



**House  
Legislative  
Analysis  
Section**

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**SNOWMOBILE REGISTRATION**

**House Bill 4445**

**Sponsor: Rep. Tom Alley**

**Committee: Conservation, Environment  
and Great Lakes Affairs**

**Complete to 3-29-92**

**A SUMMARY OF HOUSE BILL 4445 AS INTRODUCED 3-4-93**

House Bill 4445 would amend Public Act 74 of 1968, which provides for the registration and regulation of snowmobiles, to be consistent with the 1991 drunk driving reforms contained in the Michigan Vehicle Code, and to provide new registration requirements. Currently, Public Act 74 of 1968 specifies that a snowmobile owner must file a registration application, along with a \$15 fee, with the Department of State. House Bill 4445 would amend the act to require that an initial snowmobile registration application be made with the dealer at the point of sale. Under the bill, a retail dealer would issue a temporary registration permit that would be valid for 15 days after the date of sale, and each dealer would submit registrations and fees to the department at least once per week. The bill would also require snowmobile users to purchase an annual \$10 permit sticker; increase fees for replacement certificates of registration, from \$2 to \$5; create a Snowmobile Trails Advisory Board within the Department of Natural Resources (DNR); establish penalties for violations of the act; and provide for the following:

Allocation of Funds. Under current law, \$6 of each \$15 snowmobile registration fee is deposited into a recreational snowmobile trail improvement fund to be used by the DNR solely for projects open to the public. The balance of the revenue received is divided into two parts. One part is used to make appropriations to the Department of State for administration of the act's registration provisions and to the DNR for enforcement, education, and disbursements for parallel county programs. The other part, including at least 50 percent of the registration receipts, is allotted to the DNR for acquisition, construction, and maintenance of snowmobile trails and facilities. Of this latter allotment, between 40 and 80 percent must be allocated to local units of government and nonprofit snowmobile organizations for use on trails.

House Bill 4445 would amend the act to allocate the funds in different proportions. Of the revenues received from snowmobile registration fees and from the motor fuel taxes that are deposited in the Michigan Transportation Fund, up to \$3 from each registration fee would be appropriated to the Department of State to administer snowmobile registrations; and at least \$7 from each registration fee would be appropriated to the Department of Natural Resources (DNR). Of the \$7 appropriated to the DNR, \$2 would be used for the state financial assistance program for counties; and \$5 would be deposited in the Recreational Snowmobile Trail Improvement Fund. In addition, any money not required to administer snowmobile registrations would be credited each year to the Recreational Snowmobile Trail Improvement Fund. In addition, \$5 -- rather than 50 percent -- of the registration receipts, to be used by the DNR for the acquisition, construction, and

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maintenance of trails; \$9 from the sale of annual permit stickers; and at least 80 percent of the revenue collected from the sale of duplicate registration fees and certificates, would be deposited into the fund.

Use of Funds. Currently, under the act, the DNR may not build recreational trail facilities on private land unless it has a three-year agreement to do so with the owner of the land. The bill would require the DNR to have a five-year agreement with landowners, and would include "major improvements" under this provision.

House Bill 4445 would also delete the present \$30,000 limit placed on appropriations for a cooperative sign program for public snowmobile trails. Under the bill, signs would not be provided unless the trails met minimum state snowmobile trail construction standards and were funded for snowmobile season maintenance.

Snowmobile Trails Advisory Board. The board would meet twice per year, and would consist of seven members, appointed by the director of the DNR, to include representatives from trail sponsors, the business community, large trail users, and from each region of the Michigan Snowmobile Association. The board would be created within the DNR to assist in developing safety education and training program criteria; advise on Recreational Snowmobile Trail Improvement Fund allocations; assist in promulgating rules and in updating the comprehensive plan for a statewide recreational and snowmobile trails system; advise the DNR regarding snowmobile users' recommendations for trails; and, in consultation with the DNR and appropriate House and Senate committees, develop a comprehensive plan for snowmobile use by October 1, 1995.

Snowmobile Trail Permit Stickers. In addition to, or in lieu of, registration of a snowmobile, a snowmobile owner would be required to purchase a \$10 annual Michigan snowmobile trail permit sticker each October. The fifty cents fee would be used by the Department of State for administrative costs; fifty cents would be retained by the agent who sold the permit; and \$9 would be credited to the Recreational Snowmobile Trail Improvement Fund. The department could contract either with the DNR or an outside person to act as an agent. The bill would also delete current requirements in the act regarding the painting of identification numbers on snowmobiles. Instead, owners would be required to attach their registration decals.

Regulation of Snowmobile Operations. Currently, a snowmobile may be operated on the extreme right portion of a right-of-way on a public highway, going in the direction of the traffic. Under the bill, a snowmobile could be operated on the right-of-way of a public highway against the flow of traffic if the right-of-way was a designated snowmobile trail approved by the Department of Transportation and the DNR. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway would be limited to the posted speed limit, and would be permitted to operate within 100 feet of a slide, ski, skating area, or the right of way of an inoperable railroad -- activities that are otherwise prohibited under the act. The bill would also require that a person operating or riding on a snowmobile wear a United States Department of Transportation-approved crash helmet.

