

**SUBSTITUTE FOR
HOUSE BILL NO. 5085**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82105, and 82114 (MCL 324.82101, 324.82105, and 324.82114), section 82101 as amended by 2005 PA 175, section 82105 as amended by 2005 PA 271, and section 82114 as added by 1995 PA 58, and by adding sections 82105a, 82105b, and 82116a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82101. (1) 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.

7 (b) "Dealer" means any person engaged in the sale, lease, or
8 rental of snowmobiles as a regular business, **OTHER THAN AN**

1 AUCTIONEER REGISTERED UNDER ARTICLE 29 OF THE OCCUPATIONAL CODE,
2 1980 PA 299, MCL 339.2901 TO 339.2919.

3 (c) "Former section 15a" means section 15a of former 1968 PA
4 74, as constituted prior to May 1, 1994.

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

8 (e) "Highway or street" means the entire width between the
9 boundary lines of every way publicly maintained if any part thereof
10 is open to the use of the public for purposes of vehicular travel.

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

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

17 (i) Another state.

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

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

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

22 (h) "Long-term incapacitating injury" means an injury that
23 causes a person to be in a comatose, quadriplegic, hemiplegic, or
24 paraplegic state, which state is likely to continue for 1 year or
25 more.

26 (i) "Operate" means to ride in or on and be in actual physical
27 control of the operation of a snowmobile.

1 (j) "Operator" means any person who operates a snowmobile.

2 (k) "Owner" means any of the following:

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

4 (ii) A vendee or lessee of a snowmobile that is the subject of
5 an agreement for conditional sale or lease with the right of
6 purchase upon performance of the conditions stated in the agreement
7 and with an immediate right of possession vested in the conditional
8 vendee or lessee.

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

11 (l) "Peace officer" means any of the following:

12 (i) A sheriff.

13 (ii) A sheriff's deputy.

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

17 (iv) A village or township marshal.

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

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

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

22 (viii) A law enforcement officer who is certified pursuant to
23 the commission on law enforcement standards act, 1965 PA 203, MCL
24 28.601 to 28.616, as long as that officer is policing within his or
25 her jurisdiction.

26 (m) "Personal information" means information that identifies
27 an individual, including an individual's driver identification

1 number, name, address not including zip code, and telephone number,
2 but does not include information on snowmobile operation or
3 equipment-related violations or civil infractions, operator or
4 snowmobile registration status, accidents, or other behaviorally-
5 related information.

6 (n) "Probate court or family division disposition" means the
7 entry of a probate court order of disposition or family division
8 order of disposition for a child found to be within the provisions
9 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
10 712A.1 to 712A.32.

11 (o) "Prosecuting attorney", except as the context requires
12 otherwise, means the attorney general, the prosecuting attorney of
13 a county, or the attorney representing a local unit of government.

14 (p) "Recreational snowmobile trail improvement subaccount",
15 subject to subsection (2), means the recreational snowmobile trail
16 improvement subaccount of the snowmobile account created in section
17 82110.

18 (q) "Right-of-way" means that portion of a highway or street
19 less the roadway and any shoulder.

20 (r) "Roadway" means that portion of a highway or street
21 improved, designated, or ordinarily used for vehicular travel. If a
22 highway or street includes 2 or more separate roadways, the term
23 roadway refers to any such roadway separately, but not to all such
24 roadways collectively.

25 (s) "Shoulder" means that portion of a highway or street on
26 either side of the roadway that is normally snowplowed for the
27 safety and convenience of vehicular traffic.

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

7 (u) "Snowmobile account", subject to subsection (2), means the
8 snowmobile account of the Michigan conservation and recreation
9 legacy fund provided for in section 2025.

10 (v) "Snowmobile registration fee subaccount", subject to
11 subsection (2), means the snowmobile registration fee subaccount of
12 the snowmobile account created in section 82111.

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

14 (x) "Zone 2" means all of that part of the Lower Peninsula
15 north of a line beginning at and drawn from a point on the
16 Michigan-Wisconsin boundary line due west of the westerly terminus
17 of River road in Muskegon county; thence due east to the westerly
18 terminus of River road; thence north and east along the center line
19 of the River road to its intersection with highway M-120; thence
20 northeasterly and easterly along the center line of highway M-120
21 to the junction of highway M-20; thence easterly along the center
22 line of M-20 to its junction with US-10 at the Midland-Bay county
23 line; thence easterly along the center line of the "business route"
24 of highway US-10 to the intersection of Garfield road in Bay
25 county; thence north along the center line of Garfield road to the
26 intersection of the Pinconning road; thence east along the center
27 line of Pinconning road to the intersection of the Seven Mile road;

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

11 (y) "Zone 3" means all of that part of the Lower Peninsula
12 south of the line described in subdivision (x).

