

SENATE BILL No. 1489

September 11, 2008, Introduced by Senator ALLEN and referred to the Committee on Hunting, Fishing and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82103, 82105, and 82106 (MCL 324.82103, 324.82105, and 324.82106), section 82103 as added by 1995 PA 58, section 82105 as amended by 2008 PA 145, and section 82106 as amended by 2004 PA 587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82103. (1) Except as otherwise provided, a snowmobile
2 shall not be operated unless the owner first obtains a certificate
3 of registration and a registration decal. The certificate of
4 registration shall be secured at the time of purchase or transfer
5 of ownership. A certificate of registration or a registration decal
6 is not required for a snowmobile operated exclusively on lands
7 owned or under the control of the snowmobile owner or for a
8 snowmobile used entirely in a safety education and training program

1 conducted by a certified snowmobile safety instructor and
2 authorized pursuant to section 82108.

3 (2) A person who ~~is convicted of a violation of~~ **VIOLATES** this
4 section ~~shall be fined~~ **IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A**
5 **FINE OF** not more than ~~\$50.00~~ **\$200.00**.

6 Sec. 82105. (1) Before operating a snowmobile requiring
7 registration in this state, the owner shall apply for registration
8 with the department of state on forms provided by the department of
9 state. If the snowmobile was purchased from a retail dealer in this
10 state, application for initial registration shall be made with the
11 dealer at the point of sale. The dealer shall issue a temporary
12 registration permit in a form received from and approved by the
13 department of state that is valid for 15 days after the date of
14 sale. Each retail dealer shall submit applications for
15 registrations and fees to the department of state not less than
16 once each week. The application shall include **THE NEW OWNER'S**
17 **SIGNATURE AND, BEGINNING JULY 1, 2009,** the new owner's name ~~and~~
18 ~~signature,~~ and bona fide residence address and the names and
19 addresses of holders of any security interest in the snowmobile and
20 its accessories in the order of priority. The application shall be
21 accompanied by a fee of ~~\$22.00~~ **\$30.00**. Upon receipt of the
22 application in approved form, the department of state shall enter
23 the application upon its records and issue to the applicant a
24 certificate of registration and decal. The certificate of
25 registration shall contain the number awarded to the snowmobile,
26 the name and address of the owner, ~~the name and address of the~~
27 ~~holders of secured interests,~~ and other information the department

1 of state considers necessary, **AND, BEGINNING JULY 1, 2009, THE NAME**
2 **AND ADDRESS OF THE HOLDERS OF SECURED INTERESTS.** ~~The certificate of~~
3 ~~registration shall be pocket size, shall accompany the vehicle,~~
4 ~~shall be legible, and shall be made~~ **A PERSON SHALL NOT OPERATE A**
5 **SNOWMOBILE THAT IS REQUIRED TO BE REGISTERED IN THIS STATE UNLESS**
6 **THE PERSON POSSESSES THE CERTIFICATE OF REGISTRATION IN LEGIBLE**
7 **FORM. THE PERSON SHALL MAKE THE CERTIFICATE OF REGISTRATION**
8 available for inspection upon demand by a peace officer.

9 (2) If the secretary of state is not satisfied as to the
10 ownership of a snowmobile that is worth more than \$2,500.00, before
11 registering the snowmobile and issuing a certificate of
12 registration, the secretary of state may require the applicant to
13 file a properly executed surety bond in a form prescribed by the
14 secretary of state and executed by the applicant and a company
15 authorized to conduct a surety business in this state. The bond
16 shall be in an amount equal to twice the value of the snowmobile as
17 determined by the secretary of state and shall be conditioned to
18 indemnify or reimburse the secretary of state, any prior owner, and
19 any subsequent purchaser of the snowmobile and their successors in
20 interest against any expense, loss, or damage, including reasonable
21 attorney fees, incurred as a result of the issuance of a
22 certificate of registration for the snowmobile or any defect in the
23 right, title, or interest of the applicant in the snowmobile. An
24 interested person has a right of action to recover on the bond for
25 a breach of the conditions of the bond, but the aggregate liability
26 of the surety to all persons shall not exceed the amount of the
27 bond. The bond shall be returned at the end of 3 years, or before 3

1 years if the snowmobile is no longer registered in this state and
2 the current valid certificate of registration is surrendered to the
3 secretary of state, unless the secretary of state has received
4 notification of the pendency of an action to recover on the bond.
5 If the secretary of state is not satisfied as to the ownership of a
6 snowmobile that is worth \$2,500.00 or less, the secretary of state
7 shall require the applicant to certify that the applicant is the
8 owner of the snowmobile and entitled to register the snowmobile.

