

Act No. 145  
Public Acts of 2008  
Approved by the Governor  
May 28, 2008  
Filed with the Secretary of State  
May 28, 2008  
EFFECTIVE DATE: July 1, 2009

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

Introduced by Rep. Mayes

# **ENROLLED HOUSE BILL No. 5085**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," 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:*

Sec. 82101. As used in this part:

- (a) "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.
- (b) "Dealer" means any person engaged in the sale, lease, or rental of snowmobiles as a regular business, other than an auctioneer as that term is defined in section 2901 of the occupational code, 1980 PA 299, MCL 339.2901.
- (c) "Former section 15a" means section 15a of former 1968 PA 74, as constituted prior to May 1, 1994.
- (d) "Highly restricted personal information" means an individual's photograph or image, social security number, digitized signature, and medical and disability information.
- (e) "Highway or street" means the entire width between the boundary lines of every way publicly maintained if any part thereof is open to the use of the public for purposes of vehicular travel.
- (f) "In-kind contributions" means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.
- (g) "Law of another state" means a law or ordinance enacted by any of the following:
  - (i) Another state.
  - (ii) A local unit of government in another state.
  - (iii) Canada or a province or territory of Canada.

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

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

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

(j) “Operator” means any person who operates a snowmobile.

(k) “Owner” means any of the following:

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

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

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

(l) “Peace officer” means any of the following:

(i) A sheriff.

(ii) A sheriff’s deputy.

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

(iv) A village or township marshal.

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

(vi) An officer of the Michigan state police.

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

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

(m) “Personal information” means information that identifies an individual, including an individual’s driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.

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

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

(p) “Recreational snowmobile trail improvement subaccount” means the recreational snowmobile trail improvement subaccount of the snowmobile account created in section 82110.

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

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

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

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

(u) “Snowmobile account” means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.

(v) “Snowmobile registration fee subaccount” means the snowmobile registration fee subaccount of the snowmobile account created in section 82111.

(w) “Zone 1” means all of the Upper Peninsula.

(x) “Zone 2” means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River road in Muskegon county; thence due east to the westerly terminus of River road; thence north and east along the center line of the River road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of

highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay county line; thence easterly along the center line of the "business route" of highway US-10 to the intersection of Garfield road in Bay county; thence north along the center line of Garfield road to the intersection of the Pinconning road; thence east along the center line of Pinconning road to the intersection of the Seven Mile road; thence north along the center of the Seven Mile road to the Bay-Arenac county line; thence north along the center line of the Lincoln School road (county road 25) in Arenac county to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres river; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

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

Sec. 82105. (1) Before operating a snowmobile requiring registration in this state, the owner shall apply for registration with the department of state on forms provided by the department of state. If the snowmobile was purchased from a retail dealer in this state, application for initial registration shall be made with the dealer at the point of sale. The dealer shall issue a temporary registration permit in a form received from and approved by the department of state that is valid for 15 days after the date of sale. Each retail dealer shall submit applications for registrations and fees to the department of state not less than once each week. The application shall include the new owner's name, signature, and bona fide residence address and the names and addresses of holders of any security interest in the snowmobile and its accessories in the order of priority. The application shall be accompanied by a fee of \$22.00. Upon receipt of the application in approved form, the department of state shall enter the application upon its records and issue to the applicant a certificate of registration and decal. The certificate of registration shall contain the number awarded to the snowmobile, the name and address of the owner, the name and address of the holders of secured interests, and other information the department of state considers necessary. The certificate of registration shall be pocket-size, shall accompany the vehicle, shall be legible, and shall be made available for inspection upon demand by a peace officer.

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

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

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

Sec. 82105a. (1) If a check, draft, or electronic payment of a required fee is not paid on its first presentation, the fee is delinquent as of the date the check, draft, or electronic payment was tendered. The person tendering the check, draft, or electronic payment remains liable for the payment of each fee and any penalty.

(2) The department of state may suspend the operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, of the person tendering the check, draft, or electronic payment for a snowmobile registration if the department of state determines a fee prescribed in this section has not been paid and remains unpaid after reasonable notice or demand.

(3) If a fee is delinquent 15 days after the department of state has given notice to a person who tendered the check, draft, or electronic payment, a \$25.00 penalty shall be assessed and collected in addition to the fee.

(4) Except as otherwise provided in this part, the penalties collected under this section shall be deposited in the general fund and used first to defray the administrative costs of the department of state required by the registration

provisions of this part. Any money not required for administration of the registration provisions of this part shall be credited each year to the recreational snowmobile trail improvement fund.

Sec. 82105b. The department of state may cancel, suspend, revoke, or refuse to issue a snowmobile registration if any of the following occur:

(a) The applicant has failed to furnish all required information or reasonable additional information requested by the department of state.

(b) The required fees have not been paid.

(c) The applicant is not entitled to a snowmobile registration under this part.

(d) The department of state issued the registration in error.

(e) The application contains a false or fraudulent statement.

(f) The department of state has reasonable grounds to believe that the snowmobile was stolen or embezzled.

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

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

(3) The transferee of a snowmobile registered under this part, within 15 days after acquiring the snowmobile, shall apply to the department of state for issuance of a new certificate of registration for the snowmobile, giving the previous registration number of the snowmobile and proof of payment or satisfaction of any security interest shown on the previous owner's certificate of registration or department of state's records. The application shall include the new owner's name, signature, and bona fide residence address and the names and addresses of the holders of security interests in the snowmobile and its accessories in the order of their priority, and shall be accompanied by the fee prescribed in section 82105. Upon receipt of the application and fee, the department of state shall issue a new certificate of registration for the snowmobile to the new owner. Unless the application is made and the fee paid within 15 days of transfer of ownership, the snowmobile is without certificate of registration, and a person shall not operate the snowmobile until a valid certificate of registration is issued.

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

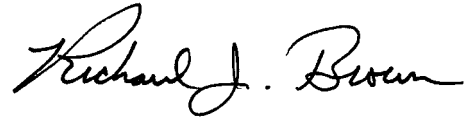
(5) If a valid registration decal is lost, mutilated, or illegible, the owner of the snowmobile may obtain a replacement registration decal upon submission of proof of registration and payment of a fee of \$5.00.

Sec. 82116a. (1) The owner of a snowmobile whose vehicle number has been altered, removed, or defaced, including the owner of a snowmobile who intends to register the snowmobile as an assembled snowmobile, shall apply, in a form prescribed by the department of state, to the department of state for a special identifying number accompanied by an application for a certificate of registration and the required fees. The owner shall furnish information satisfying the department of state that he or she is the owner, upon receipt of which the department of state shall assign a special identifying number for the snowmobile, preceded by a symbol indicating this state. The department of state shall maintain a record of assigned special identifying numbers. The special identifying number shall be applied to the snowmobile as directed by the department of state. The special number shall be regarded as the identifying number of the snowmobile.

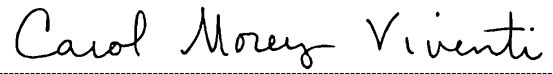
(2) The owner of a snowmobile whose vehicle number is missing shall apply, in a form prescribed by the department of state, to the department of state for a replacement vehicle number accompanied by a \$10.00 fee. The owner shall furnish information satisfying the department of state that he or she is the owner of the snowmobile upon receipt of which the department of state shall assign a replacement vehicle number that shall be applied to the snowmobile as directed by the department of state. The department of state shall note on the registration record for that snowmobile that a replacement vehicle number was issued for that snowmobile.

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

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor