

HOUSE BILL No. 6261

June 15, 2010, Introduced by Rep. Sheltroun and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82101, 82106, and 82118 (MCL 324.82101,
324.82106, and 324.82118), section 82101 as amended by 2008 PA 145,
section 82106 as amended by 2008 PA 399, and section 82118 as
amended by 2008 PA 400, and by adding section 82105c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82101. As used in this part:

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

1 (b) "Dealer" means any person engaged in the sale, lease, or
2 rental of snowmobiles as a regular business, other than an
3 auctioneer as that term is defined in section 2901 of the
4 occupational code, 1980 PA 299, MCL 339.2901.

5 (c) "Former section 15a" means section 15a of former 1968 PA
6 74, as constituted prior to May 1, 1994.

7 (d) "Highly restricted personal information" means an
8 individual's photograph or image, social security number, digitized
9 signature, and medical and disability information.

10 (e) "Highway or street" means the entire width between the
11 boundary lines of every way publicly maintained if any part thereof
12 ~~OF IT~~ is open to ~~the use of the public~~ **USE** for ~~purposes of~~
13 vehicular travel.

14 **(F) "HISTORIC SNOWMOBILE" MEANS A SNOWMOBILE THAT IS OVER 25**
15 **YEARS OLD AND THAT IS OWNED SOLELY AS A COLLECTOR'S ITEM AND FOR**
16 **PARTICIPATION IN CLUB ACTIVITIES, EXHIBITIONS, TOURS, PARADES, AND**
17 **SIMILAR USES, INCLUDING MECHANICAL TESTING.**

18 **(G)** ~~(f)~~—"In-kind contributions" means services and goods as
19 approved by the department that are provided by a grant recipient
20 toward completion of a department-approved local snowmobile program
21 under section 82107.

22 **(H)** ~~(g)~~—"Law of another state" means a law or ordinance
23 enacted by any of the following:

24 (i) Another state.

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

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

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

1 Canada.

2 (I) ~~(h)~~—"Long-term incapacitating injury" means an injury that
3 causes a person to be in a comatose, quadriplegic, hemiplegic, or
4 paraplegic state, which state is likely to continue for 1 year or
5 more.

6 (J) ~~(i)~~—"Operate" means to ride in or on and be in actual
7 physical control of the operation of a snowmobile.

8 (K) ~~(j)~~—"Operator" means any person who operates a snowmobile.

9 (L) ~~(k)~~—"Owner" means any of the following:

10 (i) A person who holds the legal title to a snowmobile.

11 (ii) A vendee or lessee of a snowmobile that is the subject of
12 an agreement for conditional sale or lease with the right of
13 purchase upon performance of the conditions stated in the agreement
14 and with an immediate right of possession vested in the conditional
15 vendee or lessee.

16 (iii) A person renting a snowmobile or having the exclusive use
17 of a snowmobile for more than 30 days.

18 (M) ~~(l)~~—"Peace officer" means any of the following:

19 (i) A sheriff.

20 (ii) A sheriff's deputy.

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

24 (iv) A village or township marshal.

25 (v) An officer of the police department of any municipality.

26 (vi) An officer of the Michigan state police.

27 (vii) The director and conservation officers employed by the

1 department.

2 (viii) A law enforcement officer who is certified pursuant to
3 **UNDER** the commission on law enforcement standards act, 1965 PA 203,
4 MCL 28.601 to 28.616, ~~as long as~~ **PROVIDED** that officer is policing
5 within his or her jurisdiction.

6 (N) ~~(m)~~—"Personal information" means information that
7 identifies an individual, including an individual's driver
8 identification number, name, address not including zip code, and
9 telephone number, but does not include information on snowmobile
10 operation or equipment-related violations or civil infractions,
11 operator or snowmobile registration status, accidents, or other
12 behaviorally-related information.

13 (O) ~~(n)~~—"Probate court or family division disposition" means
14 the entry of a probate court order of disposition or family
15 division order of disposition for a child found to be within the
16 provisions of chapter XIIA of the probate code of 1939, 1939 PA
17 288, MCL 712A.1 to 712A.32.

18 (P) ~~(o)~~—"Prosecuting attorney", except as the context requires
19 otherwise, means the attorney general, the prosecuting attorney of
20 a county, or the attorney representing a local unit of government.

