

**SUBSTITUTE FOR  
SENATE BILL NO. 1489**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 82105, 82106, and 82126 (MCL 324.82105,  
324.82106, and 324.82126), section 82105 as amended by 2008 PA 145,  
section 82106 as amended by 2004 PA 587, and section 82126 as  
amended by 2008 PA 27.

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

1           Sec. 82105. (1) Before operating a snowmobile requiring  
2 registration in this state, the owner shall apply for registration  
3 with the department of state on forms provided by the department of  
4 state. If the snowmobile was purchased from a retail dealer in this  
5 state, application for initial registration shall be made with the

1 dealer at the point of sale. The dealer shall issue a temporary  
2 registration permit in a form received from and approved by the  
3 department of state that is valid for 15 days after the date of  
4 sale. Each retail dealer shall submit applications for  
5 registrations and fees to the department of state not less than  
6 once each week. The application shall include **THE NEW OWNER'S**  
7 **SIGNATURE AND, BEGINNING JULY 1, 2009,** the new owner's name ~~7~~  
8 ~~signature,~~ and bona fide residence address and the names and  
9 addresses of holders of any security interest in the snowmobile and  
10 its accessories in the order of priority. The application shall be  
11 accompanied by a fee of \$22.00 **OR, FOR REGISTRATIONS THAT AUTHORIZE**  
12 **THE OPERATION OF A SNOWMOBILE FOR A PERIOD BEGINNING OCTOBER 1,**  
13 **2009 OR THEREAFTER, A FEE OF \$30.00.** Upon receipt of the  
14 application in approved form, the department of state shall enter  
15 the application upon its records and issue to the applicant a  
16 certificate of registration and decal. The certificate of  
17 registration shall contain the number awarded to the snowmobile,  
18 the name and address of the owner, ~~the name and address of the~~  
19 ~~holders of secured interests, and other information~~ the department  
20 of state considers necessary, **AND, BEGINNING JULY 1, 2009, THE NAME**  
21 **AND ADDRESS OF THE HOLDERS OF SECURED INTERESTS.** ~~The certificate of~~  
22 ~~registration shall be pocket size, shall accompany the vehicle,~~  
23 ~~shall be legible, and shall be made~~ **A PERSON SHALL NOT OPERATE A**  
24 **SNOWMOBILE THAT IS REQUIRED TO BE REGISTERED IN THIS STATE UNLESS**  
25 **THE PERSON POSSESSES THE CERTIFICATE OF REGISTRATION IN LEGIBLE**  
26 **FORM. THE PERSON SHALL MAKE THE CERTIFICATE OF REGISTRATION**  
27 available for inspection upon demand by a peace officer.

1           (2) If the secretary of state is not satisfied as to the  
2 ownership of a snowmobile that is worth more than \$2,500.00, before  
3 registering the snowmobile and issuing a certificate of  
4 registration, the secretary of state may require the applicant to  
5 file a properly executed surety bond in a form prescribed by the  
6 secretary of state and executed by the applicant and a company  
7 authorized to conduct a surety business in this state. The bond  
8 shall be in an amount equal to twice the value of the snowmobile as  
9 determined by the secretary of state and shall be conditioned to  
10 indemnify or reimburse the secretary of state, any prior owner, and  
11 any subsequent purchaser of the snowmobile and their successors in  
12 interest against any expense, loss, or damage, including reasonable  
13 attorney fees, incurred as a result of the issuance of a  
14 certificate of registration for the snowmobile or any defect in the  
15 right, title, or interest of the applicant in the snowmobile. An  
16 interested person has a right of action to recover on the bond for  
17 a breach of the conditions of the bond, but the aggregate liability  
18 of the surety to all persons shall not exceed the amount of the  
19 bond. The bond shall be returned at the end of 3 years, or before 3  
20 years if the snowmobile is no longer registered in this state and  
21 the current valid certificate of registration is surrendered to the  
22 secretary of state, unless the secretary of state has received  
23 notification of the pendency of an action to recover on the bond.  
24 If the secretary of state is not satisfied as to the ownership of a  
25 snowmobile that is worth \$2,500.00 or less, the secretary of state  
26 shall require the applicant to certify that the applicant is the  
27 owner of the snowmobile and entitled to register the snowmobile.

