

SENATE BILL No. 866

March 24, 2016, Introduced by Senators SCHUITMAKER and JONES and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 12102, 16901, 44501, and 82101 (MCL 324.11701, 324.12102, 324.16901, 324.44501, and 324.82101), section 11701 as amended by 2005 PA 199, section 12102 as amended by 2015 PA 224, section 16901 as amended by 2014 PA 543, section 44501 as amended by 2012 PA 294, and section 82101 as amended by 2014 PA 404.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11701. As used in this part:

2 (a) "Agricultural land" means land on which a food crop, a
3 feed crop, or a fiber crop is grown, including land used or
4 suitable for use as a range or pasture; a sod farm; or a Christmas
5 tree farm.

6 (b) "Certified health department" means a city, county, or

1 district department of health certified under section 11716.

2 (c) "Cesspool" means a cavity in the ground that receives
3 waste to be partially absorbed directly or indirectly by the
4 surrounding soil.

5 (d) "Department" means the department of environmental quality
6 or its authorized agent.

7 (e) "Director" means the director of the department of
8 environmental quality or his or her designee.

9 (f) "Domestic septage" means liquid or solid material removed
10 from a septic tank, cesspool, portable toilet, type III marine
11 sanitation device, or similar storage or treatment works that
12 receives only domestic sewage. Domestic septage does not include
13 liquid or solid material removed from a septic tank, cesspool, or
14 similar facility that receives either commercial wastewater or
15 industrial wastewater and does not include grease removed from a
16 grease interceptor, grease trap, or other appurtenance used to
17 retain grease or other fatty substances contained in restaurant
18 waste.

19 (g) "Domestic sewage" means waste and wastewater from humans
20 or household operations.

21 (h) "Domestic treatment plant septage" means biosolids
22 generated during the treatment of domestic sewage in a treatment
23 works and transported to a receiving facility or managed in
24 accordance with a residuals management program approved by the
25 department.

26 (i) "Food establishment septage" means material pumped from a
27 grease interceptor, grease trap, or other appurtenance used to

1 retain grease or other fatty substances contained in restaurant
2 wastes and ~~which~~ **THAT** is blended into a uniform mixture, consisting
3 of not more than 1 part of that restaurant-derived material per 3
4 parts of domestic septage, prior to land application or disposed of
5 at a receiving facility.

6 (j) "Fund" means the septage waste program fund created in
7 section 11717.

8 (k) "Governmental unit" means a county, township,
9 municipality, or regional authority.

10 (l) "Incorporation" means the mechanical mixing of surface-
11 applied septage waste with the soil.

12 (m) "Injection" means the pressurized placement of septage
13 waste below the surface of soil.

14 (n) "Operating plan" means a plan developed by a receiving
15 facility for receiving septage waste that specifies at least all of
16 the following:

17 (i) Categories of septage waste that the receiving facility
18 will receive.

19 (ii) The receiving facility's service area.

20 (iii) The hours of operation for receiving septage waste.

21 (iv) Any other conditions for receiving septage waste
22 established by the receiving facility.

23 (o) "Pathogen" means a disease-causing agent. Pathogen
24 includes, but is not limited to, certain bacteria, protozoa,
25 viruses, and viable helminth ova.

26 (p) "Peace officer" means a sheriff or sheriff's deputy, a
27 village or township marshal, an officer of the police department of

1 any city, village, or township, any officer of the Michigan state
 2 police, any peace officer who is trained and **LICENSED OR** certified
 3 ~~pursuant to~~**UNDER** the **MICHIGAN** commission on law enforcement
 4 standards act, 1965 PA 203, MCL 28.601 to ~~28.616~~, **28.615**, or any
 5 conservation officer appointed by the department or the department
 6 of natural resources ~~pursuant to~~**UNDER** section 1606.

7 (q) "Portable toilet" means a receptacle for human waste
 8 temporarily in a location for human use.

9 (r) "Receiving facility" means a structure that is designed to
 10 receive septage waste for treatment at a wastewater treatment plant
 11 or at a research, development, and demonstration project authorized
 12 under section 11511b to which the structure is directly connected,
 13 and that is available for that purpose as provided for in an
 14 ordinance of the local unit of government where the structure is
 15 located or in an operating plan. Receiving facility does not
 16 include either of the following:

17 (i) A septic tank.