21 (Q) ~~(p)~~—"Recreational snowmobile trail improvement subaccount"
22 means the recreational snowmobile trail improvement subaccount of
23 the snowmobile account created in section 82110.

24 (R) ~~(q)~~—"Right-of-way" means that portion of a highway or
25 street less the roadway and any shoulder.

26 (S) ~~(r)~~—"Roadway" means that portion of a highway or street
27 improved, designated, or ordinarily used for vehicular travel. If a

1 highway or street includes 2 or more separate roadways, the term
2 roadway refers to any ~~such~~ roadway separately, but not to all ~~such~~
3 **OF THE** roadways collectively.

4 (T) ~~(s)~~ "Shoulder" means that portion of a highway or street
5 on either side of the roadway that is normally snowplowed for the
6 safety and convenience of vehicular traffic.

7 (U) ~~(t)~~ "Snowmobile" means any motor-driven vehicle designed
8 for travel primarily on snow or ice of a type that utilizes sled-
9 type runners or skis, an endless belt tread, or any combination of
10 these or other similar means of contact with the surface upon which
11 it is operated, but is not a vehicle that must be registered under
12 the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

13 (V) ~~(u)~~ "Snowmobile account" means the snowmobile account of
14 the Michigan conservation and recreation legacy fund provided for
15 in section 2025.

16 (W) ~~(v)~~ "Snowmobile registration fee subaccount" means the
17 snowmobile registration fee subaccount of the snowmobile account
18 created in section 82111.

19 (X) ~~(w)~~ "Zone 1" means all of the Upper Peninsula.

20 (Y) ~~(x)~~ "Zone 2" means all of that part of the Lower Peninsula
21 north of a line beginning at and drawn from a point on the
22 Michigan-Wisconsin boundary line due west of the westerly terminus
23 of River road in Muskegon county; thence due east to the westerly
24 terminus of River road; thence north and east along the center line
25 of the River road to its intersection with highway M-120; thence
26 northeasterly and easterly along the center line of highway M-120
27 to the junction of highway M-20; thence easterly along the center

1 line of M-20 to its junction with US-10 at the Midland-Bay county
2 line; thence easterly along the center line of the "business route"
3 of highway US-10 to the intersection of Garfield road in Bay
4 county; thence north along the center line of Garfield road to the
5 intersection of the Pinconning road; thence east along the center
6 line of Pinconning road to the intersection of the Seven Mile road;
7 thence north along the center of the Seven Mile road to the Bay-
8 Arenac county line; thence north along the center line of the
9 Lincoln School road (county road 25) in Arenac county to the
10 intersection of highway M-61; thence east along the center line of
11 highway M-61 to the junction of highway US-23; thence northerly and
12 easterly along the center line of highway US-23 to the center line
13 of the Au Gres river; thence southerly along the center line of the
14 river to its junction with Saginaw Bay of Lake Huron; thence north
15 78° east to the international boundary line between the United
16 States and the Dominion of Canada.

17 (Z) ~~(y)~~ "Zone 3" means all of that part of the Lower Peninsula
18 south of the line described in subdivision ~~(x)~~-(Y).

19 **SEC. 82105C. (1) THE SECRETARY OF STATE MAY ISSUE TO THE OWNER**
20 **OF A HISTORIC SNOWMOBILE A HISTORIC SNOWMOBILE REGISTRATION DECAL**
21 **WHICH SHALL BEAR THE INSCRIPTION "HISTORIC SNOWMOBILE - MICHIGAN"**
22 **AND THE REGISTRATION NUMBER. THE REGISTRATION DECAL SHALL BE**
23 **AFFIXED ABOVE OR BELOW THE HEADLIGHT OR, IF THE HISTORIC SNOWMOBILE**
24 **WAS NOT ORIGINALLY EQUIPPED WITH A HEADLIGHT, ON THE FORWARD HALF**
25 **OF THE COWL ABOVE THE FOOTWELL OF THE HISTORIC SNOWMOBILE.**

26 (2) THE OWNER OF A HISTORIC SNOWMOBILE APPLYING FOR A HISTORIC
27 SNOWMOBILE REGISTRATION DECAL UNDER THIS SECTION SHALL PAY A FEE OF

1 \$50.00 AND SHALL CERTIFY THAT THE SNOWMOBILE FOR WHICH THE
2 REGISTRATION IS REQUESTED IS OWNED AND OPERATED SOLELY AS A
3 HISTORIC SNOWMOBILE.

4 (3) A REGISTRATION ISSUED UNDER THIS SECTION IS VALID FOR THE
5 PERIOD THE HISTORIC SNOWMOBILE IS OWNED BY THE OWNER AND IS
6 NONTRANSFERABLE.

7 (4) THE SECRETARY OF STATE MAY REVOKE A REGISTRATION DECAL
8 ISSUED UNDER THIS SECTION, FOR CAUSE SHOWN AND AFTER A HEARING, FOR
9 FAILURE OF THE APPLICANT TO COMPLY WITH THIS SECTION OR FOR USE OF
10 THE SNOWMOBILE FOR WHICH THE REGISTRATION WAS ISSUED FOR PURPOSES
11 OTHER THAN THOSE ENUMERATED IN SECTION 82101(F).

12 (5) A HISTORIC SNOWMOBILE REGISTERED UNDER THIS SECTION IS
13 EXEMPT FROM REGISTRATION UNDER SECTION 82105.

14 (6) THE SECRETARY OF STATE MAY PROMULGATE RULES TO IMPLEMENT
15 THIS SECTION.

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

19 (a) Seventeen dollars of each registration fee **FOR A**
20 **SNOWMOBILE AND \$50.00 OF EACH REGISTRATION FEE FOR A HISTORIC**
21 **SNOWMOBILE** shall be deposited into the snowmobile registration fee
22 subaccount. However, if the balance of the snowmobile registration
23 fee subaccount exceeds \$1,600,000.00 at any time, the state
24 treasurer shall transfer all amounts in excess of \$1,600,000.00 to
25 the recreational snowmobile trail improvement subaccount. From the
26 revenue deposited in the snowmobile registration fee subaccount
27 under this part, the legislature shall make an annual appropriation

1 as follows:

2 (i) Not more than \$3.00 ~~from~~**OF** each registration fee **FOR A**
3 **SNOWMOBILE AND NOT MORE THAN \$3.00 FOR EACH REGISTRATION FEE FOR A**
4 **HISTORIC SNOWMOBILE** collected during each fiscal year shall be
5 appropriated to the department of state for administration of the
6 registration provisions of this part. At the close of each state
7 fiscal year, any money appropriated under this subparagraph but not
8 expended shall be credited to the recreational snowmobile trail
9 improvement subaccount. Additionally, if less than \$3.00 ~~from~~**OF**
10 each registration fee is appropriated to the department of state,
11 the state treasurer shall transfer the difference between \$3.00 and
12 the amount appropriated from each registration fee to the
13 recreational snowmobile trail improvement subaccount.

14 (ii) ~~From~~**FOURTEEN DOLLARS OF** each fee for a registration **FOR A**
15 **SNOWMOBILE** paid before July 1, 2009, ~~\$14.00~~ or ~~from~~**\$19.00 OF** each
16 fee for a registration **FOR A SNOWMOBILE** paid on or after July 1,
17 2009, ~~\$19.00~~**AND \$5.00 OF EACH FEE FOR A REGISTRATION FOR A**
18 **HISTORIC SNOWMOBILE** shall be appropriated to the department for
19 purposes set forth in section 82107, including financial assistance
20 to county sheriff departments and local law enforcement agencies
21 for local snowmobile programs. Any money appropriated but not
22 expended under this subparagraph shall be credited each year to the
23 snowmobile registration fee subaccount.

24 (b) ~~From~~**FIVE DOLLARS OF** each fee for a registration **FOR A**
25 **SNOWMOBILE** paid before July 1, 2009, ~~\$5.00~~**AND \$42.00 OF EACH FEE**
26 **FOR REGISTRATION OF A HISTORIC SNOWMOBILE** shall be deposited in the
27 recreational snowmobile trail improvement subaccount and shall be

1 administered by the department for the purposes of planning,
2 construction, maintenance, and acquisition of trails and areas for
3 the use of snowmobiles, or access to those trails and areas, and
4 basic snowmobile facilities.