1           (3) The certificate of registration and registration decal  
2 authorizes the operation of the snowmobile for a 3-year period that  
3 begins on October 1 and expires on September 30 of the third year.  
4 The certificate of registration and registration decal may be  
5 renewed ~~by payment of a fee of \$22.00~~ beginning July 1 of the  
6 expiration year **BY PAYMENT OF A FEE OF \$22.00 OR, FOR REGISTRATIONS**  
7 **THAT AUTHORIZE THE OPERATION OF A SNOWMOBILE FOR A PERIOD BEGINNING**  
8 **OCTOBER 1, 2009 OR THEREAFTER, A FEE OF \$30.00.** The registration  
9 decal shall be displayed as prescribed by rule promulgated by the  
10 department of state.

11           (4) The department of state may destroy a record of a  
12 certificate of registration 7 years after expiration of the  
13 certificate.

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

17           (a) Seventeen dollars of each registration fee shall be  
18 deposited into the snowmobile registration fee subaccount. However,  
19 if the balance of the snowmobile registration fee subaccount  
20 exceeds \$1,600,000.00 at any time, the state treasurer shall  
21 transfer all amounts in excess of \$1,600,000.00 to the recreational  
22 snowmobile trail improvement subaccount. From the revenue deposited  
23 in the snowmobile registration fee subaccount under this part, the  
24 legislature shall make an annual appropriation as follows:

25           (i) Not more than \$3.00 from each registration fee collected  
26 during each fiscal year shall be appropriated to the department of  
27 state for administration of the registration provisions of this

1 part. At the close of each state fiscal year, any ~~fun~~~~ds~~~~-~~~~MONEY~~  
 2 appropriated under this subparagraph but not expended shall be  
 3 credited to the recreational snowmobile trail improvement  
 4 subaccount. Additionally, if less than \$3.00 from each registration  
 5 fee is appropriated to the department of state, the state treasurer  
 6 shall transfer the difference between \$3.00 and the amount  
 7 appropriated from each registration fee to the recreational  
 8 snowmobile trail improvement subaccount.

9 (ii) Fourteen dollars from each registration fee collected  
 10 during each fiscal year shall be appropriated to the department for  
 11 purposes set forth in section 82107, including financial assistance  
 12 to county sheriff departments and local law enforcement agencies  
 13 for local snowmobile programs. Any money appropriated but not  
 14 expended under this subparagraph shall be credited each year to the  
 15 snowmobile registration fee subaccount.

16 (b) Five dollars from each registration fee shall be deposited  
 17 in the recreational snowmobile trail improvement subaccount and  
 18 shall be administered by the department for the purposes of  
 19 planning, construction, maintenance, and acquisition of trails and  
 20 areas for the use of snowmobiles, or access to those trails and  
 21 areas, and basic snowmobile facilities. ~~Consideration shall be~~  
 22 ~~given in~~ **THIS MONEY MAY BE USED TO PURCHASE LANDS OR SECURE**  
 23 **EASEMENTS, LEASES, PERMITS, OR OTHER APPROPRIATE AGREEMENTS**  
 24 **AUTHORIZING USE OF PRIVATE PROPERTY FOR SNOWMOBILE TRAILS AND BASIC**  
 25 **SNOWMOBILE FACILITIES. IN** planning the expenditures of the ~~fun~~~~ds~~~~-~~~~to~~  
 26 **MONEY FROM THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT**  
 27 **SUBACCOUNT, THE DEPARTMENT SHALL CONSIDER** providing **OFF-SEASON**

1 recreational opportunities for bicyclists, hikers, equestrians, and  
2 other nonconflicting recreational trail users **ON SNOWMOBILE TRAILS**  
3 as ancillary benefits of the program.

