



**House
Legislative
Analysis
Section**

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ALL-TERRAIN VEHICLES

**Senate Bill 93 (Substitute H-2)
First Analysis (5-22-89)**

**Sponsor: Sen. John J. H. Schwarz, M.D.
Senate Committee: Health Policy
House Committee: Transportation**

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THE APPARENT PROBLEM:

Public Act 319 of 1975 provides for the registration and regulation of off-road vehicles (ORVs). The act was intended to address the possible conflict between ORV use and land management practices, environmental interests, and other recreational activities, as well as to protect the safety of ORV operators. Over the past 15 years ORV use has risen dramatically and operator safety has received heightened attention. Of particular concern is the increase in injuries and deaths associated with all-terrain vehicles (ATVs) — a type of ORV that generally has three or four low-pressure tires, handlebars for steering, and a seat designed to be straddled by the rider. The Specialty Vehicle Institute of America reports the estimated number of ATVs in use grew from 1.6 to 1.7 million in 1984, and from 2.3 to 2.4 million in 1986 nationwide. During that time, according to the Consumer Product Safety Commission (CPSC), ATV-related injuries rose from approximately 26,900 in 1983 to 63,900 in 1984, and between 1982 and September 1988 there were 1,186 ATV-related deaths, including 67 in Michigan. CPSC figures also show that 46 percent of those injured in ATV accidents were under 16 years old. Although state law restricts the use of ORVs by children under age 16, the law does not differentiate between ATVs and other ORVs. In addition, although three-wheeled ATVs are no longer manufactured many are still in operation, and some people believe children should be severely restricted from using them. Other ATV safety issues, such as riders' use of protective equipment, operating while under the influence of alcohol, and related concerns should also be addressed.

THE CONTENT OF THE BILL:

The bill would amend Public Act 319 of 1975 to impose new restrictions on the operation of ORVs and ATVs by minors, and establish provisions for ORV operation that would parallel Michigan's drunk driving laws.

Operators' Age Requirements. The bill would establish separate age requirements for the operation of ORVs and ATVs, and would amend the definition of "ORV" specifically to include ATVs. ("ORV" currently means "a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over . . . natural terrain.") The bill would define "ATV" as a three- or four-wheeled vehicle designed for off-road use with a seat designed to be straddled by the rider, and powered by a 50cc to 500cc gasoline (or other type of fuel) engine.

Under current law, a parent or legal guardian, or an owner or person in charge of an ORV, cannot permit a child under 12 to operate the vehicle without direct adult supervision, although a parent or guardian can allow a child under 12 to operate an ORV on land owned or controlled by the parent or legal guardian. The bill would specify the following restrictions:

- a parent or legal guardian of a child could not permit the child to operate a vehicle if a) the child were less than 16 years old and the vehicle was a three-wheeled ATV, or b) the child were less than 12 years old and the vehicle was a 4-wheeled ATV that was powered by an engine larger than 80cc;
- an owner or person in charge of an ORV could not knowingly permit a child to operate a vehicle if a) the child were less than 16 years old and the vehicle was a three-wheeled ATV, or b) the child were less than 12 years old and the vehicle was a four-wheeled ATV powered by an engine larger than 80cc. These restrictions, however, would not apply to the operation of ATVs used in agricultural operations.

A parent or legal guardian, or an owner or person in charge of an ORV, however, could allow a child less than 16 years old to operate an ORV if a) the child was on land owned by or under the control of the parent, legal guardian, or vehicle owner, or b) the child was under the direct visual supervision of an adult and possessed an ORV safety certificate issued pursuant to the act or a comparable ORV safety certificate issued by another state or a Canadian province.

Safety Program Moved from DNR to DOE Supervision. The act requires the Department of Natural Resources (DNR) to implement a comprehensive ORV information, safety education, and training program for training youthful operators and issuing ORV safety certificates. The bill would put the ORV safety program under the authority of the Department of Education (DOE), and would permit the department to consult with the DNR and the Department of State (as well as other public and private groups) to implement and oversee the program. The education department would implement rules pursuant to the Administrative Procedures Act to implement the duties currently under DNR purview.