5 (c) From each fee for a registration **FOR A SNOWMOBILE OTHER**
6 **THAN A HISTORIC SNOWMOBILE** paid on or after July 1, 2009, \$8.00
7 shall be deposited into the permanent snowmobile trail easement
8 subaccount under section 82110a. This money is intended to
9 supplement other money expended for snowmobile-related activities
10 of the department and not as a replacement for those expenditures.

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

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

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

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

13 Sec. 82118. (1) In addition to registration of a snowmobile
14 ~~pursuant to~~ **UNDER** section 82105 or registration in another state or
15 province, except as otherwise provided in this section, a person
16 who desires to operate a snowmobile in this state shall purchase a
17 Michigan snowmobile trail permit sticker. The Michigan snowmobile
18 trail permit issued under this section shall be valid for a period
19 of 1 year which begins on October 1 and ends on the following
20 September 30. The fee for the permit shall be as follows:

21 (a) For permits valid for the 1-year period beginning October
22 1, 2009 or October 1, 2010, \$35.00.

23 (b) For permits valid for the 1-year period beginning October
24 1, 2011, 2012, 2013, 2014, or 2015, \$45.00.

25 (c) For permits valid for the 1-year period beginning October
26 1, 2016 and every fifth year thereafter, the state treasurer shall
27 adjust the current permit fee by an amount determined by the state

1 treasurer to reflect the cumulative percentage change in the
2 consumer price index during the most recent 5-year period for which
3 consumer price index statistics are available, rounded to the
4 nearest dollar. A fee adjusted by the state treasurer under this
5 subdivision shall remain in effect for 5 years. As used in this
6 subdivision, "consumer price index" means the most comprehensive
7 index of consumer prices available for this state from the bureau
8 of labor statistics of the United States department of labor.

9 (2) Revenue from the trail permit fee shall be allocated as
10 follows:

11 (a) 50 cents shall be retained by the department for
12 administrative costs.

13 (b) \$1.00 shall be retained by the agent selling the permit.

14 (c) The balance shall be deposited in the recreational
15 snowmobile trail improvement subaccount.

16 (3) The department shall make the sale of trail permits
17 available on its website. For each trail permit sold through the
18 website, the amount otherwise credited to an agent under subsection
19 (2) shall instead be credited to the recreational snowmobile trail
20 improvement subaccount.

21 (4) The trail permit sticker shall be permanently affixed to
22 the snowmobile directly above or below the headlight of the
23 snowmobile.

24 (5) The department may contract with a person to act as an
25 agent for the purpose of issuing Michigan snowmobile trail permits.
26 The department shall sell the permits to agents in bulk. An agent
27 may obtain a refund from the department for any permits that are

1 not sold.

2 (6) An agent who uses or allows the use of a permit by anyone
3 except the snowmobile user to whom the permit is sold is guilty of
4 a misdemeanor, punishable by a fine of \$50.00 for each instance of
5 such use or allowed use.

6 (7) The department of state may suspend a certificate of
7 registration if the department of state determines that the
8 required fee has not been paid and remains unpaid after reasonable
9 notice or demand. In addition to the required fee, a \$10.00 penalty
10 shall be assessed and collected against any person who tenders an
11 insufficient check or draft in payment of the fee.

12 (8) A snowmobile used solely for transportation on the frozen
13 surface of public waters for the purpose of ice fishing is exempt
14 from the requirement of purchasing and displaying a snowmobile
15 trail permit sticker under this section.

16 (9) A person shall not charge a fee for a snowmobile trail
17 permit in an amount that is greater than the fee printed on the
18 face of the permit.

19 (10) To obtain a snowmobile trail permit, an applicant shall
20 provide all information required on the permit application.

21 (11) A person who fails to secure a permit under this section
22 or who violates subsection (4) is responsible for a state civil
23 infraction and may be ordered to pay a civil fine of not more than
24 \$100.00.

25 (12) The department shall, by June 1 of each year, report to
26 the members of the appropriate standing committees and
27 appropriations subcommittees of the house and senate, a detailed

1 expenditure plan pertaining to the additional funds generated by
2 this act. The plan shall include information as to how funds were
3 expended in the prior year.

4 (13) THIS SECTION DOES NOT APPLY TO A HISTORIC SNOWMOBILE
5 REGISTERED UNDER SECTION 82105C.