

Act No. 35  
Public Acts of 2010  
Approved by the Governor  
March 31, 2010  
Filed with the Secretary of State  
March 31, 2010  
EFFECTIVE DATE: October 1, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

Introduced by Senators Basham, Birkholz, Pappageorge, Jansen and George

**ENROLLED SENATE BILL No. 389**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by adding section 805; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 805. (1) An applicant for the issuance or renewal of a motor vehicle registration may submit a state park and state-operated public boating access site passport fee to the secretary of state with the application. Subject to subsection (6), the amount of the recreation passport fee is as follows:

- (a) Except as provided in subdivision (b), \$10.00.
- (b) For a motorcycle, \$5.00.

(2) In addition to the requirements of section 217, an application for a motor vehicle registration shall contain at least the following information, in substantially the following format and language, except that the amount of the recreation passport fee specified shall be \$5.00 for a motorcycle:

§[Amount] – Annual vehicle registration or renewal.

\$10.00 – Annual authorization to use this vehicle for unlimited entry into all Michigan state parks and recreation areas and DNR-operated state boating access sites. (Check one of the boxes below.)

I elect to pay this \$10.00 fee.

I elect not to pay this \$10.00 fee. This vehicle will not be used to enter the facilities described above.

\$\_\_\_\_\_ – Total amount due.

(3) If the applicant applies by mail and, in addition to the registration fee, the applicant pays an amount equal to the recreation passport fee, the applicant shall be considered to have elected to pay the recreation passport fee regardless of whether such an election is indicated on the application.

(4) Subsections (1) and (2) do not apply to an application submitted by a dealer under section 217 for a vehicle sold, leased, or exchanged by the dealer.

(5) The secretary of state shall, at least monthly, transfer the revenue from recreation passport fees to the department of natural resources and environment for deposit as provided in section 2045 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2045.

(6) For each state fiscal year, beginning with the 2011-2012 state fiscal year, the state treasurer shall adjust the amounts set forth in subsection (1) by an amount determined by the state treasurer to reflect the cumulative percentage change in the consumer price index since October 1, 2010 using the most recent data available and rounded to the nearest dollar.

(7) The legislature shall annually review the amount of revenue raised by the recreation passport fee to ensure that the amount is appropriate for the purposes for which the recreation passport fee is assessed and in compliance with law.

(8) If the secretary of state issues a registration tab or sticker for a registration plate or personalized registration plate under section 224 or 803b for a motor vehicle for which a recreation passport fee has been paid under this section, the tab or sticker and any temporary registration plate issued under section 224a shall be marked in a distinctive manner determined by the secretary of state after consultation with the director of the department of natural resources and environment and the department of state police. Before discontinuing the issuance of a registration tab or sticker, the secretary of state shall consult with the director of the department of natural resources and environment and establish an alternative method or procedure by which the department of natural resources and environment can determine whether a recreation passport fee has been paid for a motor vehicle.

(9) Whether or not an individual paid or indicated that he or she elected to pay or not to pay a recreation passport fee under this section is personal information for purposes of section 40b.

(10) As used in this section:

(a) "Consumer price index" means the most comprehensive index of consumer prices available for this state from the bureau of labor statistics of the United States department of labor.

(b) "Motor vehicle" does not include a commercial motor vehicle.

(c) "Recreation passport fee" means the state park and state-operated public boating access site recreation passport fee as provided for in subsection (1).

(11) This section is repealed effective April 1, 2014 unless, during at least 1 of the state fiscal years ending September 30, 2011, 2012, and 2013, revenue from the recreation passport fee, minus appropriations to the secretary of state under section 2045(1)(a) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2045, equals or exceeds \$12,017,514.00.

Enacting section 1. This amendatory act takes effect October 1, 2010.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) Senate Bill No. 1057.

(b) House Bill No. 4677.

(c) House Bill No. 5752.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Richard J. Brown*

Clerk of the House of Representatives

Approved .....

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Governor