18 (ii) A structure or a wastewater treatment plant ~~at which~~
 19 **WHERE** the disposal of septage waste is prohibited by order of the
 20 department under section 11708 or 11715b.

21 (s) "Receiving facility service area" or "service area" means
 22 the territory for which a receiving facility has the capacity and
 23 is available to receive and treat septage waste, ~~subject to the~~
 24 ~~following:~~

25 ~~— (i) Beginning October 12, 2005 and before the 2011 state~~
 26 ~~fiscal year, the geographic service area of a receiving facility~~
 27 ~~shall not extend more than 15 radial miles from the receiving~~

1 facility.

2 ~~—— (ii) After the 2010 state fiscal year, EXCEPT THAT~~ the
3 geographic service area of a receiving facility shall not extend
4 more than 25 radial miles from the receiving facility.

5 (t) "Sanitary sewer cleanout septage" means sanitary sewage or
6 cleanout residue removed from a separate sanitary sewer collection
7 system that is not land applied and that is transported by a
8 vehicle licensed under this part elsewhere within the same system
9 or to a receiving facility that is approved by the department.

10 (u) "Septage waste" means the fluid mixture of untreated and
11 partially treated sewage solids, liquids, and sludge of human or
12 domestic origin that is removed from a wastewater system. Septage
13 waste consists only of food establishment septage, domestic
14 septage, domestic treatment plant septage, or sanitary sewer
15 cleanout septage, or any combination of these.

16 (v) "Septage waste servicing license" means a septage waste
17 servicing license as provided for under sections 11703 and 11706.

18 (w) "Septage waste vehicle" means a vehicle that is self-
19 propelled or towed and that includes a tank used to transport
20 septage waste. Septage waste vehicle does not include an implement
21 of husbandry as defined in section 21 of the Michigan vehicle code,
22 1949 PA 300, MCL 257.21.

23 (x) "Septage waste vehicle license" means a septage waste
24 vehicle license as provided for under sections 11704 and 11706.

25 (y) "Septic tank" means a septic toilet, chemical closet, or
26 other enclosure used for the decomposition of domestic sewage.

27 (z) "Service" or "servicing" means cleaning, removing,

1 transporting, or disposing, by application to land or otherwise, of
2 septage waste.

3 (aa) "Site" means a location or locations on a parcel or
4 tract, as those terms are defined in section 102 of the land
5 division act, 1967 PA 288, MCL 560.102, proposed or used for the
6 disposal of septage waste on land.

7 (bb) "Site permit" means a permit issued under section 11709
8 authorizing the application of septage waste to a site.

9 (cc) "Storage facility" means a structure that receives
10 septage waste for storage but not for treatment.

11 (dd) "Tank" means an enclosed container placed on a septage
12 waste vehicle to carry or transport septage waste.

13 (ee) "Type I public water supply", "type IIa public water
14 supply", "type IIb public water supply", and "type III public water
15 supply" mean those terms, respectively, as described in R 325.10502
16 of the Michigan administrative code.

17 (ff) "Type III marine sanitation device" means that term as
18 defined in 33 CFR 159.3.

19 Sec. 12102. As used in this part:

20 (a) "On-site" means on the same geographically contiguous
21 property, which may be divided by a public or private right-of-way
22 if access is by crossing rather than going along the right-of-way.
23 On-site includes noncontiguous pieces of property owned by the same
24 person but connected by a right-of-way that the owner controls and
25 to which the public does not have access.

26 (b) "Peace officer" means any law enforcement officer who is
27 trained and **LICENSED OR** certified pursuant to ~~to~~ **UNDER** the **MICHIGAN**

1 commission on law enforcement standards act, 1965 PA 203, MCL
2 28.601 to ~~28.616~~, **28.615**, or an officer appointed by the director
3 of the department of state police pursuant to ~~UNDER~~ section 6d of
4 1935 PA 59, MCL 28.6d.

