

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

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