

# HOUSE BILL No. 5613

May 9, 2012, Introduced by Rep. Huuki and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81115, 81116, 81117, 81123, and 81128 (MCL 324.81115, 324.81116, 324.81117, 324.81123, and 324.81128), section 81115 as amended by 2008 PA 240, section 81116 as amended by 2012 PA 28, section 81117 as amended by 2004 PA 587, section 81123 as amended by 1998 PA 86, and section 81128 as added by 1995 PA 58, and by adding section 81125a.

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

1           Sec. 81115. (1) A person shall not operate an ORV under any of  
2 the following conditions unless **THE OWNER OF** the ORV ~~is licensed~~  
3 ~~with~~ **HAS OBTAINED A TRAIL PERMIT FOR THE ORV THROUGH** the department  
4 or a dealer as provided under this part:

5           (a) Except as otherwise provided by law, on or over land,  
6 snow, ice, or other natural terrain.

1 (b) Except as otherwise provided in this part, on a forest  
2 trail or in a designated area.

3 (c) Except as otherwise provided in section 81102, on the  
4 maintained portion of a road or street.

5 (2) ~~License~~**A TRAIL PERMIT** is not required for an ORV used  
6 exclusively in a safety ~~and~~ training program as required in section  
7 81129 **OR FOR OPERATING AN ORV ON PRIVATE PROPERTY.**

8 Sec. 81116. (1) The owner of an ORV requiring ~~license~~**A**  
9 **TRAIL PERMIT** under this part shall file an application for a  
10 ~~license~~**THE PERMIT** with the department or a dealer on forms  
11 provided by the department. If an ORV is sold by a dealer, the  
12 application for a ~~license~~**TRAIL PERMIT** shall be submitted to the  
13 department by the dealer in the name of the owner. The application  
14 shall include a certification. The owner of the ~~vehicle~~**ORV** shall  
15 sign the application or, if the application is filed  
16 electronically, provide information requested by the department to  
17 verify the owner's identity. The application shall be accompanied  
18 by a fee of \$16.25. A person shall not file an application for  
19 ~~registration~~**A TRAIL PERMIT** that contains false information. Upon  
20 receipt of the application in approved form and upon payment of the  
21 appropriate fee, the department or dealer shall issue to the  
22 applicant a ~~license which shall be~~**TRAIL PERMIT THAT IS** valid for  
23 the 12-month period for which it is issued. A ~~license~~**TRAIL PERMIT**  
24 shall be issued for the 12-month period beginning April 1 and  
25 ending March 31 each year.

26 (2) Dealers may purchase from the department ORV ~~licenses~~  
27 **TRAIL PERMITS** for resale to owners of vehicles requiring ~~license~~

1 **A TRAIL PERMIT** under this part. The department shall refund to  
2 dealers the purchase price of any ORV ~~licenses~~**TRAIL PERMITS**  
3 returned within 90 days after the end of the 12-month period for  
4 which they were valid. The dealer shall maintain and provide to the  
5 department records of ORV ~~license~~**TRAIL PERMIT** sales on forms  
6 provided by the department. In addition to the sale of ORV  
7 ~~licenses~~**TRAIL PERMITS**, a dealer engaged in the sale, lease, or  
8 rental of ORVs as a regular business may sell any other license or  
9 permit authorized by the department to be sold by other dealers  
10 under the statutes of this state.

11 (3) The ~~license~~**TRAIL PERMIT** shall be permanently attached to  
12 the vehicle in the manner prescribed and in the location designated  
13 by the department before the vehicle may legally be operated in  
14 accordance with this part.

15 (4) If at the time of sale the purchaser certifies on a form  
16 provided by the department that the purchased vehicle otherwise  
17 requiring a ~~license~~**TRAIL PERMIT** under this part will be used and  
18 stored outside of this state and will not be returned by the  
19 purchaser to this state for use, then a ~~license~~**TRAIL PERMIT** is not  
20 required.