5 (c) "Publicly owned treatment works" means any entity that
6 treats municipal sewage or industrial waste or liquid industrial
7 by-product that is owned by the state or a municipality, as that
8 term is defined in 33 USC 1362. Publicly owned treatment works
9 include sewers, pipes, or other conveyances only if they convey
10 wastewater to a publicly owned treatment works providing treatment.

11 (d) "Reclamation" means either processing to recover a usable
12 product or regeneration.

13 (e) "Reclamation facility" means a facility or part of a
14 facility where liquid industrial by-product reclamation is
15 conducted.

16 (f) "Shipping document" means a log, an invoice, a bill of
17 lading, or other record, in either written or electronic form, that
18 includes all of the following information:

19 (i) The name and address of the generator.

20 (ii) The name of the transporter.

21 (iii) The type and volume of liquid industrial by-product in
22 the shipment.

23 (iv) The date the by-product was shipped off-site from the
24 generator.

25 (v) The name, address, and site identification number of the
26 designated facility.

27 (g) "Site identification number" means a number that is

1 assigned by the United States Environmental Protection Agency or
2 the department to a transporter or facility.

3 (h) "Storage" means the containment of liquid industrial by-
4 product, on a temporary basis, in a manner that does not constitute
5 disposal of the by-product.

6 (i) "Storage facility" means a facility or part of a facility
7 where liquid industrial by-product is stored.

8 (j) "Surface impoundment" means a treatment facility, storage
9 facility, or disposal facility or part of a treatment, storage, or
10 disposal facility that is either a natural topographic depression,
11 a human-made excavation, or a diked area formed primarily of
12 earthen materials. A surface impoundment may be lined with human-
13 made materials designed to hold an accumulation of liquid
14 industrial by-product. Surface impoundments include, but are not
15 limited to, holding, storage, settling, and aeration pits, ponds,
16 and lagoons. Surface impoundment does not include an injection
17 well.

18 (k) "Tank" means a stationary device designed to contain an
19 accumulation of liquid industrial by-product that is constructed
20 primarily of nonearthen materials such as wood, concrete, steel, or
21 plastic to provide structural support.

22 (l) "Transportation" means the movement of liquid industrial
23 by-product by air, rail, public or private roadway, or water.

24 (m) "Transporter" means a person engaged in the off-site
25 transportation of liquid industrial by-product by air, rail, public
26 roadway, or water.

27 (n) "Treatment" means any method, technique, or process,

1 including neutralization, designed to change the physical,
2 chemical, or biological character or composition of any liquid
3 industrial by-product, to neutralize the by-product, or to render
4 the by-product safer to transport, store, or dispose of, amenable
5 to recovery, amenable to storage, or reduced in volume.

6 (o) "Treatment facility" means a facility or part of a
7 facility at which liquid industrial by-product undergoes treatment.

8 (p) "Used oil" means any oil that has been refined from crude
9 oil, or any synthetic oil, that has been used and that, as a result
10 of the use, is contaminated by physical or chemical impurities.

11 (q) "Vehicle" means a transport vehicle as defined by 49 CFR
12 171.8.

13 Sec. 16901. (1) As used in this part:

14 (a) "Abandoned scrap tires" means an accumulation of scrap
15 tires on property where the property owner is not responsible in
16 whole or in part for the accumulation of the scrap tires. For the
17 purposes of this subdivision, an owner who purchased or willingly
18 took possession of an existing scrap tire collection site shall be
19 considered by the department to be responsible in whole or in part
20 for the accumulation of the scrap tires.

21 (b) "Automotive recycler" means that term as defined in
22 section 2a of the Michigan vehicle code, 1949 PA 300, MCL 257.2a.

23 (c) "Bond" means a performance bond from a surety company
24 authorized to transact business in this state, a certificate of
25 deposit, a cash bond, or an irrevocable letter of credit, in favor
26 of the department.

27 (d) "Collection site" means, subject to subdivision (e), a

1 site consisting of a parcel or adjacent parcels of real property
2 where any of the following are accumulated:

3 (i) 500 or more scrap tires. This subparagraph does not apply
4 if that property is owned or leased by and associated with the
5 operations of a retailer or automotive recycler or a commercial
6 contractor as described in subparagraph (iv).