13 (2) Subsection (1)(p), (u), and (v) does not apply unless
14 House Joint Resolution Z of the 92nd Legislature becomes a part of
15 the state constitution of 1963 as provided in section 1 of article
16 XII of the state constitution of 1963.

17 Sec. 82105. (1) ~~The owner of each snowmobile requiring~~
18 ~~registration by this state before operation of the snowmobile in~~
19 ~~this state shall file an application~~ **BEFORE OPERATING A SNOWMOBILE**
20 **REQUIRING REGISTRATION IN THIS STATE, THE OWNER SHALL APPLY** for
21 registration with the department of state on forms provided by the
22 department of state. If the snowmobile was purchased from a retail
23 dealer in this state, application for initial registration shall be
24 made with the dealer at the point of sale. The dealer shall issue a
25 temporary registration permit in a form received from and approved
26 by the department of state that is valid for 15 days after the date
27 of sale. Each retail dealer shall submit applications for

1 registrations and fees to the department of state not less than
2 once each week. ~~The owner of the snowmobile shall sign the~~
3 ~~application and pay a fee of \$22.00, which shall be submitted to~~
4 ~~the department with the application.~~ **THE APPLICATION SHALL INCLUDE**
5 **THE NEW OWNER'S NAME, SIGNATURE, AND BONA FIDE RESIDENCE ADDRESS**
6 **AND THE NAMES AND ADDRESSES OF HOLDERS OF ANY SECURITY INTEREST IN**
7 **THE SNOWMOBILE AND ITS ACCESSORIES IN THE ORDER OF PRIORITY. THE**
8 **APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$22.00.** Upon receipt
9 of the application in approved form, the department of state shall
10 enter the application upon its records and issue to the applicant a
11 certificate of registration and decal. The certificate of
12 registration shall contain the number awarded to the snowmobile,
13 the name and address of the owner, **THE NAME AND ADDRESS OF THE**
14 **HOLDERS OF SECURED INTERESTS,** and other information the department
15 of state considers necessary. The certificate of registration shall
16 be pocket-size, shall accompany the vehicle, shall be legible, and
17 shall be made available for inspection upon demand by a peace
18 officer.

19 (2) If the secretary of state is not satisfied as to the
20 ownership of a snowmobile that is worth more than \$2,500.00, before
21 registering the snowmobile and issuing a certificate of
22 registration, the secretary of state may require the applicant to
23 file a properly executed surety bond in a form prescribed by the
24 secretary of state and executed by the applicant and a company
25 authorized to conduct a surety business in this state. The bond
26 shall be in an amount equal to twice the value of the snowmobile as
27 determined by the secretary of state and shall be conditioned to

1 indemnify or reimburse the secretary of state, any prior owner, and
2 any subsequent purchaser of the snowmobile and their successors in
3 interest against any expense, loss, or damage, including reasonable
4 attorney fees, incurred as a result of the issuance of a
5 certificate of registration for the snowmobile or any defect in the
6 right, title, or interest of the applicant in the snowmobile. An
7 interested person has a right of action to recover on the bond for
8 a breach of the conditions of the bond, but the aggregate liability
9 of the surety to all persons shall not exceed the amount of the
10 bond. The bond shall be returned at the end of 3 years, or before 3
11 years if the snowmobile is no longer registered in this state and
12 the ~~currently~~**CURRENT** valid certificate of registration is
13 surrendered to the secretary of state, unless the secretary of
14 state has received notification of the pendency of an action to
15 recover on the bond. If the secretary of state is not satisfied as
16 to the ownership of a snowmobile that is worth \$2,500.00 or less,
17 the secretary of state shall require the applicant to certify that
18 the applicant is the owner of the snowmobile and entitled to
19 register the snowmobile.

20 (3) ~~The owner of a snowmobile at the time application for a~~
21 ~~certificate of registration is made shall be issued a certificate~~
22 ~~of registration and a registration decal.~~ The certificate of
23 registration and registration decal authorizes the operation of the
24 snowmobile for a 3-year period that begins on October 1 and expires
25 on September 30 of the third year. The certificate of registration
26 and registration decal may be renewed by payment of a fee of \$22.00
27 beginning July 1 of the expiration year. The registration decal

1 shall be displayed as prescribed by rule promulgated by the
2 department of state.