Children at least 12 years old but under 16 must have a safety certificate issued by the DNR (under the bill, by the DOE), or another state or province of Canada, to operate an ORV unless they are supervised by an adult or are on land owned or controlled by a parent or guardian. The bill would prohibit a child, regardless of whether he or she had an appropriate certificate, was supervised, or was on private land, from driving a vehicle if a) the child was less than 16 years old and the vehicle was a three-wheeled ATV, or b) the child was less than 12 years old and the vehicle was a 4-wheeled ATV powered by an engine larger than 80cc. The act requires an ORV operator to present an ORV safety certificate to a peace officer upon demand. The bill specifies this requirement would not take effect until six months after the date rules were promulgated by the DOE.

Helmets. A person could not operate an ORV unless the person and any passenger in or on the vehicle were wearing a crash helmet and protective eyewear approved

by the Department of State Police. This provision would not apply if the vehicle were equipped with a roof that met or exceeded standards for a crash helmet and the operator and each passenger were wearing a properly adjusted and fastened safety belt.

Dealer Registration/Temporary Permits/Fees. The act generally requires an ORV owner to register an ORV unless the vehicle is operated exclusively on land owned or controlled by the vehicle owner. Under the bill, if an ORV were sold by a dealer the registration application would have to be submitted by the dealer in the owner's name. A dealer who failed to do so would be guilty of a misdemeanor and could be punished up to 90 days' imprisonment, up to a \$100 fine, or both. A dealer who submitted a registration application could issue the owner a 15 day temporary permit for use of the vehicle while the registration was being processed. Dealers also could issue a 15 day permit for a vehicle purchased in the state and delivered to the purchaser for removal out of the state, if the purchaser certified that the vehicle would be registered and primarily used and stored outside the state. Temporary permits could not be renewed or extended, and a person could not use or permit to be used a vehicle for which a temporary permit was issued unless the permit was valid and carried or displayed on the vehicle during its use, as prescribed by rule.

The bill would increase the three-year registration application fee from \$9 to \$15, and the transfer fee from \$2 to \$3. The registration fee required to be paid upon a transfer would be increased a) from \$6 to \$10, for a transferred registration which expires in one year or less, and b) from \$3 to \$5, for a transferred registration which expires in more than one year but less than two. The fee for a replacement certificate of registration would increase from \$2 to \$3, and the permit fee for an out-of-state ORV would increase from \$6 to \$10.

Operating Under the Influence. A person could not operate an ORV if a) the person were under the influence of intoxicating liquor or a "controlled substance," as defined in the Public Health Code (MCL 333.7104), or a combination of intoxicating liquor and a controlled substance, or b) if the person's blood alcohol content (BAC) was 0.10 percent or more. The owner or person in charge or control of an ORV could not authorize or knowingly permit the ORV to be operated by a person who was under the influence of intoxicating liquor or a controlled substance or a combination of the two. A person who was convicted of violating these restrictions would be guilty of a misdemeanor, punishable by imprisonment for up to 90 days, or a fine of at least \$100 and not more than \$500, or both, including prosecution costs. A second offense within seven years of the first conviction would constitute a misdemeanor and would be punishable by up to 1 year's imprisonment, a fine of up to \$1,000, or both. A third or subsequent conviction would be a felony. In addition to these penalties, a person convicted of operating an ORV while drunk could be ordered by a court not to operate an ORV for up to 2 years, and could be ordered to participate in an alcohol or drug education or treatment program.

Operating While Impaired. A person could not operate an ORV if, due to the consumption of intoxicating liquor, a controlled substance, or a combination of the two, the person had visibly impaired his or her ability to operate the vehicle. A finding of guilty would be permissible under this provision if a person were charged with violating drunk-driving provisions of the bill. A person convicted of violating this provision would be guilty of a misdemeanor,

and could be punished by imprisonment up to 90 days, or fined up to \$300, or both, plus prosecution costs. A person who violated this provision or a similar local law who also had one or more prior convictions under the bill or similar local laws, would be guilty of a misdemeanor and could be imprisoned up to one year, or fined up to \$1,000, or both.