7 (ii) 1,500 or more scrap tires if that property is owned or
8 leased by and associated with the operations of a retailer that is
9 not also an automotive recycler.

10 (iii) 2,500 or more scrap tires if that property is owned or
11 leased by and associated with the operations of an automotive
12 recycler.

13 (iv) More than 150 cubic yards of tire chips if that property
14 is owned or leased by and associated with the operations of a
15 commercial contractor that is authorized to use the tire chips as
16 an aggregate replacement in a manner approved by a designation of
17 inertness for scrap tires or is otherwise authorized for such use
18 by the department under part 115.

19 (e) "Collection site" does not include a disposal area
20 licensed under part 115, a community cleanup site, a racecourse, or
21 a feed storage location.

22 (f) "Commodity" means crumb rubber, tire chips, a ring or slab
23 cut from a tire for use as a weight, or a product die-cut or
24 punched from a tire, or any other product that, as determined by
25 the department based on the product's production cost and value, is
26 not likely to result in an accumulation, at the site of production
27 or use, that poses a threat to public health or the environment. A

1 product is not a commodity unless it meets published national
2 standards or specifications that the department determines are
3 relevant to accomplishing the purposes of this part.

4 (g) "Commodity storage area" means 1 or more locations within
5 a collection site where a commodity is stored.

6 (h) "Community cleanup site" means a site owned by a local
7 unit of government or nonprofit organization that has received a
8 scrap tire cleanup grant under section 16908(2)(c) and uses this
9 site for the purpose of collecting scrap tires from residents as
10 part of a community cleanup day or resident drop off.

11 (i) "Crumb rubber" means rubber material derived from tires
12 that is less than 1/8 inch by 1/8 inch in size and is free of steel
13 and fiber.

14 (j) "Department" means the department of environmental
15 quality.

16 (k) "End-user" means any of the following:

17 (i) A person who possesses a permit to burn tires under part
18 55.

19 (ii) The owner or operator of a landfill that is authorized
20 under the landfill's operating license to use scrap tires.

21 (iii) A person who uses a commodity to make a product that is
22 sold in the market.

23 (iv) A person who is authorized by this part to accumulate
24 scrap tires, who acquires scrap tires, and who converts scrap tires
25 into a product that is sold in the market or reused in a manner
26 authorized by this part.

27 (l) "Farm" means that term as defined in section 2 of the

1 Michigan right to farm act, 1981 PA 93, MCL 286.472.

2 (m) "Farm operation" means that term as defined in section 2
3 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

4 (n) "Feed storage location" means a location on a parcel or
5 adjacent parcels of real property containing a farm operation where
6 not more than 3,000 scrap tires are used to secure stored feed.

7 (o) "Fund" means the scrap tire regulatory fund created in
8 section 16908.

9 (p) "Landfill" means a landfill as defined in section 11504
10 that is licensed under part 115.

11 (q) "Law enforcement officer" means any law enforcement
12 officer who is trained and **LICENSED OR** certified ~~pursuant to~~**UNDER**
13 the **MICHIGAN** commission on law enforcement standards act, 1965 PA
14 203, MCL 28.601 to ~~28.616,~~**28.615**, or an officer appointed by the
15 director of the department of state police ~~pursuant to~~**UNDER**
16 section 6d of 1935 PA 59, MCL 28.6d.

17 (r) "Outdoor" or "outdoors" means in a place other than a
18 building or covered vehicle.

19 (s) "Portable shredding operation" means a person who operates
20 scrap tire shredding equipment that produces a commodity or tire
21 shreds and that can be moved from site to site.

22 (t) "Racecourse" means a commercially operated track for go-
23 carts, off-road recreational vehicles, motorcycles, or other
24 vehicles that uses scrap tires as bumpers along the track for
25 safety purposes and that meets 1 or more of the following
26 requirements:

27 (i) Uses not more than 3,000 scrap tires for bumpers.

1 (ii) Is operated on a temporary basis and, between races,
2 stores the scrap tires at a collection site bonded under section
3 16903 and registered under section 16904.

