

# SENATE BILL No. 552

September 13, 2017, Introduced by Senator HANSEN and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81114 and 81116 (MCL 324.81114 and 324.81116), section 81114 as amended by 2015 PA 77 and section 81116 as amended by 2013 PA 75.

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

1           Sec. 81114. (1) The secretary of state shall make available to  
2 the public records maintained under this part, other than those  
3 declared to be confidential by law or that are restricted by law  
4 from disclosure to the public, under procedures prescribed in this  
5 part and in the freedom of information act, 1976 PA 442, MCL 15.231  
6 to 15.246.

7           (2) The secretary of state may provide a commercial lookup  
8 service of ORV operation, title, and registration records

1 maintained under this part. For each individual record looked up,  
2 the secretary of state shall charge a fee specified annually by the  
3 legislature, or if none, a market-based price established by the  
4 secretary of state. The secretary of state shall process a  
5 commercial lookup request only if the request is in a form or  
6 format prescribed by the secretary of state. The secretary of state  
7 shall credit fees collected under this subsection ~~on and after~~  
8 ~~October 1, 2005~~ to the transportation administration collection  
9 fund created in section 810b of the Michigan vehicle code, 1949 PA  
10 300, MCL 257.810b, through October 1, ~~2019~~ 2024.

11 (3) The secretary of state shall create and maintain a  
12 computerized central file that includes the information contained  
13 on application forms received under this part and the name of each  
14 person who is convicted of an offense, who fails to comply with an  
15 order or judgment issued, or against whom an order is entered under  
16 this part. The computerized central file shall be interfaced with  
17 the law enforcement information network as provided in the C.J.I.S.  
18 policy council act, 1974 PA 163, MCL 28.211 to 28.215.

19 (4) The secretary of state may purge a record of an ORV  
20 certificate of title and any record pertaining to it 7 years after  
21 the title was issued or the record was made or received.

22 (5) The secretary of state shall not provide an entire  
23 computerized central or other file of records maintained under this  
24 part to a nongovernmental person or entity unless the purchaser  
25 pays the prescribed fee or price for each individual record  
26 contained within the computerized file.

27 (6) A certified copy of an order, record, or paper maintained

1 under this part is admissible in evidence in the same manner as the  
2 original and is prima facie proof of the facts stated in the  
3 original.

4 Sec. 81116. (1) The owner of an ORV requiring licensure under  
5 this part shall file an application for a license with the  
6 department or a dealer on forms provided by the department. If an  
7 ORV is sold by a dealer, the application for a license shall be  
8 submitted to the department by the dealer in the name of the owner.  
9 The application shall include a certification. The owner of the  
10 vehicle shall sign the application or, if the application is filed  
11 electronically, provide information requested by the department to  
12 verify the owner's identity. The application shall be accompanied  
13 by a fee as provided in subsection (2). A person shall not file an  
14 application for a license that contains false information. Upon  
15 receipt of the application in approved form and upon payment of the  
16 appropriate fee, the department or dealer shall issue to the  
17 applicant a license. ~~which is valid for the 12-month period for~~  
18 ~~which it is issued.~~ A license shall be issued **AND IS VALID** for the  
19 12-month period beginning April 1 and ending March 31 each year.

20 (2) The fee for a license is as follows:

21 ~~— (a) For a license valid for the 12-month period beginning~~  
22 ~~April 1, 2013, \$16.25.~~

23 **(A)** ~~(b) For a license valid for a 12-month period beginning~~  
24 ~~April 1, 2014, 2015, 2016, 2017, or 2018 and that~~ **EXCEPT AS**  
25 **PROVIDED IN SUBDIVISION (C), IF THE LICENSE** does not authorize  
26 operation of the ORV on state ORV trails, \$26.25.

27 **(B)** ~~(c) For a license valid for a 12-month period beginning~~

1 ~~April 1, 2014, 2015, 2016, 2017, or 2018 and that~~ **EXCEPT AS**  
2 **PROVIDED IN SUBDIVISION (C), IF THE LICENSE** authorizes operation of  
3 the ORV on state ORV trails, \$36.25.

4 (C) ~~(d)~~ For a license valid for a 12-month period beginning  
5 April 1, ~~2019~~**2024** or a subsequent April 1, no fee.

6 (3) Dealers may purchase from the department ORV licenses for  
7 resale to owners of vehicles requiring licensure under this part.  
8 The department shall refund to dealers the purchase price of any  
9 ORV licenses returned within 90 days after the end of the 12-month  
10 period for which they were valid. A dealer shall maintain and  
11 provide to the department records of ORV license sales on forms  
12 provided by the department. In addition to the sale of ORV  
13 licenses, a dealer engaged in the sale, lease, or rental of ORVs as  
14 a regular business may sell any other license or permit authorized  
15 by the department to be sold by other dealers under the statutes of  
16 this state.

17 (4) ~~The~~ **BEFORE A VEHICLE REQUIRING AN ORV LICENSE IS OPERATED,**  
18 **THE OWNER SHALL ENSURE THAT A** license shall ~~be~~ **IS** permanently  
19 attached to the vehicle in the manner prescribed and in the  
20 location designated by the department. ~~before the vehicle may~~  
21 ~~legally be operated in accordance with this part.~~

22 (5) If at the time of sale the purchaser certifies on a form  
23 provided by the department that the purchased vehicle otherwise  
24 requiring a license under this part will be used and stored outside  
25 of this state and will not be returned by the purchaser to this  
26 state for use, then a license is not required.

27 (6) If a license acquired by the owner of an ORV is lost or

1 destroyed, the department shall provide that person with a  
2 replacement license free of charge. The department may require a  
3 person requesting a replacement license to supply sufficient  
4 evidence of the loss or destruction of the original license.

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