3 (4) The department of state may destroy a record of a
4 certificate of registration 5-7 years after expiration of the
5 certificate.

6 SEC. 82105A. (1) IF A CHECK, DRAFT, OR ELECTRONIC PAYMENT OF A
7 REQUIRED FEE IS NOT PAID ON ITS FIRST PRESENTATION, THE FEE IS
8 DELINQUENT AS OF THE DATE THE CHECK, DRAFT, OR ELECTRONIC PAYMENT
9 WAS TENDERED. THE PERSON TENDERING THE CHECK, DRAFT, OR ELECTRONIC
10 PAYMENT REMAINS LIABLE FOR THE PAYMENT OF EACH FEE AND ANY PENALTY.

11 (2) THE DEPARTMENT OF STATE MAY SUSPEND THE OPERATOR'S OR
12 CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA
13 300, MCL 257.1 TO 257.923, OF THE PERSON TENDERING THE CHECK,
14 DRAFT, OR ELECTRONIC PAYMENT FOR A SNOWMOBILE REGISTRATION IF THE
15 DEPARTMENT OF STATE DETERMINES A FEE PRESCRIBED IN THIS SECTION HAS
16 NOT BEEN PAID AND REMAINS UNPAID AFTER REASONABLE NOTICE OR DEMAND.

17 (3) IF A FEE IS DELINQUENT 15 DAYS AFTER THE DEPARTMENT OF
18 STATE HAS GIVEN NOTICE TO A PERSON WHO TENDERED THE CHECK, DRAFT,
19 OR ELECTRONIC PAYMENT, A \$25.00 PENALTY SHALL BE ASSESSED AND
20 COLLECTED IN ADDITION TO THE FEE.

21 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE PENALTIES
22 COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED IN THE GENERAL FUND
23 AND USED FIRST TO DEFRAY THE ADMINISTRATIVE COSTS OF THE DEPARTMENT
24 OF STATE REQUIRED BY THE REGISTRATION PROVISIONS OF THIS PART. ANY
25 MONEY NOT REQUIRED FOR ADMINISTRATION OF THE REGISTRATION
26 PROVISIONS OF THIS PART SHALL BE CREDITED EACH YEAR TO THE
27 RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT FUND.

1 SEC. 82105B. THE DEPARTMENT OF STATE MAY CANCEL, SUSPEND,
2 REVOKE, OR REFUSE TO ISSUE A SNOWMOBILE REGISTRATION IF ANY OF THE
3 FOLLOWING OCCUR:

4 (A) THE APPLICANT HAS FAILED TO FURNISH ALL REQUIRED
5 INFORMATION OR REASONABLE ADDITIONAL INFORMATION REQUESTED BY THE
6 DEPARTMENT OF STATE.

7 (B) THE REQUIRED FEES HAVE NOT BEEN PAID.

8 (C) THE APPLICANT IS NOT ENTITLED TO A SNOWMOBILE REGISTRATION
9 UNDER THIS PART.

10 (D) THE DEPARTMENT OF STATE ISSUED THE REGISTRATION IN ERROR.

11 (E) THE APPLICATION CONTAINS A FALSE OR FRAUDULENT STATEMENT.

12 (F) THE DEPARTMENT OF STATE HAS REASONABLE GROUNDS TO BELIEVE
13 THAT THE SNOWMOBILE WAS STOLEN OR EMBEZZLED.

14 Sec. 82114. (1) The owner of a snowmobile shall notify the
15 department of state within 15 days if the snowmobile is destroyed
16 or abandoned, or is sold, or an interest in the snowmobile is
17 transferred either wholly or in part to another person, or if the
18 owner's address no longer conforms to the address appearing on the
19 certificate of registration. The notice shall consist of a
20 surrender of the certificate of registration on which the proper
21 information shall be noted on a place to be provided. If the
22 surrender of the certificate of registration is by reason of the
23 snowmobile being destroyed or abandoned, the department of state
24 shall cancel the certificate of registration and enter that fact in
25 the records of the department of state, and the number may be then
26 reassigned. The department of state may destroy the record of a
27 surrendered certificate of registration ~~1 year~~ **10 YEARS** after its

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1 surrender.

2 (2) If the surrender of the certificate of registration is by
3 reason of a change of address on the part of the owner, the new
4 address shall be recorded by the department of state and a
5 certificate of registration bearing that information shall be
6 returned to the owner.