4 (u) "Retailer" means a person who sells or offers for sale
5 new, retreaded, or remanufactured tires to consumers in this state.

6 (v) "Retreader" means a person who retreads, recases, or
7 recaps tire casings for reuse.

8 (w) "Scrap tire" means a tire that is no longer being used for
9 its original intended purpose including, but not limited to, a used
10 tire, a reusable tire casing, or portions of a tire. Scrap tire
11 does not include a vehicle support stand.

12 (x) "Scrap tire hauler" means a person who transports more
13 than 10 scrap tires at once in a vehicle on a public road or
14 street. Scrap tire hauler does not include any of the following:

15 (i) A person, other than a commercial business, who transports
16 that person's own tires to a location authorized in section
17 16902(1).

18 (ii) A member of a nonprofit service organization who is
19 participating in a community service project and is transporting
20 scrap tires to a location authorized in section 16902(1).

21 (iii) The owner of a farm who is transporting only scrap tires
22 that originated from his or her farm operation, to a location
23 authorized in section 16902(1), or that are intended for use in a
24 feed storage location.

25 (iv) A solid waste hauler that is transporting solid waste to
26 a disposal area licensed under part 115.

27 (v) A person who is transporting only a commodity.

1 (vi) A retreader who is transporting scrap tires for the
2 purpose of retreading, recasing, or recapping and who has the
3 documentation required in section 16906(5).

4 (y) "Scrap tire processor" means either of the following:

5 (i) A person who is authorized by this part to accumulate
6 scrap tires and is engaged in the business of buying or otherwise
7 acquiring scrap tires and reducing their volume by shredding or
8 otherwise facilitating recycling or resource recovery techniques
9 for scrap tires.

10 (ii) A portable shredding operation.

11 (z) "Solid waste hauler" means a solid waste hauler as defined
12 in ~~part 115~~ **SECTION 11506** who transports less than 25% by weight or
13 volume of scrap tires along with other solid waste in any truckload
14 to a disposal area licensed under part 115.

15 (aa) "Storage requirements" means the requirements of section
16 16903(1) and, if applicable, (2).

17 (bb) "Tire" means a continuous solid or pneumatic rubber
18 covering encircling the wheel of a tractor or other farm machinery
19 or of a vehicle.

20 (cc) "Tire chip" means a portion of a tire that is any of the
21 following:

22 (i) Not more than 2 inches by 2 inches in size and meets
23 requirements for size, metal content, and cleanliness as specified
24 in an executed contract for delivery of the material by the scrap
25 tire processor.

26 (ii) Not more than 3/8 inch by 3/8 inch in size and
27 sufficiently free from steel to be used in the construction and

1 modification of sports surfaces such as golf course turf, athletic
2 field turf, athletic tracks, hiking surfaces, livestock show arena
3 surfaces, and playgrounds.

4 (iii) To be used in a drain field approved under a district or
5 county sanitary code.

6 (iv) To be used as ground cover or mulch, if, in aggregate,
7 95% of the material is equal to or less than 3/4 inch in size in
8 any dimension and the material contains less than 1% by weight or
9 volume of steel and fiber.

10 (v) Approved by the department for use at a landfill as daily
11 cover or a leachate collection system protective layer or for
12 access road construction within a lined cell.

13 (dd) "Tire shred" means a portion of a tire that is not a
14 commodity.

15 (ee) "Tire storage area" means a location within a collection
16 site where tires are accumulated.

17 (ff) "Vehicle" means a device in, upon, or by which a person
18 or property is or may be transported or drawn upon a highway.
19 Vehicle does not include a device that is exclusively moved by
20 human power or used exclusively upon stationary rails or tracks or
21 a mobile home as defined in section 2 of the mobile home commission
22 act, 1987 PA 96, MCL 125.2302.

23 (gg) "Vehicle support stand" means equipment used to support a
24 stationary vehicle consisting of an inflated tire and wheel that is
25 attached to another wheel.

26 (2) A reference in this part to a number of scrap tires means
27 either of the following, or an equivalent combination thereof:

1 (a) That number of whole tires or reusable tire casings.