Sampling/Testing. A sample or specimen of urine or breath would have to be taken and collected in a reasonable manner. Only a licensed physician, or licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, could withdraw blood to determine its alcohol content. Liability for a crime or civil damages predicated on the withdrawal of blood and related procedures would not attach to a qualified person who withdrew blood or assisted in the withdrawal in accordance with the bill unless the withdrawal were performed in a negligent manner. A person who was arrested and took a chemical test administered at the request of a peace officer would have to be given a reasonable opportunity to have a person of his or her own choosing administer one of the chemical tests within a reasonable time after his or her detention. Test results would be admissible and considered with other competent evidence in determining the defendant's innocence or guilt. If the person arrested were administered a chemical test by someone of his or her choosing, the person arrested would be responsible for obtaining a chemical analysis of the test sample. He or she would have to be informed of the right to demand that a person of his or her own choosing administer one of the chemical tests, that the test results would be admissible and would be considered with other competent evidence in determining innocence or guilt, and that he or she would be responsible for obtaining a chemical analysis of the test sample.

Chemical Test, Refusal. A person who operated an ORV would be considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the BAC or presence of a controlled substance in his or her blood, and could be requested by a peace officer to submit to chemical tests if the person were arrested for:

- operating an ORV while under the influence or impaired, or with a BAC of 0.10 percent or more;
- negligent homicide or manslaughter resulting from operating an ORV and the peace officer had reasonable grounds to believe the person was operating the ORV while impaired or under the influence.

A person who was afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician would not be considered to have given consent to blood withdrawal.

A person arrested would be advised that if the person refused the request of a peace officer to take a chemical test, that the test could not be given without a court order. The person arrested would also be advised that the person's refusal of the request of a peace officer to take a chemical test would result in the suspension of the person's right to operate an ORV. Further, a person who was requested to take a chemical test would have to be advised of the right to refuse to submit to chemical tests. If the person refused a peace officer's request to submit to a chemical test, a test could not be given without a court order. The bill specifies that the provisions on chemical

testing could not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not the defendant was impaired by or under the influence of intoxicating liquor or a controlled substance, or a combination of both, or whether the person had a BAC of 0.10 percent or more. If the prosecution or the defendant (in trial proceedings) requested a jury instruction regarding a defendant's test refusal, jury instruction would have to be given as specified in the bill.

If after an accident the operator of an ORV involved in the accident was transported to a medical facility and a sample of the operator's blood was withdrawn at that time for medical treatment purposes, the results of a chemical analysis of the sample would be admissible in a criminal prosecution for a crime committed under the bill to show the BAC or presence of a controlled substance, or both, in the person's blood at the time alleged, regardless of whether the person was offered or had refused a chemical test. The medical facility or person performing the chemical analysis would disclose the results to a prosecuting attorney who requested the results for use in trial proceedings. A medical facility or person disclosing information as specified would not be civilly or criminally liable for making the disclosure.

If after an accident the operator of an ORV involved in the accident was deceased, a sample of the decedent's blood would be withdrawn in a manner directed by the medical examiner for the purpose of determining BAC or the presence of a controlled substance, or both.

Preliminary Breath Test. If a peace officer had reasonable cause to believe a person was operating an ORV and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate the ORV, the officer could require the person to submit to a preliminary chemical breath analysis. The officer could arrest the person based entirely or partly upon the results of that analysis. The results of the preliminary analysis would be admissible in a criminal proceeding for operating an ORV while under the influence or impaired, or for negligent homicide or manslaughter resulting from operating an ORV, or in an administrative hearing, solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This provision would not limit the introduction of other competent evidence offered to establish the arrest's validity. A person who submitted to a preliminary breath test would remain subject to the bill's requirements relative to chemical testing, while a person who refused the test upon a lawful request would be responsible for a civil infraction. A civil infraction would be processed in the same manner as those issued under the Michigan Vehicle Code.