4 (C) **EIGHT DOLLARS FROM EACH REGISTRATION FEE SHALL BE**  
5 **DEPOSITED INTO THE PERMANENT SNOWMOBILE TRAIL EASEMENT SUBACCOUNT**  
6 **UNDER SECTION 82110A. THIS MONEY IS INTENDED TO SUPPLEMENT OTHER**  
7 **MONEY EXPENDED FOR SNOWMOBILE-RELATED ACTIVITIES OF THE DEPARTMENT**  
8 **AND NOT AS A REPLACEMENT FOR THOSE EXPENDITURES.**

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

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

26 (3) ~~(4)~~ Recreational trail facilities or major improvements  
27 shall not be constructed on private land unless a written agreement

1 in the form of an easement, lease, or permit for a public trail  
2 right-of-way having a term of not less than 5 years is made between  
3 the owner of the land and the department.

4 (4) ~~(5)~~—The money appropriated under this section shall be  
5 expended in a manner and as part of the overall plan of the  
6 department for an interconnecting network of statewide snowmobile  
7 trails and use areas giving consideration to expected snowfall and  
8 availability for use with adequate snow cover. Consideration shall  
9 be given in the plan for alternative nonconflicting off-season  
10 recreational ~~trail~~—uses **OF SNOWMOBILE TRAILS**.

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

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

15 (b) In a forest nursery, planting area, or on public lands  
16 posted or reasonably identifiable as an area of forest reproduction  
17 when growing stock may be damaged or posted or reasonably  
18 identifiable as a natural dedicated area that is in zone 2 or zone  
19 3.

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

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

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

26 (iii) On an area that has been cleared of snow for skating  
27 purposes unless the area is necessary for access to the public

1 water.

2 (d) Within 100 feet of a dwelling between 12 midnight and 6  
3 a.m., at a speed greater than the minimum required to maintain  
4 forward movement of the snowmobile.

5 (e) In an area on which public hunting is permitted during the  
6 regular November firearm deer season from 7 a.m. to 11 a.m. and  
7 from 2 p.m. to 5 p.m., except under 1 or more of the following  
8 circumstances:

9 (i) During an emergency.

10 (ii) For law enforcement purposes.

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

13 (iv) For the conduct of necessary work functions involving land  
14 and timber survey, communication and transmission line patrol, ~~and~~  
15 **OR** timber harvest operations.

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

18 (f) While transporting on the snowmobile a bow, unless  
19 unstrung or encased, or a firearm, unless unloaded in both barrel  
20 and magazine and securely encased.

21 (g) On or across a cemetery or burial ground.

22 (h) Within 100 feet of a slide, ski, or skating area except  
23 when traveling on a county road right-of-way pursuant to section  
24 82119 or a snowmobile trail that is designated and funded by the  
25 department. A snowmobile may enter such an area for the purpose of  
26 servicing the area or for medical emergencies.

27 (i) On a railroad or railroad right-of-way. This prohibition



1 does not apply to railroad personnel, public utility personnel, law  
2 enforcement personnel while in the performance of their duties, ~~and~~  
3 **OR** persons using a snowmobile trail located on or along a railroad  
4 right-of-way, or an at-grade snowmobile trail crossing of a  
5 railroad right-of-way, that has been expressly approved in writing  
6 by the owner of the right-of-way and each railroad company using  
7 the tracks and that meets the conditions imposed in subsections ~~(3)~~  
8 ~~and~~ **(4) AND (5)**. A snowmobile trail or an at-grade snowmobile trail  
9 crossing shall not be constructed on a right-of-way designated by  
10 the federal government as a high-speed rail corridor.

11 (2) Except as provided under subsection (3), a person shall  
12 not operate a snowmobile unless the snowmobile is equipped with a  
13 muffler in good working order and in constant operation from which  
14 noise emission does not exceed either of the following:

15 (a) For a snowmobile manufactured after July 1, 1977 and sold  
16 or offered for sale in this state, 78 decibels at 50 feet, as  
17 measured using the 2003 society of automotive engineers standard  
18 J192.

19 (b) For a stationary snowmobile manufactured after July 1,  
20 1980 and sold or offered for sale in this state, 88 decibels, as  
21 measured using the 2004 society of automotive engineers standard  
22 J2567.

23 (3) A person is exempt from the requirement of subsection (2)  
24 under either of the following circumstances:

25 (a) While operating a snowmobile during an organized race on a  
26 course that is used solely for racing.