2 (b) A quantity of a commodity or tire shreds equivalent in
3 weight to that number of whole tires.

4 Sec. 44501. As used in this part:

5 (a) "Boat livery" means a place of business or any location
6 where a person rents or offers for rent any vessel other than a
7 nonmotorized raft to the general public for noncommercial use on
8 the waters of this state. Boat livery does not include a place
9 where a person offers cabins, cottages, motel rooms, hotel rooms,
10 or other similar rental units if vessels are furnished only for the
11 use of persons occupying the units.

12 (b) "Carrying passengers for hire" or "carry passengers for
13 hire" means the transporting of any individual on a vessel other
14 than a nonmotorized raft for consideration directly or indirectly
15 paid to the owner of the vessel, the owner's agent, the operator of
16 the vessel, or any other person who holds any interest in the
17 vessel.

18 (c) "Charter boat" means a vessel other than a nonmotorized
19 raft that is rented or offered for rent to carry passengers for
20 hire if the owner or the owner's agent retains possession, command,
21 and control of the vessel.

22 (d) "Class A vessel" means a vessel, except a sailboat, that
23 carries for hire on navigable waters not more than 6 passengers.

24 (e) "Class B vessel" means a vessel, except a sailboat, that
25 carries for hire on inland waters not more than 6 passengers.

26 (f) "Class C vessel" means a vessel, except a sailboat, that
27 carries for hire on inland waters more than 6 passengers.

1 (g) "Class D vessel" means a vessel that is propelled
2 primarily by a sail or sails and carries for hire on navigable
3 waters not more than 6 passengers or carries passengers for hire on
4 inland waters.

5 (h) "Class E vessel" means a vessel that carries not more than
6 6 passengers for hire and meets either of the following
7 requirements:

8 (i) Is utilized primarily as a river-drift boat that is
9 propelled primarily by hand.

10 (ii) Is a vessel that is 18 feet or less in length operated
11 primarily on a river or tributary to the Great Lakes, Lake St.
12 Clair, or their connecting waterways.

13 (i) "Equipment" means a system, part, or component of a vessel
14 as originally manufactured, or a system, part, or component
15 manufactured or sold for replacement, repair, or improvement of a
16 system, part, or component of a vessel; an accessory or equipment
17 for, or appurtenance to, a vessel; or a marine safety article,
18 accessory, or equipment intended for use by an individual on board
19 a vessel; but does not include radio equipment.

20 (j) "Inland waters" means all waters of this state, except
21 navigable waters.

22 (k) "Livery boat" means a vessel, other than a nonmotorized
23 raft, that is rented or offered for rent by a boat livery or a boat
24 owner or his or her agent if the boat livery or boat owner or his
25 or her agent relinquishes or offers to relinquish complete physical
26 control of the vessel to the renter while retaining legal title to
27 the vessel.

1 (l) "Navigable waters" means those waters of the state over
2 which this state and the United States coast guard exercise
3 concurrent jurisdiction, including the Great Lakes and waters
4 connected to the Great Lakes, to the upstream limit of navigation
5 as determined by the United States army corps of engineers.

6 (m) "Navigable waters livery boat" means a livery boat other
7 than a nonmotorized canoe or kayak that is more than 20 feet in
8 length and is rented or offered for rent for use on navigable
9 waters.

10 (n) "Operate", when used with reference to a vessel, means to
11 start any propulsion engine or to physically control the motion,
12 direction, or speed of the vessel.

13 (o) "Owner", when used in reference to a vessel, means a
14 person who claims lawful possession of the vessel by virtue of
15 legal title or an equitable interest in a vessel that entitles that
16 person to possession of the vessel.

17 (p) "Passenger" means an individual carried on board a charter
18 boat except any of the following:

19 (i) The owner of the vessel or the owner's agent.

20 (ii) The pilot and members of the crew of the vessel who have
21 not contributed consideration for their transportation either
22 before, during, or after the voyage.