Admissible Evidence. In a criminal prosecution for operating an ORV while under the influence or impaired, or with a BAC of 0.10 percent or more, or for negligent homicide or manslaughter resulting from operating an ORV while impaired or under the influence, the BAC of the operator at the time alleged as shown by chemical analysis of the operator's blood, urine, or breath would be admissible into evidence. If a chemical test were given, test results would have to be made available to the accused or his or her attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution would have to furnish the report at least two days before the day of trial and the results would have to be offered as evidence by the prosecution in a criminal proceeding. Failure to comply fully with the request would

bar the admission of the results into evidence by the prosecution.

Except in a prosecution relating solely to operating an ORV with a BAC of 0.10 percent or more, the amount of alcohol in the operator's blood as shown by chemical analysis of his or her blood, urine, or breath would give rise to the following presumptions:

- if the BAC were 0.07 percent or less, that the operator was not under the influence of intoxicating liquor;
- if the BAC were above 0.07 percent but less than 0.10 percent, that the operator's ability to operate an ORV was impaired;
- if the BAC were 0.10 percent or more, that the operator was under the influence.

Suspend ORV Operation/Administrative Hearing. If a person refused the request of a peace officer to submit to a chemical test, the officer would have to give the secretary of state a written report stating that the officer had reasonable grounds to believe the person was operating an ORV while under the influence or impaired, and that the person refused the test and was advised of the refusal's consequences. Upon receiving a report, the secretary of state immediately would have to give the person written notice that the report had been received and that within 14 days the person could request an administrative hearing. The notice also would have to state that failure to request a hearing within 14 days would result in the suspension of the person's right to operate an ORV, that the person would be responsible for a civil fine, and that the person was not required to, but could, retain counsel for the hearing.

If a person did not request a hearing within 14 days, the secretary of state would have to suspend the person's right to operate an ORV for 6 months, or for a second or subsequent refusal within 7 years, for 1 year. If a hearing were requested, the secretary would have to appoint a hearing officer, and at least 10 days' notice would have to be given to the person making the request, the peace officer, and a prosecuting attorney of the county where the arrest was made if the prosecutor requested notice. The hearing officer could administer oaths and issue subpoenas for the attendance of necessary witnesses, and could grant a reasonable request for an adjournment.

A hearing could cover only the following issues:

- whether the peace officer had reasonable grounds to believe the person operated an ORV while under the influence or impaired, or committed negligent homicide or manslaughter resulting from operating an ORV;
- whether the person was arrested for one of these crimes;
- whether the person reasonably refused to submit to a chemical test upon the officer's request; and
- whether the person was advised of his or her rights described in the bill.

A hearing would have to be conducted in an impartial manner but would not be a contested case hearing under the Administrative Procedures Act (APA). A final decision or order of the hearing officer would be made in writing or stated on the record, have to include findings of fact based exclusively on the evidence presented and matters officially noticed, and specify any sanction to be imposed. A copy of the final decision or order would have to be sent to the person and the peace officer. After the hearing, if the person were found to have unreasonably refused a test, the secretary of state would have to suspend the person's right to operate an ORV for 6 months, or for a

second or subsequent refusal within 7 years, for 1 year. Within 60 days after the final decision or order, the person could petition the circuit court to review the suspension. The court's scope of review would be the same as the scope of review for contested case decisions (i.e. whether the decision or order violated the constitution or a statute, was not supported by competent material and substantial evidence, or was arbitrary, capricious or clearly an abuse of discretion). The court would have to hear the case within 60 days of the order.

The order, together with a copy of the petition, which would include the person's full name, current address, birth date, and driver's license number, and all supporting affidavits, would be served on the secretary of state's Lansing office at least 50 days before the hearing date. The Department of State would record the proceedings, and the record would be prepared and transcribed according to APA procedures. Upon being notified of the filing of a judicial review petition, the department would transmit to the court in which the petition was filed, at least 10 days before the matter was set for review, the original or a certified copy of the proceedings' official record.

Other Provisions. The bill specifies that, in a court action in the state in which competent evidence demonstrated that a motor vehicle was in a collision with an ORV on a roadway, the ORV operator would have to be considered "prima facie negligent" (that is, would be presumed negligent). A person would be prohibited from operating an ORV while transporting or possessing, in or on the vehicle, alcoholic liquor in a container that was open or uncapped or that had a broken seal, unless the container were in a trunk or compartment separate from the vehicle's passenger compartment, or, if the vehicle did not have a trunk or separate compartment, unless the container were encased or enclosed.

