) In excess of the statutory authority or jurisdiction of the secretary of state.

(c) Made upon unlawful procedure resulting in material prejudice to the petitioner.

(d) Not supported by competent, material, and substantial evidence on the whole record.

(e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

(f) Affected by other substantial and material error of law.

(6) This section does not apply to an order issued by the secretary of state pursuant to a court order issued as part of the sentence for a conviction under section 82127, sections 82141 to 82142 or a local ordinance substantially corresponding to section 82127(1), (2), or (3).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82151 Ex parte order to stay pending order.

Sec. 82151. (1) Within 63 days after the determination, a person who is aggrieved by a final determination of the secretary of state under this part may petition the circuit court for the county in which the conviction or determination resulting in issuance of the order that the person not operate a snowmobile for an order staying the order. Except as provided in subsection (2), the court may enter an ex parte order staying the order subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time that the court considers proper.

(2) The court shall not enter an ex parte order staying the order if the order is based upon a claim of undue hardship.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82152 Operation of snowmobile prohibited; knowingly permitting operation by person subject to order prohibited; violation of subsection (1) as misdemeanor; extension of length of order; cancellation of certificate of registration.

Sec. 82152. (1) A person who is ordered not to operate a snowmobile and who has been notified of the order by personal service or first-class mail shall not operate a snowmobile. A person shall not knowingly permit a snowmobile owned by the person to be operated by a person who is subject to such an order. A person who violates this subsection is guilty of a misdemeanor punishable as follows:

(a) By imprisonment for not more than 90 days or by a fine of not more than \$500.00, or both.

(b) For a second or subsequent violation punishable under this subsection, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) Upon receiving a record of the conviction or probate court disposition of a person upon a charge of unlawful operation of a snowmobile while the person is subject to an order not to operate a snowmobile, the secretary of state shall immediately extend the length of the order for an additional like period.

(3) If the secretary of state receives records of more than 1 conviction or probate court disposition resulting from the same incident, all of the convictions or probate court dispositions shall be treated as a single violation for purposes of extending the length of an order under subsection (2).

(4) If a person is convicted of violating subsection (1), the court shall order cancellation of the certificate of registration for the snowmobile, unless the snowmobile was stolen or permission to use the snowmobile was not knowingly given. The secretary of state shall not issue a certificate of registration for a snowmobile whose registration is canceled until after the expiration of 90 days after the cancellation.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82153 Impoundment of snowmobile.

Sec. 82153. (1) When a person is convicted under section 82152(1), the snowmobile, if it is owned by that person, shall be ordered impounded for not less than 30 or more than 120 days from the date of judgment.

(2) An order of impoundment issued pursuant to subsection (1) is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the snowmobile to the storage for insurance coverage purposes.

(3) The owner of a snowmobile impounded pursuant to this section is liable for expenses incurred in the removal and storage of the snowmobile whether or not the snowmobile is returned to him or her. The snowmobile shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the snowmobile is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the snowmobile, the snowmobile shall be considered abandoned.

(4) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee, or lessor of a snowmobile registered in the name of another person as owner who becomes subject to this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82154 Conviction based on plea of nolo contendere.

Sec. 82154. A conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty or a finding of guilt for all purposes under this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82155 Expiration of order not to operate snowmobile; administrative order processing fee.

Sec. 82155. Whether of definite or indefinite length, an order not to operate a snowmobile does not expire until the person subject to the order pays an administrative order processing fee of \$125.00 to the secretary of state. The state treasurer shall deposit \$10.00 of the fee in the drunk driving prevention equipment and training fund created under section 625h(1) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.625h of the Michigan Compiled Laws, and \$30.00 in the drunk driving caseload assistance fund created under section 625h(5) of Act No. 300 of the Public Acts of 1949, being section 257.625h of the Michigan Compiled Laws. The state treasurer shall allocate the balance of the fee to the department of state for the administration of orders issued under this part.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82156 Availability of records to public; commercial lookup service of snowmobile operation, title, and registration; disposition of fees; computerized central file; providing records to nongovernmental person or entity; payment; admissibility in evidence.

Sec. 82156. (1) The secretary of state shall make available to the public records maintained under this part, other than those declared to be confidential by law or that are restricted by law from disclosure to the public, under procedures prescribed in this part and the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The secretary of state may provide a commercial lookup service of snowmobile operation, title, and registration records maintained under this part. For each individual record looked up, the secretary of state shall charge a fee of \$15.00 per record. The secretary of state shall process a commercial lookup request only

if the request is in a form or format prescribed by the secretary of state. The secretary of state shall credit fees collected under this subsection to the transportation administration collection fund created in section 810b of the Michigan vehicle code, 1949 PA 300, MCL 257.810b, through October 1, 2027.

