

HOUSE BILL No. 5087

June 11, 2009, Introduced by Rep. Sheltroun and referred to the Committee on Tourism,
Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 81101 (MCL 324.81101), as amended by 2004 PA
587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81101. As used in this part:

2 (a) "ATV" means a 3-, ~~or 4-~~, OR 6-wheeled vehicle designed for
3 off-road use that has low-pressure tires, has a seat designed to be
4 straddled by the rider, and is powered by a 50cc to ~~500cc~~1,000CC
5 gasoline engine or an engine of comparable size using other fuels.

6 (b) "Code" means the Michigan vehicle code, 1949 PA 300, MCL
7 257.1 to 257.923.

8 (c) "Dealer" means a person engaged in the sale, lease, or

1 rental of an ORV as a regular business or, for purposes of selling
2 licenses under section 81116, any other person authorized by the
3 department to sell licenses or permits, or both, under this act.

4 (d) "Designated", unless the context implies otherwise, means
5 posted open for ORV use with appropriate signs by the department.

6 (e) "Forest road" means a hard surfaced road, gravel or dirt
7 road, or other route capable of travel by a 2-wheel drive, 4-wheel
8 conventional vehicle designed for highway use, except an
9 interstate, state, or county highway.

10 (f) "Forest trail" means a designated path or way capable of
11 travel only by a vehicle less than 50 inches in width.

12 (g) "Highway" means the entire width between the boundary
13 lines of a way publicly maintained when any part of the way is open
14 to the use of the public for purposes of vehicular travel.

15 (h) "Highly restricted personal information" means an
16 individual's photograph or image, social security number, digitized
17 signature, and medical and disability information.

18 (i) "Late model ORV" means an ORV manufactured in the current
19 model year or the 5 model years immediately preceding the current
20 model year.

21 (j) "Manufacturer" means a person, partnership, corporation,
22 or association engaged in the production and manufacture of ORVs as
23 a regular business.

24 (k) "Off-road vehicle account" means the off-road vehicle
25 account of the Michigan conservation and recreation legacy fund
26 provided for in section 2015.

27 (l) "Operate" means to ride in or on, and be in actual physical

1 control of, the operation of an ORV.

2 (m) "Operator" means a person who operates or is in actual
3 physical control of the operation of an ORV.

4 (n) "ORV" or "vehicle" means a motor-driven off-road
5 recreation vehicle capable of cross-country travel without benefit
6 of a road or trail, on or immediately over land, snow, ice, marsh,
7 swampland, or other natural terrain. ORV or vehicle includes, but
8 is not limited to, a multitrack or multiwheel drive vehicle, an
9 ATV, a motorcycle or related 2-wheel, 3-wheel, ~~or~~ 4-wheel, **OR 6-**
10 **WHEEL** vehicle, an amphibious machine, a ground effect air cushion
11 vehicle, or other means of transportation deriving motive power
12 from a source other than muscle or wind. ORV or vehicle does not
13 include a registered snowmobile, a farm vehicle being used for
14 farming, a vehicle used for military, fire, emergency, or law
15 enforcement purposes, a vehicle owned and operated by a utility
16 company or an oil or gas company when performing maintenance on its
17 facilities or on property over which it has an easement, a
18 construction or logging vehicle used in performance of its common
19 function, or a registered aircraft.

20 (o) "Owner" means any of the following:

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

26 (ii) A person renting an ORV, or having the exclusive use of an
27 ORV, for more than 30 days.

1 (iii) A person who holds legal ownership of an ORV.

2 (p) "Person with disabilities" means a person who has 1 or
3 more of the following physical characteristics:

4 (i) Blindness.

5 (ii) Inability to ambulate more than 200 feet without having to
6 stop and rest during any time of the year.

7 (iii) Loss of use of 1 or both legs or feet.

8 (iv) Inability to ambulate without the prolonged use of a
9 wheelchair, walker, crutches, braces, or other device required to
10 aid mobility.

11 (v) A lung disease from which the person's expiratory volume
12 for 1 second, when measured by spirometry, is less than 1 liter, or
13 from which the person's arterial oxygen tension is less than 60
14 mm/hg of room air at rest.

15 (vi) A cardiovascular disease from which the person measures
16 between 3 and 4 on the New York heart classification scale, or from
17 which a marked limitation of physical activity causes fatigue,
18 palpitation, dyspnea, or anginal pain.

19 (vii) Other diagnosed disease or disorder including, but not
20 limited to, severe arthritis or a neurological or orthopedic
21 impairment that creates a severe mobility limitation.

22 (q) "Personal information" means information that identifies
23 an individual, including an individual's driver identification
24 number, name, address not including zip code, and telephone number,
25 but does not include information on ORV operation or equipment-
26 related violations or civil infractions, operator or vehicle
27 registration status, accidents, or other behaviorally-related

1 information.

2 (r) "Public agency" means the department or a local or federal
3 unit of government.

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

8 (t) "Route" means a forest road or other road that is
9 designated for purposes of this part by the department.

10 (u) "Safety chief instructor" means a person who has been
11 certified by a nationally recognized ATV and ORV organization to
12 certify instructors and to do on-sight evaluations of instructors.

13 (v) "Visual supervision" means the direct observation of the
14 operator with the unaided or normally corrected eye, where the
15 observer is able to come to the immediate aid of the operator.