

**SUBSTITUTE FOR
HOUSE BILL NO. 4535**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82101 and 82110 (MCL 324.82101 and 324.82110),
section 82101 as amended by 2020 PA 385 and section 82110 as
amended by 2004 PA 587, and by adding section 82163.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 82101. As used in this part:
- 2 (a) "Alcoholic liquor" means that term as defined in section
- 3 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.
- 4 (b) "Auction" means the sale or offer for sale by bidding of
- 5 real or personal property at a public or private location.
- 6 (c) "Auctioneer" means a person that is engaged in the
- 7 business of conducting auctions or that offers to conduct an

1 auction for compensation.

2 (d) "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 (e) "Dealer" means any person engaged in the sale, lease, or
8 rental of snowmobiles as a regular business, other than an
9 auctioneer.

10 (f) "Former section 15a" means section 15a of former 1968 PA
11 74, as constituted before May 1, 1994.

12 (g) "Highly restricted personal information" means an
13 individual's photograph or image, Social Security number, digitized
14 signature, and medical and disability information.

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

18 (i) "Historic snowmobile" means a snowmobile that is over 25
19 years old and that is owned solely as a collector's item and for
20 occasional use and for participation in club activities,
21 exhibitions, tours, parades, and similar uses, including mechanical
22 testing.

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

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

29 (i) Another state.

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

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

3 (iv) A local unit of government in a province or territory of
4 Canada.

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

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

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

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

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

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

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

18 (i) A sheriff.

19 (ii) A sheriff's deputy.

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

23 (iv) A village or township marshal.

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

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

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

28 (viii) A law enforcement officer who is licensed or certified

1 under the Michigan commission on law enforcement standards act,
2 1965 PA 203, MCL 28.601 to 28.615, and is policing within his or
3 her jurisdiction.

4 (p) "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 (q) "Prior conviction" means a conviction for any of the
12 following, whether under a law of this state, a local ordinance
13 substantially corresponding to a law of this state, a law of the
14 United States substantially corresponding to a law of this state,
15 or a law of another state substantially corresponding to a law of
16 this state:

17 (i) A violation or an attempted violation of section 82127(1),
18 (3), (4), (5), (6), or (7), except that only 1 violation or
19 attempted violation of section 82127(6), a local ordinance
20 substantially corresponding to section 82127(6), or a law of
21 another state substantially corresponding to section 82127(6), or a
22 law of the United States substantially corresponding to section
23 82127(6) may be used as a prior conviction other than for
24 enhancement purposes as provided in section 82129a(1)(b).

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

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

29 (iv) Former section 15a.

1 (r) "Probate court or family division disposition" means the
 2 entry of a probate court order of disposition or family division
 3 order of disposition for a child found to be within the provisions
 4 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
 5 712A.1 to 712A.32.

6 (s) "Prosecuting attorney", unless the context requires
 7 otherwise, means the attorney general, the prosecuting attorney of
 8 a county, or the attorney representing a local unit of government.

9 (t) "Recreational snowmobile trail improvement subaccount"
 10 means the recreational snowmobile trail improvement subaccount of
 11 the snowmobile account created in section 82110.

12 (u) "Right-of-way" means that portion of a highway or street
 13 not including the roadway and any shoulder.

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

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

22 (x) "Snowmobile", **subject to subdivision (y)**, means ~~any motor-~~
 23 ~~driven vehicle that is designed for travel primarily on snow or ice~~
 24 ~~and that utilizes sled type runners or skis, an endless belt tread,~~
 25 ~~or any combination of these or other similar means of contact with~~
 26 ~~the surface upon which it is operated, but is not a vehicle that~~
 27 ~~must~~ **a vehicle that meets all of the following requirements:**

28 (i) **Is engine-driven.**

29 (ii) **Has an endless belt tread.**

1 **(iii) Was originally manufactured solely for operation over**
2 snow.

3 **(iv) Is steered by 2 sled-type runners or skis that are in**
4 contact with the snow and the distance between the centers of the
5 spindles of which is, except for a historic snowmobile, not more
6 than 48 inches.

7 **(y) Snowmobile does not include any of the following:**

8 **(i) An ORV required to be licensed under section 81115.**

9 **(ii) A vehicle required to be registered under the Michigan**
10 vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

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

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

17 **(bb) ~~(aa)~~"Specialty court program"** means a program under any
18 of the following:

19 **(i) A drug treatment court, as defined in section 1060 of the**
20 revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which
21 the participant is an adult.