27 (b) While operating a snowmobile on private property, with the

1 permission of the private property owner, in preparation for an  
2 organized race, if the operation of the snowmobile is in compliance  
3 with applicable local noise ordinances.

4 (4) A snowmobile trail located on or along a railroad right-  
5 of-way shall be constructed, operated, and maintained by a person  
6 other than the person owning the railroad right-of-way and the  
7 person operating the railroad, except that an at-grade snowmobile  
8 trail crossing of a railroad right-of-way shall be constructed and  
9 maintained by the person operating the railroad at the sole cost  
10 and expense of the person operating the trail connected by the  
11 crossing, pursuant to terms of a lease agreement under which the  
12 person operating the trail agrees to do all of the following:

13 (a) Indemnify the person owning the railroad right-of-way and  
14 the person operating the railroad against any claims associated  
15 with, arising from, or incidental to the construction, maintenance,  
16 operation, and use of the trail or at-grade snowmobile trail  
17 crossing.

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

21 (c) Meet any other obligations or provisions considered  
22 appropriate by the person owning the railroad right-of-way or the  
23 person operating the railroad including, but not limited to, the  
24 payment of rent that the person owning the railroad right-of-way or  
25 the person operating the railroad is authorized to charge under  
26 this part and the meeting of all construction, operating, and  
27 maintenance conditions imposed by the person owning the railroad

1 right-of-way and the person operating the railroad regarding the  
2 snowmobile trail.

3 (5) A snowmobile trail shall be clearly demarcated by signing  
4 constructed and maintained at the sole cost and expense of the  
5 grant program sponsor. The signing shall be placed at the outer  
6 edge of the railroad right-of-way, as far from the edge of the  
7 railroad tracks as possible, and not closer than 20 feet from the  
8 edge of the railroad tracks unless topography or other natural or  
9 manmade features require the trail to lie within 20 feet of the  
10 edge of the railroad tracks. The at-grade snowmobile trail crossing  
11 of a railroad right-of-way shall be aligned at 90 degrees or as  
12 close to 90 degrees as possible to the railroad track being  
13 crossed, and shall be located where approach grades to the crossing  
14 are minimal and where the vision of a person operating a snowmobile  
15 will be unobstructed as he or she approaches the railroad tracks.  
16 The design of the snowmobile trail, including the location of  
17 signing, shall be included upon plan sheets by the person  
18 constructing, operating, and maintaining the trail, and shall be  
19 approved in writing by the person owning the right-of-way and the  
20 person operating the railroad. Signing shall conform to  
21 specifications issued by the department to its snowmobile trail  
22 grant program sponsors.

23 (6) Notwithstanding section 82101, as used in this section,  
24 "operate" means to cause to function, run, or manage.

25 (7) A person shall not alter, deface, damage, or remove a  
26 snowmobile trail sign or control device.

27 (8) Each person who participates in the sport of snowmobiling

1 accepts the risks associated with that sport insofar as the dangers  
2 are obvious and inherent. Those risks include, but are not limited  
3 to, injuries to persons or property that can result from variations  
4 in terrain; surface or subsurface snow or ice conditions; bare  
5 spots; rocks, trees, and other forms of natural growth or debris;  
6 ~~or~~ **AND** collisions with signs, fences, or other snowmobiles or snow-  
7 grooming equipment. Those risks do not include injuries to persons  
8 or property that can result from the use of a snowmobile by another  
9 person in a careless or negligent manner likely to endanger person  
10 or property. When a snowmobile is operated in the vicinity of a  
11 railroad right-of-way, each person who participates in the sport of  
12 snowmobiling additionally assumes risks including, but not limited  
13 to, entanglement with tracks, switches, and ties and collisions  
14 with trains and other equipment and facilities.

15 (9) A person who violates ~~this section~~ **SUBSECTION (2)** is  
16 responsible for a state civil infraction and shall be ordered to  
17 pay a civil fine of not less than \$100.00 or more than \$250.00.

18 Enacting section 1. This amendatory act does not take effect  
19 unless Senate Bill No. 1490 of the 94th Legislature is enacted into  
20 law.