

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 530

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 82126 (MCL 324.82126), as amended by 2003 PA 2.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 82126. (1) A person shall not operate a snowmobile under  
2 any of the following circumstances:

3       (a) At a rate of speed greater than is reasonable and proper  
4 having due regard for conditions then existing.

5       (b) In a forest nursery, planting area, or on public lands  
6 posted or reasonably identifiable as an area of forest reproduction  
7 when growing stock may be damaged or posted or reasonably  
8 identifiable as a natural dedicated area that is in zone 2 or zone  
9 3.

1 (c) On the frozen surface of public waters as follows:

2 (i) Within 100 feet of a person, including a skater, who is not  
3 in or upon a snowmobile.

4 (ii) Within 100 feet of a fishing shanty or shelter except at  
5 the minimum speed required to maintain forward movement of the  
6 snowmobile.

7 (iii) On an area that has been cleared of snow for skating  
8 purposes unless the area is necessary for access to the public  
9 water.

10 ~~—— (d) Without a muffler in good working order and in constant~~  
11 ~~operation from which noise emission at 50 feet at right angles from~~  
12 ~~the vehicle path under full throttle does not exceed 86 DBA,~~  
13 ~~decibels on the "a" scale, on a sound meter having characteristics~~  
14 ~~defined by American standards association S1, 4 1966 "general~~  
15 ~~purpose sound meter". However, noise emission from a snowmobile~~  
16 ~~manufactured after July 1, 1977, and sold or offered for sale in~~  
17 ~~this state shall not exceed 78 decibels of sound pressure at 50~~  
18 ~~feet as measured under the 1974 society of automobile engineers~~  
19 ~~code J 192a. This subdivision does not apply to a snowmobile that~~  
20 ~~is being used in an organized race on a course which is used solely~~  
21 ~~for racing.~~

22 (D) ~~(e)~~ Within 100 feet of a dwelling between 12 midnight and  
23 6 a.m., at a speed greater than the minimum required to maintain  
24 forward movement of the snowmobile.

25 (E) ~~(f)~~ In an area on which public hunting is permitted during  
26 the regular November firearm deer season from 7 a.m. to 11 a.m. and  
27 from 2 p.m. to 5 p.m., except under 1 or more of the following

1 circumstances:

2 (i) During an emergency.

3 (ii) For law enforcement purposes.

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

6 (iv) For the conduct of necessary work functions involving land  
7 and timber survey, communication and transmission line patrol, and  
8 timber harvest operations.

9 (v) On the person's own property or property under the  
10 person's control or as an invited guest.

11 (F) ~~(g)~~—While transporting on the snowmobile a bow, unless  
12 unstrung or encased, or a firearm, unless unloaded in both barrel  
13 and magazine and securely encased.

14 (G) ~~(h)~~—On or across a cemetery or burial ground.

15 (H) ~~(i)~~—Within 100 feet of a slide, ski, or skating area  
16 except when traveling on a county road right-of-way pursuant to  
17 section 82119 or a snowmobile trail that is designated and funded  
18 by the department. A snowmobile may enter such an area for the  
19 purpose of servicing the area or for medical emergencies.

20 (I) ~~(j)~~—On a railroad or railroad right-of-way. This  
21 prohibition does not apply to railroad personnel, public utility  
22 personnel, law enforcement personnel while in the performance of  
23 their duties, and persons using a snowmobile trail located on or  
24 along a railroad right-of-way, or an at-grade snowmobile trail  
25 crossing of a railroad right-of-way, that has been expressly  
26 approved in writing by the owner of the right-of-way and each  
27 railroad company using the tracks and that meets the conditions

Senate Bill No. 530 (H-3) as amended February 21, 2008

1 imposed in subsections ~~(2)~~-(3) and ~~(3)~~-(4). A snowmobile trail or  
2 an at-grade snowmobile trail crossing shall not be constructed on a  
3 right-of-way designated by the federal government as a high-speed  
4 rail corridor.

5 (2) EXCEPT AS PROVIDED UNDER SUBSECTION (3), A PERSON SHALL  
6 NOT OPERATE A SNOWMOBILE UNLESS THE SNOWMOBILE IS EQUIPPED WITH A  
7 MUFFLER IN GOOD WORKING ORDER AND IN CONSTANT OPERATION FROM WHICH  
8 NOISE EMISSION DOES NOT EXCEED EITHER OF THE FOLLOWING:

9 (A) FOR A SNOWMOBILE MANUFACTURED AFTER JULY 1, 1977 AND SOLD  
10 OR OFFERED FOR SALE IN THIS STATE, 78 DECIBELS AT 50 FEET, AS  
11 MEASURED USING THE 2003 SOCIETY OF AUTOMOTIVE ENGINEERS STANDARD  
12 J192.

