

HOUSE BILL No. 5085

August 1, 2007, Introduced by Rep. Mayes and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82105 and 82114 (MCL 324.82105 and 324.82114),
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. 82105. (1) ~~The owner of each snowmobile requiring~~
2 ~~registration by this state before operation of the snowmobile in~~
3 ~~this state shall file an application~~ **BEFORE OPERATING A SNOWMOBILE**
4 **REQUIRING REGISTRATION IN THIS STATE, THE OWNER SHALL APPLY** for
5 registration with the department of state on forms provided by the
6 department of state. If the snowmobile was purchased from a retail
7 dealer in this state, application for initial registration shall be

1 made with the dealer at the point of sale. The dealer shall issue a
2 temporary registration permit in a form received from and approved
3 by the department of state that is valid for 15 days after the date
4 of 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 owner of the snowmobile shall sign the~~
7 ~~application and pay a fee of \$22.00, which shall be submitted to~~
8 ~~the department with the application.~~ **THE APPLICATION SHALL INCLUDE**
9 **THE NEW OWNER'S NAME, SIGNATURE, AND BONA FIDE RESIDENCE ADDRESS**
10 **AND THE NAMES AND ADDRESSES OF HOLDERS OF ANY SECURITY INTEREST IN**
11 **THE SNOWMOBILE AND ITS ACCESSORIES IN THE ORDER OF PRIORITY. THE**
12 **APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$22.00.** Upon receipt
13 of the application in approved form, the department of state shall
14 enter the application upon its records and issue to the applicant a
15 certificate of registration and decal. The certificate of
16 registration shall contain the number awarded to the snowmobile,
17 the name and address of the owner, **THE NAME AND ADDRESS OF THE**
18 **HOLDERS OF SECURED INTERESTS**, and other information the department
19 of state considers necessary. The certificate of registration shall
20 be pocket-size, shall accompany the vehicle, shall be legible, and
21 shall be made available for inspection upon demand by a peace
22 officer.

23 (2) If the secretary of state is not satisfied as to the
24 ownership of a snowmobile that is worth more than \$2,500.00, before
25 registering the snowmobile and issuing a certificate of
26 registration, the secretary of state may require the applicant to
27 file a properly executed surety bond in a form prescribed by the

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

24 (3) ~~The owner of a snowmobile at the time application for a~~
25 ~~certificate of registration is made shall be issued a certificate~~
26 ~~of registration and a registration decal.~~ The certificate of
27 registration and registration decal authorizes the operation of the

1 snowmobile for a 3-year period that begins on October 1 and expires
2 on September 30 of the third year. The certificate of registration
3 and registration decal may be renewed by payment of a fee of \$22.00
4 beginning July 1 of the expiration year. The registration decal
5 shall be displayed as prescribed by rule promulgated by the
6 department of state.

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

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

15 (2) THE DEPARTMENT OF STATE MAY SUSPEND THE OPERATOR'S OR
16 CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA
17 300, MCL 257.1 TO 257.923, OF THE PERSON TENDERING THE CHECK,
18 DRAFT, OR ELECTRONIC PAYMENT FOR A SNOWMOBILE REGISTRATION IF THE
19 DEPARTMENT OF STATE DETERMINES A FEE PRESCRIBED IN THIS SECTION HAS
20 NOT BEEN PAID AND REMAINS UNPAID AFTER REASONABLE NOTICE OR DEMAND.

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

25 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE
26 REGISTRATION FEES AND PENALTIES COLLECTED UNDER THIS SECTION SHALL
27 BE DEPOSITED IN THE GENERAL FUND AND USED FIRST TO DEFRAY THE

1 ADMINISTRATIVE COSTS OF THE DEPARTMENT OF STATE REQUIRED BY THE
2 REGISTRATION PROVISIONS OF THIS PART. ANY MONEY NOT REQUIRED FOR
3 ADMINISTRATION OF THE REGISTRATION PROVISIONS OF THIS PART SHALL BE
4 CREDITED EACH YEAR TO THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT
5 FUND.