21 (5) If a ~~license~~**TRAIL PERMIT** acquired by the owner of an ORV  
22 is lost or destroyed, the department shall provide that person with  
23 a replacement ~~license~~**TRAIL PERMIT** free of charge. The department  
24 may require a person requesting a replacement ~~license~~**TRAIL PERMIT**  
25 to supply sufficient evidence of the loss or destruction of the  
26 original ~~license~~**TRAIL PERMIT**.

27 Sec. 81117. (1) Money in the off-road vehicle account shall be

1 used only for the following:

2 (a) Signage for and improvement, maintenance, and construction  
3 of ORV trails, routes, or areas.

4 (b) The administration and enforcement of this part.

5 (c) The leasing of land.

6 (d) The acquisition of easements, permits, or other agreements  
7 for the use of land for ORV trails, routes, or areas.

8 (e) The restoration of any of the natural resources of this  
9 state on public land that are damaged due to ORV use in conjunction  
10 with the plan required by section 81123.

11 (f) One dollar of the revenue from each fee collected under  
12 section 81116 shall be used for the purposes of sections 81129 and  
13 81130.

14 **(G) FIFTY PERCENT OF THE REVENUE COLLECTED FROM EACH FEE UNDER**  
15 **SECTION 81116 SHALL BE USED BY THE DEPARTMENT FOR DEPARTMENTAL**  
16 **OPERATIONS, ENFORCEMENT, AND SPECIAL INITIATIVES RELATING TO THIS**  
17 **PART.**

18 **(H) NOT LESS THAN 25 CENTS OF THE REVENUE FROM EACH FEE UNDER**  
19 **SECTION 81116 COLLECTED BY AN AUTHORIZED VENDOR AS DETERMINED BY**  
20 **THE DEPARTMENT SHALL BE PAID TO THE VENDOR.**

21 (2) All **REMAINING** revenue from each fee collected under  
22 section 81116 shall be deposited in the off-road vehicle account.

23 (3) All funds allocated under this part shall be for projects  
24 that are open to the public.

25 Sec. 81123. (1) The department shall, by October 1, 1991,  
26 develop a comprehensive plan for the management of ORV use of  
27 areas, routes, and trails maintained by or under the jurisdiction

1 of the department or a local unit of government ~~pursuant to~~ **UNDER**  
2 section 81131. The plan shall, as a minimum, set forth the  
3 following methods and timetable:

4 (a) The inventorying, by appropriate means, of all areas,  
5 forest roads, and forest trails used by or suitable for use by  
6 ORVs.

7 (b) The identification and evaluation of the suitability of  
8 areas, forest roads, and forest trails to sustain ORV use.

9 (c) The designation of areas, forest roads, and forest trails  
10 for ORV use, including use by persons with disabilities.

11 (d) The development of resource management plans to maintain  
12 areas, forest roads, or forest trails and to restore or reconstruct  
13 damaged areas, forest roads, or forest trails. The plans shall  
14 include consideration of the social, economic, and environmental  
15 impact of ORV use.

16 (e) Specifications for trails and areas.

17 ~~—— (2) The plan developed under subsection (1) shall be revised~~  
18 ~~every 2 years. The plan shall be submitted to the legislature for~~  
19 ~~approval. The legislature shall approve the plan without amendment~~  
20 ~~by concurrent resolution adopted by both standing committees of the~~  
21 ~~house of representatives and senate that consider natural resources~~  
22 ~~matters and both houses of the legislature by recorded vote. The~~  
23 ~~department shall submit any subsequent revisions to the plan to the~~  
24 ~~secretary of the senate and the clerk of the house of~~  
25 ~~representatives at least 20 session days before the effective date~~  
26 ~~of the revisions. If both standing committees of the house of~~  
27 ~~representatives and senate that consider natural resources matters~~

1 ~~fail to reject the revisions within those 20 session days, the~~  
2 ~~revisions shall be considered approved.~~

3 ~~—— (3) The plan may designate where bicyclists, hikers,~~  
4 ~~equestrians, and other nonconflicting recreation trail users may~~  
5 ~~use ORV trails or areas.~~

6 (2) ~~(4)~~ By May 7, 1992, the department shall designate an  
7 appropriate area in the northern Lower Peninsula and an appropriate  
8 area in southeast Michigan as a scramble area.