9 (3) The certificate of registration and registration decal
10 authorizes the operation of the snowmobile for a 3-year period that
11 begins on October 1 and expires on September 30 of the third year.
12 The certificate of registration and registration decal may be
13 renewed by payment of a fee of ~~\$22.00~~ **\$30.00** beginning July 1 of
14 the expiration year. The registration decal shall be displayed as
15 prescribed by rule promulgated by the department of state.

16 (4) The department of state may destroy a record of a
17 certificate of registration 7 years after expiration of the
18 certificate.

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

22 (a) Seventeen dollars of each registration fee shall be
23 deposited into the snowmobile registration fee subaccount. However,
24 if the balance of the snowmobile registration fee subaccount
25 exceeds \$1,600,000.00 at any time, the state treasurer shall
26 transfer all amounts in excess of \$1,600,000.00 to the recreational
27 snowmobile trail improvement subaccount. From the revenue deposited

1 in the snowmobile registration fee subaccount under this part, the
2 legislature shall make an annual appropriation as follows:

3 (i) Not more than \$3.00 from each registration fee collected
4 during each fiscal year shall be appropriated to the department of
5 state for administration of the registration provisions of this
6 part. At the close of each state fiscal year, any ~~funds~~ **MONEY**
7 appropriated under this subparagraph but not expended shall be
8 credited to the recreational snowmobile trail improvement
9 subaccount. Additionally, if less than \$3.00 from each registration
10 fee is appropriated to the department of state, the state treasurer
11 shall transfer the difference between \$3.00 and the amount
12 appropriated from each registration fee to the recreational
13 snowmobile trail improvement subaccount.

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

21 (b) Five dollars from each registration fee shall be deposited
22 in the recreational snowmobile trail improvement subaccount and
23 shall be administered by the department for the purposes of
24 planning, construction, maintenance, and acquisition of trails and
25 areas for the use of snowmobiles, or access to those trails and
26 areas, and basic snowmobile facilities. ~~Consideration shall be~~
27 ~~given in~~ **THIS MONEY MAY BE USED TO PURCHASE LANDS OR SECURE**

1 EASEMENTS, LEASES, PERMITS, OR OTHER APPROPRIATE AGREEMENTS
2 AUTHORIZING USE OF PRIVATE PROPERTY FOR SNOWMOBILE TRAILS AND BASIC
3 SNOWMOBILE FACILITIES. IN planning the expenditures of the funds to
4 MONEY FROM THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT
5 SUBACCOUNT, THE DEPARTMENT SHALL CONSIDER providing OFF-SEASON
6 recreational opportunities for bicyclists, hikers, equestrians, and
7 other nonconflicting recreational trail users ON SNOWMOBILE TRAILS
8 as ancillary benefits of the program.

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

14 (2) The department shall designate a state recreational trail
15 coordinator and shall maintain a comprehensive plan for
16 implementing a statewide recreational and snowmobile trails system.
17 The comprehensive plan shall be reviewed and updated each year by
18 the department.

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

1 ~~users, if the easements, leases, permits, or other agreements~~
2 ~~provide public access to the trail, use areas, and support~~
3 ~~facilities.~~

4 (3) ~~(4)~~—Recreational trail facilities or major improvements
5 shall not be constructed on private land unless a written agreement
6 in the form of an easement, lease, or permit for a public trail
7 right-of-way having a term of not less than 5 years is made between
8 the owner of the land and the department.

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

16 Enacting section 1. This amendatory act takes effect October
17 1, 2008.

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. 1490

20 of the 94th Legislature is enacted into law.