(3) To provide an individual, historical snowmobiling record, the secretary of state shall create and maintain a computerized central file that includes the information contained on application forms received under this part and the name of each individual who is convicted of an offense, who fails to comply with an order or judgment issued, or against whom an order is entered under this part or former 1968 PA 74. The computerized central file must be interfaced with the law enforcement information network as provided in the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(4) The secretary of state shall not provide an entire computerized central or other file of records maintained under this part to a nongovernmental person or entity unless the purchaser pays the prescribed fee or price for each individual record contained within the computerized file.

(5) A certified copy of an order, record, or paper maintained in this record is admissible in evidence in like manner as the original and is prima facie proof of the facts stated in the original.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2005, Act 174, Imd. Eff. Oct. 12, 2005;—Am. 2009, Act 100, Imd. Eff. Sept. 30, 2009;—Am. 2011, Act 90, Imd. Eff. July 15, 2011;—Am. 2015, Act 77, Eff. Oct. 1, 2015;—Am. 2019, Act 81, Imd. Eff. Sept. 30, 2019;—Am. 2023, Act 140, Imd. Eff. Sept. 29, 2023.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82156a Disclosure of personal information; uses.

Sec. 82156a. (1) Except as provided in this section and in section 82156c, personal information in a record maintained under this part shall not be disclosed, unless the person requesting the information furnishes proof of identity deemed satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 82156c. Notwithstanding this section, highly restricted personal information shall be used and disclosed only as expressly permitted by law.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of a specified federal law. As used in this section, "specified federal law" means the automobile information disclosure act, Public Law 85-506, 15 U.S.C. 1231 to 1232 and 1233, the former motor vehicle information and cost savings act, Public Law 92-513, the former national traffic and motor vehicle safety act of 1966, Public Law 89-563, the anti-car theft act of 1992, Public Law 102-519, 106 Stat. 3384, the clean air act, chapter 360, 69 Stat. 322, 42 U.S.C. 7401 to 7431, 7470 to 7479, 7491 to 7492, 7501 to 7509a, 7511 to 7515, 7521 to 7525, 7541 to 7545, 7547 to 7550, 7552 to 7554, 7571 to 7574, 7581 to 7590, 7601 to 7612, 7614 to 7617, 7619 to 7622, 7624 to 7627, 7641 to 7642, 7651 to 7651o, 7661 to 7661f, and 7671 to 7671q, and all federal regulations promulgated to implement these federal laws.

(3) Personal information in a record maintained under this part may be disclosed as follows:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of snowmobile and operator safety or ORV theft; snowmobile emissions; snowmobile product alterations, recalls, or advisories; performance monitoring of snowmobiles; snowmobiles research activities, including survey research; and the removal of nonowner records from the original records of snowmobile manufacturers.

(c) For use in the normal course of business by a business or its agents, employees, or contractors to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud, by pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, so long as the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by any insurer, self-insurer, or insurance support organization, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded snowmobile.

(h) For use by any licensed private security guard agency or alarm system contractor licensed under the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, or a private detective or private investigator licensed under the private detective license act of 1965, 1965 PA 285, MCL 338.821 to 338.851, for any purpose permitted under this section.

(i) For use by an ORV rental business or its employees, agents, contractors, or service firms for the purpose of making rental decisions.

(j) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(k) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82156b Resale or redisclosure of information; maintenance of records; duration; availability for inspection.

Sec. 82156b. (1) An authorized recipient of personal information disclosed under section 82156a may resell or redisclose the information for any use permitted under section 82156a.

(2) Any authorized recipient, except a recipient of an individual record or records under subsection (4)(b), who resells or rediscloses personal information shall be required by the secretary of state to maintain for a period of not less than 5 years records as to the information obtained and the permitted use for which it was obtained, and to make such records available for inspection by the secretary of state, upon request.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82156c Furnishing list of information to federal, state, or local governmental agency; contract for sale of lists of records; surveys, marketing, and solicitations; insertion of safeguards in agreement or contract; duties of recipient of personal information; disclosure of list based on snowmobile operation or sanctions.

Sec. 82156c. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this part to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. Unless otherwise prohibited by law, the secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds \$25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media, and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of records maintained under this part in bulk, in addition to those lists distributed at cost or at no cost under this section, for purposes defined in section 82156a(3). The secretary of state shall require each purchaser of information in bulk to execute a written purchase contract. The secretary of state shall fix a market-based price for the sale of lists of bulk information, which may include personal information. The proceeds from each sale shall be used by the secretary of state to defray the costs of list preparation and for other necessary or related expenses.