13 (B) FOR A STATIONARY SNOWMOBILE MANUFACTURED AFTER JULY 1,  
14 1980 AND SOLD OR OFFERED FOR SALE IN THIS STATE, 88 DECIBELS, AS  
15 MEASURED USING THE 2004 SOCIETY OF AUTOMOTIVE ENGINEERS STANDARD  
16 J2567.

17 (3) A PERSON IS EXEMPT FROM THE REQUIREMENT OF SUBSECTION (2)  
18 UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

19 (A) WHILE OPERATING A SNOWMOBILE DURING AN ORGANIZED RACE ON A  
20 COURSE THAT IS USED SOLELY FOR RACING.

21 (B) WHILE OPERATING A SNOWMOBILE ON PRIVATE PROPERTY, WITH THE  
22 PERMISSION OF THE PRIVATE PROPERTY OWNER, IN PREPARATION FOR AN  
23 ORGANIZED RACE [, IF THE OPERATION OF THE SNOWMOBILE IS IN COMPLIANCE WITH  
24 APPLICABLE LOCAL NOISE ORDINANCES].

25 (4) ~~(2)~~-A snowmobile trail LOCATED ON OR ALONG A RAILROAD  
26 RIGHT-OF-WAY shall be constructed, operated, and maintained by a  
27 person other than the person owning the railroad right-of-way and  
the person operating the railroad, except that an at-grade

1 snowmobile trail crossing of a railroad right-of-way shall be  
2 constructed and maintained by the person operating the railroad at  
3 the sole cost and expense of the person operating the trail  
4 connected by the crossing, pursuant to terms of a lease agreement  
5 under which the person operating the trail agrees to do all of the  
6 following:

7 (a) Indemnify the person owning the railroad right-of-way and  
8 the person operating the railroad against any claims associated  
9 with, arising from, or incidental to the construction, maintenance,  
10 operation, and use of the trail or at-grade snowmobile trail  
11 crossing.

12 (b) Provide liability insurance in the amount of \$2,000,000.00  
13 naming the person owning the railroad right-of-way and the person  
14 operating the railroad as named insureds.

15 (c) Meet any other obligations or provisions considered  
16 appropriate by the person owning the railroad right-of-way or the  
17 person operating the railroad including, but not limited to, the  
18 payment of rent that the person owning the railroad right-of-way or  
19 the person operating the railroad is authorized to charge under  
20 this part and the meeting of all construction, operating, and  
21 maintenance conditions imposed by the person owning the railroad  
22 right-of-way and the person operating the railroad regarding the  
23 snowmobile trail.

24 (5) ~~(3)~~—A snowmobile trail shall be clearly demarcated by  
25 signing constructed and maintained at the sole cost and expense of  
26 the grant program sponsor. The signing shall be placed at the outer  
27 edge of the railroad right-of-way, as far from the edge of the

1 railroad tracks as possible, ~~but~~ **AND** not closer than 20 feet from  
2 the edge of the railroad tracks unless topography or other natural  
3 or manmade features require the trail to lie within 20 feet of the  
4 edge of the railroad tracks. The at-grade snowmobile trail crossing  
5 of a railroad right-of-way shall be aligned at 90 degrees or as  
6 close to 90 degrees as possible to the railroad track being  
7 crossed, and shall be located where approach grades to the crossing  
8 are minimal and where the vision of a person operating a snowmobile  
9 will be unobstructed as he or she approaches the railroad tracks.  
10 The design of the snowmobile trail, including the location of  
11 signing, shall be included upon plan sheets by the person  
12 constructing, operating, and maintaining the trail, and shall be  
13 approved in writing by the person owning the right-of-way and the  
14 person operating the railroad. Signing shall conform to  
15 specifications issued by the department to its snowmobile trail  
16 grant program sponsors.

17 (6) ~~(4)~~ Notwithstanding section 82101, as used in this  
18 section, "operate" means to cause to function, run, or manage.

19 (7) ~~(5)~~ A person shall not alter, deface, damage, or remove a  
20 snowmobile trail sign or control device.

21 (8) ~~(6)~~ Each person who participates in the sport of  
22 snowmobiling accepts the risks associated with that sport insofar  
23 as the dangers are obvious and inherent. Those risks include, but  
24 are not limited to, injuries to persons or property that can result  
25 from variations in terrain; surface or subsurface snow or ice  
26 conditions; bare spots; rocks, trees, and other forms of natural  
27 growth or debris; or collisions with signs, fences, or other

1 snowmobiles or snow-grooming equipment. Those risks do not include  
2 injuries to persons or property that can result from the use of a  
3 snowmobile by another person in a careless or negligent manner  
4 likely to endanger person or property. When a snowmobile is  
5 operated in the vicinity of a railroad right-of-way, each person  
6 who participates in the sport of snowmobiling additionally assumes  
7 risks including, but not limited to, entanglement with tracks,  
8 switches, and ties and collisions with trains and other equipment  
9 and facilities.

10           (9) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A  
11 STATE CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL FINE OF  
12 NOT LESS THAN \$100.00 OR MORE THAN \$250.00.