

SENATE BILL No. 478

September 11, 2013, Introduced by Senator HILDENBRAND and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82101 (MCL 324.82101), as amended by 2010 PA 371.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82101. As used in this part:

2 (a) "Conviction" means a final conviction, the payment of a
3 fine, a plea of guilty or nolo contendere if accepted by the court,
4 or a finding of guilt or probate court disposition on a violation
5 of this part, regardless of whether the penalty is rebated or
6 suspended.

7 (b) "Dealer" means any person engaged in the sale, lease, or
8 rental of snowmobiles as a regular business. ~~, other than an~~
9 ~~auctioneer as that term is defined in section 2901 of the~~

1 ~~occupational code, 1980 PA 299, MCL 339.2901.~~

2 (c) "Former section 15a" means section 15a of former 1968 PA
3 74, as constituted ~~prior to~~ **BEFORE** May 1, 1994.

4 (d) "Highly restricted personal information" means an
5 individual's photograph or image, social security number, digitized
6 signature, and medical and disability information.

7 (e) "Highway or street" means the entire width between the
8 boundary lines of every way publicly maintained if any part of it
9 is open to public use for vehicular travel.

10 (f) "Historic snowmobile" means a snowmobile that is over 25
11 years old and that is owned solely as a collector's item and for
12 occasional use and for participation in club activities,
13 exhibitions, tours, parades, and similar uses, including mechanical
14 testing.

15 (g) "In-kind contributions" means services and goods as
16 approved by the department that are provided by a grant recipient
17 toward completion of a department-approved local snowmobile program
18 under section 82107.

19 (h) "Law of another state" means a law or ordinance enacted by
20 any of the following:

21 (i) Another state.

22 (ii) A local unit of government in another state.

23 (iii) Canada or a province or territory of Canada.

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

26 (i) "Long-term incapacitating injury" means an injury that
27 causes a person to be in a comatose, quadriplegic, hemiplegic, or

1 paraplegic state, which state is likely to continue for 1 year or
2 more.

3 (j) "Operate" means to ride in or on and be in actual physical
4 control of the operation of a snowmobile.

5 (k) "Operator" means any ~~person~~**INDIVIDUAL** who operates a
6 snowmobile.

7 (l) "Owner" means any of the following:

8 (i) A person ~~who~~**THAT** holds the legal title to a snowmobile.

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

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

16 (m) "Peace officer" means any of the following:

17 (i) A sheriff.

18 (ii) A sheriff's deputy.

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

22 (iv) A village or township marshal.

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

24 (vi) An officer of the Michigan state police.

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

27 (viii) A law enforcement officer who is certified under the

1 commission on law enforcement standards act, 1965 PA 203, MCL
2 28.601 to 28.616, provided that officer is policing within his or
3 her jurisdiction.

4 (n) "Personal information" means information that identifies
5 an individual, including an individual's driver identification
6 number, name, address not including zip code, and telephone number,
7 but does not include information on snowmobile operation or
8 equipment-related violations or civil infractions, operator or
9 snowmobile registration status, accidents, or other behaviorally-
10 related information.

11 (o) "Probate court or family division disposition" means the
12 entry of a probate court order of disposition or family division
13 order of disposition for a child found to be within the provisions
14 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
15 712A.1 to 712A.32.

16 (p) "Prosecuting attorney", except as the context requires
17 otherwise, means the attorney general, the prosecuting attorney of
18 a county, or the attorney representing a local unit of government.

19 (q) "Recreational snowmobile trail improvement subaccount"
20 means the recreational snowmobile trail improvement subaccount of
21 the snowmobile account created in section 82110.

22 (r) "Right-of-way" means that portion of a highway or street
23 less the roadway and any shoulder.

24 (s) "Roadway" means that portion of a highway or street
25 improved, designated, or ordinarily used for vehicular travel. If a
26 highway or street includes 2 or more separate roadways, the term
27 roadway refers to any roadway separately, but not to all of the

1 roadways collectively.

2 (t) "Shoulder" means that portion of a highway or street on
3 either side of the roadway that is normally snowplowed for the
4 safety and convenience of vehicular traffic.

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

11 (v) "Snowmobile account" means the snowmobile account of the
12 Michigan conservation and recreation legacy fund provided for in
13 section 2025.

14 (w) "Snowmobile registration fee subaccount" means the
15 snowmobile registration fee subaccount of the snowmobile account
16 created in section 82111.

17 (x) "Zone 1" means all of the Upper Peninsula.

18 (y) "Zone 2" means all of that part of the Lower Peninsula
19 north of a line beginning at and drawn from a point on the
20 Michigan-Wisconsin boundary line due west of the westerly terminus
21 of River road in Muskegon county; thence due east to the westerly
22 terminus of River road; thence north and east along the center line
23 of the River road to its intersection with highway M-120; thence
24 northeasterly and easterly along the center line of highway M-120
25 to the junction of highway M-20; thence easterly along the center
26 line of M-20 to its junction with US-10 at the Midland-Bay county
27 line; thence easterly along the center line of the "business route"

1 of highway US-10 to the intersection of Garfield road in Bay
2 county; thence north along the center line of Garfield road to the
3 intersection of the Pinconning road; thence east along the center
4 line of Pinconning road to the intersection of the Seven Mile road;
5 thence north along the center of the Seven Mile road to the Bay-
6 Arenac county line; thence north along the center line of the
7 Lincoln School road (county road 25) in Arenac county to the
8 intersection of highway M-61; thence east along the center line of
9 highway M-61 to the junction of highway US-23; thence northerly and
10 easterly along the center line of highway US-23 to the center line
11 of the Au Gres river; thence southerly along the center line of the
12 river to its junction with Saginaw Bay of Lake Huron; thence north
13 78° east to the international boundary line between the United
14 States and the Dominion of Canada.

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

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 476

19 of the 97th Legislature is enacted into law.