(3) The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, and solicitations. The secretary of state shall ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this part.

(4) The secretary of state may insert any safeguard the secretary considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information furnished or sold is used only for a permissible use and that the rights of individuals and of the secretary of state are protected.

(5) An authorized recipient of personal information disclosed under this section who resells or rediscloses the information for any of the permissible purposes described in section 82156a(3) shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(6) The secretary of state shall not disclose a list based on snowmobile operation or sanctions to a nongovernmental agency, including an individual.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997;—Am. 2000, Act 194, Eff. Jan. 1, 2001.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82157 Abstract or record to be kept by court clerk of record.

Sec. 82157. (1) Each district judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with or cited for a violation of this part or former Act No. 74 of the Public Acts of 1968 or of a local ordinance corresponding to this part or former Act No. 74 of the Public Acts of 1968 regulating the operation of snowmobiles.

(2) Within 14 days after a conviction, forfeiture of bail, entry of a civil infraction determination, or default judgment upon a charge of, or citation for, violating this part or a local ordinance corresponding to this part regulating the operation of snowmobiles, except as provided in subsection (11), the district judge or clerk of the court of record shall prepare and immediately forward to the secretary of state an abstract of the record of the court for the case. The abstract shall be certified to be true and correct by signature, stamp, or facsimile signature by the person required to prepare the abstract. If a city or village department, bureau, or person is authorized to accept a payment of money as a settlement for a violation of a local ordinance corresponding to this part, the city or village department, bureau, or person shall send a full report of each case in which a person pays any amount of money to the city or village department, bureau, or person to the secretary of state upon a form prescribed by the secretary of state.

(3) The abstract or report required under this section shall be made upon a form furnished by the secretary of state and shall include all of the following:

(a) The name, address, and date of birth of the person charged or cited.

(b) The date and nature of the violation.

(c) The type of snowmobile operated at the time of the violation.

(d) The date of the conviction, finding, forfeiture, judgment, or determination.

(e) Whether bail was forfeited.

(f) Any order issued by the court pursuant to this part.

(g) Other information considered necessary to the secretary of state.

(4) As used in subsections (5) to (7), "felony in which a snowmobile was used" means a felony during the commission of which the person operated a snowmobile and while operating the snowmobile presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The snowmobile was used as an instrument of the felony.

(b) The snowmobile was used to transport a victim of the felony.

(c) The snowmobile was used to flee the scene of the felony.

(d) The snowmobile was necessary for the commission of the felony.

(5) If a person is charged with a felony in which a snowmobile was used, the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court: "You are charged with the commission of a felony in which a snowmobile was used. If you are convicted and the judge finds that the conviction is for a felony in which a snowmobile was used, as defined in section 82157 of the natural resources and environmental protection act, the secretary of state will order you not to operate a snowmobile in this state."

(6) If a child is accused of an act the nature of which constitutes a felony in which a snowmobile was used,

the prosecuting attorney or juvenile court shall include the following statement on the petition filed in the probate court: "You are accused of an act the nature of which constitutes a felony in which a snowmobile was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a snowmobile was used, as defined in section 82157 of the natural resources and environmental protection act, the secretary of state will order you not to operate a snowmobile in this state.".

(7) If the judge or juvenile court referee determines as part of the sentence or disposition that the felony for which the defendant was convicted or adjudicated and with respect to which notice was given pursuant to subsection (5) or (6) is a felony in which a snowmobile was used, the clerk of the court shall forward an abstract of the court record of that conviction or adjudication to the secretary of state.

(8) Every person required to forward abstracts to the secretary of state under this section shall certify for the period from January 1 through June 30 and for the period from July 1 through December 31 that all abstracts required to be forwarded during the period have been forwarded. The certification shall be filed with the secretary of state not later than 28 days after the end of the period covered by the certification. The certification shall be made upon a form furnished by the secretary of state and shall include all of the following:

(a) The name and title of the person required to forward abstracts.

(b) The court for which the certification is filed.

(c) The time period covered by the certification.

(d) The following statement: "I certify that all abstracts required by section 82157 of the natural resources and environmental protection act, for the period ____ through ____ have been forwarded to the secretary of state.".

(e) Other information the secretary of state considers necessary.

(f) The signature of the person required to forward abstracts.

(9) The failure, refusal, or neglect of a person to comply with this section constitutes misconduct in office and is grounds for removal from office.

(10) Except as provided in subsection (11), the secretary of state shall keep all abstracts received under this section at the secretary of state's main office, and the abstracts shall be open for public inspection during the office's usual business hours. The secretary of state shall enter each abstract upon the snowmobiling record of the person to whom it pertains and shall record the information in a manner that makes the information available to peace officers through the law enforcement information network.