23 (q) "Peace officer" means a sheriff or sheriff's deputy;
24 village or township marshal; officer of the police department of
25 any city, village, or township; officer of the Michigan state
26 police; or other police officer or law enforcement officer who is
27 trained and **LICENSED OR** certified pursuant to ~~UNDER~~ the **MICHIGAN**

1 commission on law enforcement standards act, 1965 PA 203, MCL
2 28.601 to ~~28.616~~, **28.615**, and includes the director and
3 conservation officers employed by the department.

4 (r) "Personal watercraft" means a vessel that meets all of the
5 following requirements:

6 (i) Uses a motor-driven propeller or an internal combustion
7 engine powering a water jet pump as its primary source of
8 propulsion.

9 (ii) Is designed without an open load carrying area that would
10 retain water.

11 (iii) Is designed to be operated by 1 or more individuals
12 positioned on, rather than within, the confines of the hull.

13 (s) "Pilot's license" means a vessel operator's license issued
14 by the United States coast guard or other federal agency, or a
15 license issued by the department to an operator of a charter boat
16 that is operated on inland waters.

17 (t) "Training or instructional purposes" means the teaching of
18 any individual in the handling and navigation of a vessel or the
19 techniques of waterskiing.

20 (u) "Vessel" means every description of watercraft, other than
21 a seaplane, used or capable of being used as a means of
22 transportation on water irrespective of the method of operation or
23 propulsion.

24 (v) "Waters of the state" means any waters within the
25 territorial limits of this state and includes those waters of the
26 Great Lakes which are under the jurisdiction of this state.

27 (w) "Waterways account" means the waterways account of the

1 Michigan conservation and recreation legacy fund provided for in
2 section 2035.

3 Sec. 82101. As used in this part:

4 (a) "Alcoholic liquor" means that term as defined in section
5 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

6 (b) "Auction" means the sale or offer for sale by bidding of
7 real or personal property at a public or private location.

8 (c) "Auctioneer" means a person that is engaged in the
9 business of conducting auctions or that offers to conduct an
10 auction for compensation.

11 (d) "Conviction" means a final conviction, the payment of a
12 fine, a plea of guilty or nolo contendere if accepted by the court,
13 or a finding of guilt or probate court disposition on a violation
14 of this part, regardless of whether the penalty is rebated or
15 suspended.

16 (e) "Dealer" means any person engaged in the sale, lease, or
17 rental of snowmobiles as a regular business, other than an
18 auctioneer.

19 (f) "Former section 15a" means section 15a of former 1968 PA
20 74, as constituted before May 1, 1994.

21 (g) "Highly restricted personal information" means an
22 individual's photograph or image, social security number, digitized
23 signature, and medical and disability information.

24 (h) "Highway or street" means the entire width between the
25 boundary lines of every way publicly maintained if any part of it
26 is open to public use for vehicular travel.

27 (i) "Historic snowmobile" means a snowmobile that is over 25

1 years old and that is owned solely as a collector's item and for
2 occasional use and for participation in club activities,
3 exhibitions, tours, parades, and similar uses, including mechanical
4 testing.

5 (j) "In-kind contributions" means services and goods as
6 approved by the department that are provided by a grant recipient
7 toward completion of a department-approved local snowmobile program
8 under section 82107.

9 (k) "Law of another state" means a law or ordinance enacted by
10 any of the following:

11 (i) Another state.

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

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

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

16 (l) "Operate" means to ride in or on and be in actual physical
17 control of the operation of a snowmobile.

18 (m) "Operator" means any individual who operates a snowmobile.

19 (n) "Owner" means any of the following:

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

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

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

1 (o) "Peace officer" means any of the following:

2 (i) A sheriff.

3 (ii) A sheriff's deputy.

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

7 (iv) A village or township marshal.

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

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

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

12 (viii) A law enforcement officer who is **LICENSED OR** certified
13 under the **MICHIGAN** commission on law enforcement standards act,
14 1965 PA 203, MCL 28.601 to ~~28.616~~, **28.615**, provided that officer is
15 policing within his or her jurisdiction.

16 (p) "Personal information" means information that identifies
17 an individual, including an individual's driver identification
18 number, name, address not including zip code, and telephone number,
19 but does not include information on snowmobile operation or
20 equipment-related violations or civil infractions, operator or
21 snowmobile registration status, accidents, or other behaviorally-
22 related information.