9 (3) ~~(5)~~ Copies of maps of trails shall be prepared and made  
10 available by the department in sufficient quantities to accompany  
11 each ORV certificate of title issued by the secretary of state and  
12 to place in each county sheriff's office and each department of  
13 natural resources field office.

14 **SEC. 81125A. THE DEPARTMENT SHALL WAIVE ANY REQUIREMENT FOR A**  
15 **PERMIT FOR AN EVENT UNDER THIS PART IF THERE ARE 75 OR FEWER ORVS.**  
16 **NEVERTHELESS, ANY GROUP HAVING 20 OR MORE ORVS BUT NOT MORE THAN 75**  
17 **ORVS SHALL NOTIFY THE DEPARTMENT UNDER THIS SECTION THAT IT IS**  
18 **HAVING AN EVENT IN SUFFICIENT TIME TO ALLOW THE DEPARTMENT TO**  
19 **COORDINATE ACTIVITIES WITH OTHER GROUPS OR RIDERS. ORV USE SHALL BE**  
20 **CONSIDERED A LOW-INTENSITY IMPACT ON THE ORV TRAIL SYSTEM.**

21 ~~Sec. 81128. (1) Effective January 1, 1994, a citizens review~~  
22 ~~board shall be established. The review board shall consist of 6~~  
23 ~~members of the general public and the director of the legislative~~  
24 ~~service bureau division of science and technology who shall serve~~  
25 ~~as the nonvoting chairperson. The 6 members of the general public~~  
26 ~~shall be from or representative of the soil conservation service,~~  
27 ~~the Michigan association of counties, natural resources,~~

1 ~~conservation, or environmental groups, the largest recognized~~  
2 ~~motorized cycle group, an ORV dealer association, and an at large~~  
3 ~~ORV trail user.~~

4 ~~—— (2) Two members of the review board shall be appointed by the~~  
5 ~~governor, 2 members shall be appointed by the speaker of the house~~  
6 ~~of representatives, and 2 members shall be appointed by the senate~~  
7 ~~majority leader.~~

8 ~~—— (3) The review board shall submit to the standing committees~~  
9 ~~of the senate and the house of representatives that address~~  
10 ~~legislation pertaining to the environment and natural resources of~~  
11 ~~this state a report that contains a full review of the operation of~~  
12 ~~the system developed by the department and approved by the~~  
13 ~~legislature pursuant to section 81127. The report shall include a~~  
14 ~~summary of the effectiveness of the system, recommendations for~~  
15 ~~changes to the system, and other information that the legislative~~  
16 ~~committees described in this subsection may request at the time of~~  
17 ~~the establishment of the review board.~~

18 ~~—— (4) The department shall provide the review board with both of~~  
19 ~~the following:~~

20 ~~—— (a) The department's recommendations regarding changes to the~~  
21 ~~system that the department concludes would improve the system.~~

22 ~~—— (b) The department's evaluation of the effectiveness of the~~  
23 ~~system.~~

24 ~~—— (5) Within 6 months after the establishment of the review~~  
25 ~~board, the review board shall issue its report as provided in this~~  
26 ~~section and the review board shall be disbanded.~~ **THE CITIZENS REVIEW**  
27 **BOARD CREATED UNDER THIS SECTION IS ABOLISHED.**

1           Enacting section 1. This amendatory act takes effect October  
2 1, 2012.

3           Enacting section 2. This amendatory act does not take effect  
4 unless all of the following bills of the 96th Legislature are  
5 enacted into law:

6           (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5615 (request no.  
7 03046'11 \*).

8           (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5614 (request no.  
9 03046'11 a \*).

10          (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5612 (request no.  
11 03046'11 c \*).