Violations and Fines. The bill would impose the following penalties and fines for violations of the act:

**\*\*An agent who used -- or allowed anyone other than the owner of a snowmobile to use -- another person's snowmobile trail permit would be guilty of a misdemeanor, punishable by a fine of \$50 for each instance of such use, or allowed use.**

**\*\*The Department of State could suspend a certificate of registration if the required fee were not paid.**

**\*\*A \$10 penalty would be assessed for a bad check or draft.**

**\*\*Failure to secure a permit would be a civil infraction, subject to a fine of \$50, plus court costs.**

Penalties for Operating While Under the Influence of Alcohol or Drugs. The bill would expand upon current language that prohibits the operation of a snowmobile while under the influence of intoxicating liquor, a controlled substance, or both, to be consistent with the drunk driving provisions of the Motor Vehicle Code. Under the bill, operating a snowmobile with a blood alcohol content of .10 percent or more, or operating while under the influence of alcohol or drugs, would be prohibited. In general, a violation of the act would be a misdemeanor, punishable by suspension of one's right of operate a snowmobile, and one or more of the following:

- Community service for up to 45 days.
- Imprisonment for up to 90 days.
- A fine of between \$100 to \$500.

A person arrested on a misdemeanor charge for a violation of this provision of the bill would be arraigned within 14 days.

If a violation occurred within seven years of a prior conviction (the prosecutor would have to list each conviction on the complaint filed with the court), the person would be sentenced to a fine of \$200 to \$1,000, and either community service for 10 to 90 days and possible imprisonment for up to one year; or imprisonment for 48 hours to one year and possible community service for at least 90 days. A violation that occurred within 10 years of two or more prior convictions would be considered a felony, subject to a sentence of imprisonment for one to five years, or a fine of \$500 to \$5,000, or both.

In addition, the bill would provide specific penalties for each violation, including the following:

**\*Allowing another person to operate one's snowmobile if that person's blood alcohol level was .10 percent or more would be a misdemeanor, punishable by imprisonment for up to 90 days or a fine of \$100 to \$500, or both.**

\*A person who operated a snowmobile while his or her ability was visibly impaired would be guilty of a violation of the act.

\*A person who operated a snowmobile while under the influence of intoxicating liquor or a controlled substance, or both, or who had a blood alcohol content of .10 percent or more, and who then caused the death of another person, would be guilty of a felony punishable by imprisonment for up to 15 years, or a fine of \$2,500 to \$10,000, or both.

\*A person who operated a snowmobile while under the influence of intoxicating liquor or a controlled substance, or both, or with a blood alcohol content of .10 percent or more, and who then caused a long-term incapacitating injury to another person would be guilty of a felony punishable by imprisonment for up to 5 years, or a fine of \$1,000 to \$5,000, or both.

A person who operated a snowmobile would be considered as having given consent to chemical testing of his or her blood, breath, or urine for alcohol or presence of a controlled substance if the person were arrested for a violation of the above provisions of the bill, or of a local ordinance that contained similar prohibitions. If a person refused to submit to a chemical test, and did not request a hearing within 14 days, then the secretary of state would issue an order prohibiting the person from operating a snowmobile for 6 months, or -- for a second or subsequent refusal within 7 years -- for one year. The hearing would be conducted in accordance with the provisions of the bill.

In addition to the above sanctions, the court could, under the Code of Criminal Procedure, order a violator to pay prosecution costs. The court could also order the defendant to undergo screening and assessment to determine whether or not the person was likely to benefit from rehabilitative services, including alcohol or drug education or treatment programs; the defendant would be required to pay for the costs of the screening, assessment, and rehabilitative services.

The court would consider all prior convictions in sentencing the individual. A person who failed to answer a citation or failed to comply with a court order would be given notice to appear within seven days and to pay required fines and costs. Otherwise, the secretary of state would be required to issue an order, with no expiration date, stating that the person could not operate a snowmobile. Failure to comply with the secretary of state's order would incur imprisonment for up to 90 days, a fine of \$500, or both. Second or subsequent violations would be punishable by imprisonment for up to one year, a fine of up to \$1,000, or both. In addition, the snowmobile belonging to the convicted person would be impounded. An order not to operate a snowmobile would not expire until the person subject to the order paid an administrative order processing fee of \$125 to the secretary of state. The secretary of state and the court would be required to treat a conviction of an attempted violation of the provisions of the bill the same as if the offense had been completed.

Accidents. The police agency receiving the notice of an accident would be required to send a report to the Department of State Police (DSP) within 30 days; the DSP would forward copies of accident reports to the DNR within 30 days after receipt of a report. The



operator of a snowmobile involved in an accident could be arrested by a peace officer without a warrant, or could be subjected to a preliminary chemical breath analysis if the officer had reasonable cause to believe the person was the operator of the snowmobile. House Bill 4445 contains specific provisions with respect to the rights of a person who submits to a chemical test and analysis of his or her blood, urine, or breath, other than a preliminary chemical breath analysis; how to evaluate the results of chemical tests; and the use of chemical testing for evidence.

MCL 257.1501 et al.