23 (q) "Prior conviction" means a conviction for any of the
24 following, whether under a law of this state, a local ordinance
25 substantially corresponding to a law of this state, a law of the
26 United States substantially corresponding to a law of this state,
27 or a law of another state substantially corresponding to a law of

1 this state:

2 (i) A violation or an attempted violation of section 82127(1),
3 (3), (4), (5), (6), or (7), except that only 1 violation or
4 attempted violation of section 82127(6), a local ordinance
5 substantially corresponding to section 82127(6), or a law of
6 another state substantially corresponding to section 82127(6), or a
7 law of the United States substantially corresponding to section
8 82127(6) may be used as a prior conviction other than for
9 enhancement purposes as provided in section 82129a(1)(b).

10 (ii) Negligent homicide, manslaughter, or murder resulting
11 from the operation of a snowmobile or an attempt to commit any of
12 those crimes.

13 (iii) Former section 15a(1), (3), (4), or (5) of 1968 PA 74.

14 (iv) Former section 15a.

15 (r) "Probate court or family division disposition" means the
16 entry of a probate court order of disposition or family division
17 order of disposition for a child found to be within the provisions
18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
19 712A.1 to 712A.32.

20 (s) "Prosecuting attorney", except as the context requires
21 otherwise, means the attorney general, the prosecuting attorney of
22 a county, or the attorney representing a local unit of government.

23 (t) "Recreational snowmobile trail improvement subaccount"
24 means the recreational snowmobile trail improvement subaccount of
25 the snowmobile account created in section 82110.

26 (u) "Right-of-way" means that portion of a highway or street
27 less the roadway and any shoulder.

1 (v) "Roadway" means that portion of a highway or street
2 improved, designated, or ordinarily used for vehicular travel. If a
3 highway or street includes 2 or more separate roadways, the term
4 roadway refers to any roadway separately, but not to all of the
5 roadways collectively.

6 (w) "Shoulder" means that portion of a highway or street on
7 either side of the roadway that is normally snowplowed for the
8 safety and convenience of vehicular traffic.

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

15 (y) "Snowmobile account" means the snowmobile account of the
16 Michigan conservation and recreation legacy fund provided for in
17 section 2025.

18 (z) "Snowmobile registration fee subaccount" means the
19 snowmobile registration fee subaccount of the snowmobile account
20 created in section 82111.

21 (aa) "Zone 1" means all of the Upper Peninsula.

22 (bb) "Zone 2" means all of that part of the Lower Peninsula
23 north of a line beginning at and drawn from a point on the
24 Michigan-Wisconsin boundary line due west of the westerly terminus
25 of River road in Muskegon county; thence due east to the westerly
26 terminus of River road; thence north and east along the center line
27 of the River road to its intersection with highway M-120; thence

1 northeasterly and easterly along the center line of highway M-120
2 to the junction of highway M-20; thence easterly along the center
3 line of M-20 to its junction with US-10 at the Midland-Bay county
4 line; thence easterly along the center line of the "business route"
5 of highway US-10 to the intersection of Garfield road in Bay
6 county; thence north along the center line of Garfield road to the
7 intersection of the Pinconning road; thence east along the center
8 line of Pinconning road to the intersection of the Seven Mile road;
9 thence north along the center of the Seven Mile road to the Bay-
10 Arenac county line; thence north along the center line of the
11 Lincoln School road (county road 25) in Arenac county to the
12 intersection of highway M-61; thence east along the center line of
13 highway M-61 to the junction of highway US-23; thence northerly and
14 easterly along the center line of highway US-23 to the center line
15 of the Au Gres river; thence southerly along the center line of the
16 river to its junction with Saginaw Bay of Lake Huron; thence north
17 78° east to the international boundary line between the United
18 States and the Dominion of Canada.

19 (cc) "Zone 3" means all of that part of the Lower Peninsula
20 south of the line described in subdivision (bb).

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. 92 or House Bill No. ____ (request no.
25 00913'15 *) of the 98th Legislature is enacted into law.