22 **(ii) A DWI/sobriety court, as defined in section 1084 of the**
23 revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

24 **(iii) A hybrid of the programs under subparagraphs (i) and (ii).**

25 **(iv) A mental health court as defined in section 1090 of the**
26 revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

27 **(v) A veterans treatment court, as defined in section 1200 of**
28 the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

29 **(cc) ~~(bb)~~"Zone 1"** means all of the Upper Peninsula.

1 **(dd)** ~~(ee)~~ "Zone 2" means all of that part of the Lower
2 Peninsula north of a line beginning at and drawn from a point on
3 the Michigan-Wisconsin boundary line due west of the westerly
4 terminus of River Road in Muskegon County; thence due east to the
5 westerly terminus of River Road; thence north and east along the
6 center line of the River Road to its intersection with highway M-
7 120; thence northeasterly and easterly along the center line of
8 highway M-120 to the junction of highway M-20; thence easterly
9 along the center line of M-20 to its junction with US-10 at the
10 Midland-Bay County line; thence easterly along the center line of
11 the "business route" of highway US-10 to the intersection of
12 Garfield Road in Bay County; thence north along the center line of
13 Garfield Road to the intersection of the Pinconning Road; thence
14 east along the center line of Pinconning Road to the intersection
15 of the Seven Mile Road; thence north along the center of the Seven
16 Mile Road to the Bay-Arenac County line; thence north along the
17 center line of the Lincoln School Road (county road 25) in Arenac
18 County to the intersection of highway M-61; thence east along the
19 center line of highway M-61 to the junction of highway US-23;
20 thence northerly and easterly along the center line of highway US-
21 23 to the center line of the Au Gres River; thence southerly along
22 the center line of the river to its junction with Saginaw Bay of
23 Lake Huron; thence north 78° east to the international boundary
24 line between the United States and the Dominion of Canada.

25 **(ee)** ~~(dd)~~ "Zone 3" means all of that part of the Lower
26 Peninsula south of the line described in subdivision ~~(bb)~~ **(dd)** .

27 Sec. 82110. (1) The recreational snowmobile trail improvement
28 subaccount is created as a subaccount of the snowmobile account.
29 Money in the subaccount shall be used upon appropriation solely for

1 the improvement of snowmobile trails and other nonconflicting
2 recreational purposes.

3 ~~(2) Five dollars of each fee collected under section 82105, a~~

4 **(2) All of the following shall be deposited in the**
5 **recreational snowmobile trail improvement subaccount:**

6 **(a) A portion of each registration fee collected for a**
7 **historic snowmobile as provided under section 82106.**

8 **(b) A portion of each trail permit fee collected as provided**
9 **under section 82118. ~~and not~~**

10 **(c) Not** less than 80% of the revenue from the fees collected
11 under sections 82114 and 82115.

12 **(d) Fines collected under section 82163. ~~shall be deposited in~~
13 ~~the recreational snowmobile trail improvement subaccount.~~**

14 (3) The department shall promulgate rules for the
15 administration of the recreational snowmobile trail improvement
16 subaccount.

17 (4) All funds allocated under this part shall be for projects
18 that are open to the public.

19 **Sec. 82163. (1) Subject to subsection (2), during the period**
20 **from December 1 through March 31 annually, a person shall not**
21 **operate a motor vehicle other than a snowmobile on a trail if both**
22 **of the following apply:**

23 **(a) The trail is part of the statewide trail network**
24 **established under section 72114 and is designated for snowmobile**
25 **use.**

26 **(b) The trail is snow covered, and the snow is groomed for**
27 **snowmobile use.**

28 **(2) Subsection (1) does not apply under any of the following**
29 **circumstances:**

1 (a) If the motor vehicle is being used for emergency or law
2 enforcement purposes.

3 (b) If the motor vehicle is being used for approved grooming
4 activities on the trail.

5 (c) If the portion of the snowmobile trail on which the motor
6 vehicle is operated is a crossing with a highway or street or a
7 trail where operation of the motor vehicle is otherwise authorized.

8 (d) If and to the extent that the department waives the
9 prohibition for department-sponsored events or other circumstances
10 as determined by the director or the director's designee.

11 (3) A person who violates subsection (1) is responsible for a
12 state civil infraction and may be ordered to pay a civil fine of
13 not more than \$200.00. A fine collected under this section shall be
14 deposited in the recreational snowmobile trail improvement
15 subaccount.

16 (4) As used in this section, "motor vehicle" means any vehicle
17 that is self-propelled. However, motor vehicle does not include a
18 power-driven mobility device, as defined in section 43c of the
19 Michigan vehicle code, 1949 PA 300, MCL 257.43c, when that power-
20 driven mobility device is being used by an individual with a
21 mobility disability.

22 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 4536 of the 101st Legislature is enacted into
24 law.