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

9 (A) THE APPLICANT HAS FAILED TO FURNISH ALL REQUIRED
10 INFORMATION OR REASONABLE ADDITIONAL INFORMATION REQUESTED BY THE
11 DEPARTMENT OF STATE.

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

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

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

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

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

19 Sec. 82114. (1) The owner of a snowmobile shall notify the
20 department of state within 15 days if the snowmobile is destroyed
21 or abandoned, or is sold, or an interest in the snowmobile is
22 transferred either wholly or in part to another person, or if the
23 owner's address no longer conforms to the address appearing on the
24 certificate of registration. The notice shall consist of a
25 surrender of the certificate of registration on which the proper
26 information shall be noted on a place to be provided. If the
27 surrender of the certificate of registration is by reason of the

1 snowmobile being destroyed or abandoned, the department of state
2 shall cancel the certificate of registration and enter that fact in
3 the records of the department of state, and the number may be then
4 reassigned. The department of state may destroy the record of a
5 surrendered certificate of registration ~~1 year~~ **10 YEARS** after its
6 surrender.

7 (2) If the surrender of the certificate of registration is by
8 reason of a change of address on the part of the owner, the new
9 address shall be recorded by the department of state and a
10 certificate of registration bearing that information shall be
11 returned to the owner.

12 (3) The transferee of a snowmobile registered under this part,
13 within 15 days after acquiring the snowmobile, shall apply to the
14 department of state for issuance of a new certificate of
15 registration for the snowmobile, ~~giving his or her name, address,~~
16 ~~and the previous registration number of the snowmobile and pay to~~
17 ~~the department of state~~ **PROOF OF PAYMENT OR SATISFACTION OF ANY**
18 **SECURITY INTEREST SHOWN ON THE PREVIOUS OWNER'S CERTIFICATE OF**
19 **REGISTRATION OR DEPARTMENT OF STATE'S RECORDS. THE APPLICATION**
20 **SHALL INCLUDE THE NEW OWNER'S NAME, SIGNATURE, AND BONA FIDE**
21 **RESIDENCE ADDRESS AND THE NAMES AND ADDRESSES OF THE HOLDERS OF**
22 **SECURITY INTERESTS IN THE SNOWMOBILE AND ITS ACCESSORIES IN THE**
23 **ORDER OF THEIR PRIORITY, AND SHALL BE ACCOMPANIED BY** the fee
24 prescribed in section 82105. Upon receipt of the application and
25 fee, the department of state shall issue a new certificate of
26 registration for the snowmobile to the new owner. Unless the
27 application is made and the fee paid within 15 days of transfer of

1 ownership, the snowmobile is without certificate of registration,
2 and a person shall not operate the snowmobile until a valid
3 certificate of registration is issued.

4 (4) If a certificate of registration is lost, mutilated, or
5 illegible, the owner of the snowmobile shall obtain a duplicate of
6 the certificate of registration upon application and payment of a
7 fee of \$5.00.

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

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

27 (2) THE OWNER OF A SNOWMOBILE WHOSE VEHICLE NUMBER IS MISSING

1 SHALL APPLY, IN A FORM PRESCRIBED BY THE DEPARTMENT OF STATE, TO
2 THE DEPARTMENT OF STATE FOR A REPLACEMENT VEHICLE NUMBER
3 ACCOMPANIED BY A \$10.00 FEE. THE OWNER SHALL FURNISH INFORMATION
4 SATISFYING THE DEPARTMENT OF STATE THAT HE OR SHE IS THE OWNER OF
5 THE SNOWMOBILE UPON RECEIPT OF WHICH THE DEPARTMENT OF STATE SHALL
6 ASSIGN A REPLACEMENT VEHICLE NUMBER THAT SHALL BE APPLIED TO THE
7 SNOWMOBILE AS DIRECTED BY THE DEPARTMENT OF STATE. THE DEPARTMENT
8 OF STATE SHALL NOTE ON THE REGISTRATION RECORD FOR THAT SNOWMOBILE
9 THAT A REPLACEMENT VEHICLE NUMBER WAS ISSUED FOR THAT SNOWMOBILE.

10 Enacting section 1. This amendatory act takes effect July 1,
11 2009.