(11) The court shall not submit, and the secretary of state shall discard and not enter on the snowmobiling record, an abstract for a conviction or civil infraction determination for a violation of this part that could not be the basis for the secretary of state's issuance of an order not to operate a snowmobile in this state. The secretary of state shall discard and not enter on the snowmobiling record an abstract for a bond forfeiture that occurred outside this state.

(12) The secretary of state shall inform the court of the violations of this part that are used by the secretary of state as the basis for issuance of an order not to operate a snowmobile in this state.

(13) If a conviction or civil infraction determination is reversed upon appeal, the court shall transmit a copy of the order of reversal to the secretary of state, and the secretary of state shall enter the order in the proper book or index in connection with the record of the conviction or civil infraction determination.

(14) The secretary of state may permit a city or village department, bureau, person, or court to modify the requirement as to the time and manner of reporting a conviction, civil infraction determination, or settlement to the secretary of state if the modification will increase the economy and efficiency of collecting and utilizing the records. If the permitted abstract of court record reporting a conviction, civil infraction determination, or settlement originates as a part of the written notice to appeal, authorized in section 82134, the form of the written notice and report shall be as prescribed by the secretary of state.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82158 Operator of snowmobile detained by officer; conduct of operator as misdemeanor; arrest without warrant.

Sec. 82158. (1) The operator or person in charge of a snowmobile being used or operated in this state, who is by hand, voice, emergency light or siren, or a visual or audible signal directed to bring his or her snowmobile to a stop by any peace, police, or conservation officer who is in uniform and empowered to enforce this part or the provisions of a local ordinance or rules established under this part, shall immediately

bring the snowmobile to a stop or maneuver it in a manner that permits the officer to come alongside. A vehicle or snowmobile that is used by an officer at night for purposes of enforcing this part shall be identified as an official law enforcement vehicle or snowmobile. The operator or person in charge of the snowmobile and any other person on board shall give his or her correct name and address, exhibit the certificate of registration awarded for the snowmobile, and submit to a reasonable inspection of the snowmobile and to a reasonable inspection and test of the equipment of the snowmobile.

(2) A person who willfully fails to obey the direction by increasing his or her speed or extinguishing his or her lights, or who otherwise attempts to flee or elude the officer, is guilty of a misdemeanor.

(3) A person who is detained for a violation of this part or of a local ordinance substantially corresponding to a provision of this part and who furnishes a peace officer false, forged, fictitious, or misleading verbal or written information identifying the person as another person is guilty of a misdemeanor.

(4) A peace officer who observes a violation by a person of this part or of a local ordinance or rule established under this part may arrest the person without a warrant.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82159 Person arrested without warrant to be taken before magistrate or judge.

Sec. 82159. If a person is arrested without a warrant for any of the following, the arrested person shall be taken, without unreasonable delay, before a magistrate or judge who is within the county in which the offense charged is alleged to have been committed, who has jurisdiction of the offense, and who is nearest or most accessible with reference to the place where the arrest is made:

(a) The person is arrested upon a charge of negligent homicide.

(b) The person is arrested under section 82127 or a local ordinance substantially corresponding to section 82127. If in the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 82134.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82160 Prohibited conduct; violations as felony; penalties.

Sec. 82160. (1) A person who makes a false representation or false certification to obtain personal information under this part, or who uses personal information for a purpose other than a permissible purpose identified in section 82156a or 82156c, is guilty of a felony.

(2) A person who is convicted of a second violation of this section is guilty of a felony punishable by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section is guilty of a felony punishable by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.

History: Add. 1997, Act 102, Imd. Eff. Aug. 7, 1997.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles

324.82161 Abandonment of snowmobile prohibited; presumption; violation; civil infraction.

Sec. 82161. (1) A person shall not abandon a snowmobile in this state.

(2) The last registered owner of the snowmobile is presumed to be responsible for abandoning the snowmobile unless the person provides a record of the transfer of the snowmobile to another person. The record of transfer must be a form or document that includes the transferee's name, address, driver license number, and signature, date of transfer of the snowmobile, and, if applicable, the sale price.

(3) Sections 80130f(2) to 80130p apply to a snowmobile in the same manner as those provisions apply to a vessel, except that section 80130k(3)(b)(ii) does not apply to a snowmobile.

(4) A person who violates subsection (1) and who fails to redeem the snowmobile before disposition of the snowmobile under section 80130k is responsible for a state civil infraction as provided in section 8905a.

History: Add. 2014, Act 549, Eff. Apr. 16, 2015.

Popular name: Act 451

Popular name: NREPA

Popular name: Snowmobiles