

Legislative Analysis



PROHIBIT VEHICLES OTHER THAN SNOWMOBILES ON SNOWMOBILE TRAILS

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<http://www.house.mi.gov/hfa>

House Bill 4535 (proposed substitute H-1)
House Bill 4536 as introduced
Sponsor: Rep. Ken Borton
Committee: Natural Resources and Outdoor Recreation
Complete to 6-16-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4535 would amend the Natural Resources and Environmental Protection Act (NREPA) to prohibit a motor vehicle other than a snowmobile from operating on certain trails from December 1 through March 31. House Bill 4536 would amend the Revised Judicature Act to reflect the changes to NREPA that would be made by House Bill 4535.

House Bill 4535 would add section 82163 to Part 821 (Snowmobiles) of NREPA to prohibit a person from operating a motor vehicle other than a snowmobile on a trail from December 1 through March 31 of every year if both of the following apply:

- The trail is part of the statewide trail network established under NREPA¹ and is designated for snowmobile use.
- The trail is snow-covered, and the snow is groomed for snowmobile use.

Snowmobile would be amended by the bill to mean a vehicle that is engine-driven, has an endless belt tread, was originally manufactured solely for operation over snow, and is steered by two sled-type runners or skis that are in contact with the snow, with a distance of not more than 48 inches (except for a *historic snowmobile*) between the centers of the spindles. Snowmobile would not include an off-road vehicle (ORV) that requires a license under NREPA or a vehicle required to be licensed under the Michigan Vehicle Code.

Historic snowmobile means a snowmobile over 25 years old that is owned solely as a collector's item and for occasional use and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing.

The new section would allow for exceptions from the above prohibition in the following circumstances:

- If the motor vehicle is being used for emergency or law enforcement purposes.
- If the motor vehicle is being used for approved grooming activities on the trail.
- If the portion of the snowmobile trail on which the vehicle is operated is a crossing with a highway or street or a trail where operation of the vehicle is otherwise authorized.
- If and to the extent that the Department of Natural Resources (DNR) waives the prohibition for department-sponsored events or other circumstances as determined by the director of the department or the director's designee.

¹ MCL 324.72114: <http://legislature.mi.gov/doc.aspx?mcl-324-72114>

A person who violates the new section would be responsible for a state civil infraction and could be ordered to pay a civil fine of up to \$200. A fine resulting from a violation of the new section would be deposited into the Recreational Snowmobile Trail Improvement Subaccount, in addition to its current funding sources.

Additionally, section 82110 now requires \$5 of each fee collected under section 82105 to be deposited into the Recreational Snowmobile Trail Improvement Subaccount. The bill would remove this provision and instead require that a portion of each registration fee collected for a historic snowmobile under section 82106 be deposited into the subaccount.²

MCL 324.82101 and 324.82110 and proposed MCL 324.82163

House Bill 4536 would exempt the civil fine collected for a violation of section 82163 of NREPA from being used to support public libraries and county law libraries in Michigan.

Currently under the act, all civil fines of a state statute are exclusively applied to the support of public libraries and county law libraries. The bill would allow the civil fines collected for a violation of the new NREPA section to be deposited into the Recreational Snowmobile Trail Improvement Subaccount.

MCL 600.8831

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

FISCAL IMPACT:

House Bill 4535 may increase revenue for the Department of Natural Resources by expanding the conditions under which revenue is generated for the Snowmobile Trail Improvement Fund. This fund has averaged \$8.8 million in annual revenue over the past five fiscal years. The department uses the fund primarily to support the Snowmobile Local Grants Program, which provides grants to local units of government, snowmobile clubs, and other organizations to maintain and expand the state's snowmobile trail system; this program was appropriated at \$8.1 million in FY 2020-21. The bill is unlikely to affect departmental costs, beyond a possible increase to DNR law enforcement contingent upon the extent of additional regulatory responsibility. The bill is unlikely to directly affect local government revenues or costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² Section 82106 provides for allocation of fees: <http://legislature.mi.gov/doc.aspx?mcl-324-82106>