7 (3) The transferee of a snowmobile registered under this part,
8 within 15 days after acquiring the snowmobile, shall apply to the
9 department of state for issuance of a new certificate of
10 registration for the snowmobile, ~~giving] his or her name, address,~~
11 ~~and the previous registration number of the snowmobile and pay to~~
12 ~~the department of state~~ **PROOF OF PAYMENT OR SATISFACTION OF ANY**
13 **SECURITY INTEREST SHOWN ON THE PREVIOUS OWNER'S CERTIFICATE OF**
14 **REGISTRATION OR DEPARTMENT OF STATE'S RECORDS. THE APPLICATION**
15 **SHALL INCLUDE THE NEW OWNER'S NAME, SIGNATURE, AND BONA FIDE**
16 **RESIDENCE ADDRESS AND THE NAMES AND ADDRESSES OF THE HOLDERS OF**
17 **SECURITY INTERESTS IN THE SNOWMOBILE AND ITS ACCESSORIES IN THE**
18 **ORDER OF THEIR PRIORITY, AND SHALL BE ACCOMPANIED BY** the fee
19 prescribed in section 82105. Upon receipt of the application and
20 fee, the department of state shall issue a new certificate of
21 registration for the snowmobile to the new owner. Unless the
22 application is made and the fee paid within 15 days of transfer of
23 ownership, the snowmobile is without certificate of registration,
24 and a person shall not operate the snowmobile until a valid
25 certificate of registration is issued.

26 (4) If a certificate of registration is lost, mutilated, or
27 illegible, the owner of the snowmobile shall obtain a duplicate of

1 the certificate of registration upon application and payment of a
2 fee of \$5.00.

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

7 SEC. 82116A. (1) THE OWNER OF A SNOWMOBILE WHOSE VEHICLE
8 NUMBER HAS BEEN ALTERED, REMOVED, OR DEFACED, INCLUDING THE OWNER
9 OF A SNOWMOBILE WHO INTENDS TO REGISTER THE SNOWMOBILE AS AN
10 ASSEMBLED SNOWMOBILE, SHALL APPLY, IN A FORM PRESCRIBED BY THE
11 DEPARTMENT OF STATE, TO THE DEPARTMENT OF STATE FOR A SPECIAL
12 IDENTIFYING NUMBER ACCOMPANIED BY AN APPLICATION FOR A CERTIFICATE
13 OF REGISTRATION AND THE REQUIRED FEES. THE OWNER SHALL FURNISH
14 INFORMATION SATISFYING THE DEPARTMENT OF STATE THAT HE OR SHE IS
15 THE OWNER, UPON RECEIPT OF WHICH THE DEPARTMENT OF STATE SHALL
16 ASSIGN A SPECIAL IDENTIFYING NUMBER FOR THE SNOWMOBILE, PRECEDED BY
17 A SYMBOL INDICATING THIS STATE. THE DEPARTMENT OF STATE SHALL
18 MAINTAIN A RECORD OF ASSIGNED SPECIAL IDENTIFYING NUMBERS. THE
19 SPECIAL IDENTIFYING NUMBER SHALL BE APPLIED TO THE SNOWMOBILE AS
20 DIRECTED BY THE DEPARTMENT OF STATE. THE SPECIAL NUMBER SHALL BE
21 REGARDED AS THE IDENTIFYING NUMBER OF THE SNOWMOBILE.

22 (2) THE OWNER OF A SNOWMOBILE WHOSE VEHICLE NUMBER IS MISSING
23 SHALL APPLY, IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE, TO
24 THE DEPARTMENT OF STATE FOR A REPLACEMENT VEHICLE NUMBER
25 ACCOMPANIED BY A \$10.00 FEE. THE OWNER SHALL FURNISH INFORMATION
26 SATISFYING THE DEPARTMENT OF STATE THAT HE OR SHE IS THE OWNER OF
27 THE SNOWMOBILE UPON RECEIPT OF WHICH THE DEPARTMENT OF STATE SHALL

1 ASSIGN A REPLACEMENT VEHICLE NUMBER THAT SHALL BE APPLIED TO THE
2 SNOWMOBILE AS DIRECTED BY THE DEPARTMENT OF STATE. THE DEPARTMENT
3 OF STATE SHALL NOTE ON THE REGISTRATION RECORD FOR THAT SNOWMOBILE
4 THAT A REPLACEMENT VEHICLE NUMBER WAS ISSUED FOR THAT SNOWMOBILE.

5 Enacting section 1. This amendatory act takes effect July 1,
6 2009.