The act provides that a person who violates the act is guilty of a misdemeanor. Under the bill, except as otherwise specified, a person would be subject to imprisonment for up to 90 days, a maximum fine of \$500, or both, for each violation. However, for operating an ORV while one's right to do so was suspended, the maximum fine would be \$1,000.

If a peace officer had reasonable cause to believe a person, at the time of an accident, was operating an ORV while his or her ability to do so was impaired due to the consumption of intoxicating liquor, a controlled substance, or both, the peace officer could arrest the alleged operator without a warrant. (The act currently allows for the warrantless arrest of a person suspected of operating an ORV while under the influence.) Under the bill, a medical facility to which a person injured in an ORV accident was taken would have to report the accident to "any law enforcement agency." (The act currently requires a police report concerning an ORV accident to be sent to the Department of State Police.) The bill would require a police report to be sent to the DNR, too. In cooperation with the DNR, the state police would have to collect and evaluate information concerning ORV accidents. The DNR would disseminate information to its field officers and to state and local law enforcement agencies on a uniform interpretation of the act and each officer's responsibilities in enforcing the act.

MCL 257.1617 et al.

HOUSE COMMITTEE ACTION:

The House Committee on Transportation adopted a substitute for the bill that generally would provide for lower age restrictions for ORV operators than specified under the Senate-passed version, and altered various provisions relative to direct adult supervision and requirements for education before children of certain ages could operate certain ATVs. Also, the House substitute would specify that the age restrictions on operators would not apply when an ATV was used in "agricultural operations." The House substitute would provide for lower penalties and fines relative to drunk-driving convictions to make the bill conform to current drunk-driving provisions within the Michigan Vehicle Code. Also, the House substitute removed language from the Senate-passed version which would specify that a refusal to take a chemical test (except in serious injury/death-incurred accidents, or for certain medical reasons) would be admissible as evidence. The House substitute would transfer responsibility for implementing/operating an ORV safety program from the DNR to the DOE. Further, the House substitute would require a medical facility that received an injured ORV operator to report the ORV accident to "any law enforcement agency," rather than to the state police.

BACKGROUND INFORMATION:

According to the Science and Technology Division of the Legislative Service Bureau, ATV manufacturers and the federal government signed a consent decree in March 1988 that required manufacturers to stop selling new three-wheeled ATVs after that date, and provided the following:

- Manufacturers must mail a supplemental owner's manual and warning labels to all registered owners of three- and four-wheeled ATVs. The labels must include hazard information and warn against operating an ATV with a passenger, on paved surfaces, on public roads, and without a helmet and protective clothing.
- Manufacturers must make a major effort to provide training to all new purchasers of ATVs, and include incentives to purchasers to participate in the training programs.
- All new machines must sport warning labels.
- Manufacturers must have undertaken an \$8-\$10 million advertising campaign promoting the safe use of ATVs.
- Manufacturers are devising, with CPSC cooperation, voluntary standards for ATVs, including controls, displays, braking, and labeling standards, as well as standards for lateral stability.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have an undetermined fiscal impact on state and local units of government. Court and local enforcement costs would depend on the number of second and third time offenders and the number of violations, respectively. (3-29-89) The Department of State said the bill's fee increases would increase revenues, but said the amount of increase could not be determined at this time. According to the Department of Natural Resources, because its oversight of the ORV safety program would be transferred to the Department of Education, the DNR would save approximately \$25,000 annually (which covers the cost of class materials and paying for conservation officers to teach the classes) under the bill. The Department of

Education said its costs to implement and operate the program could not be determined at this time. (5-19-89)

ARGUMENTS:

For:

ORV use can be a safe, legitimate, and entertaining form of individual and family-oriented outdoor recreation, but only when vehicle operators know how to properly handle these large and potentially harmful "toys." Because of the large number of deaths and injuries incurred from ORV use, particularly from ATVs, since their rise in popularity over the last 15 years, some groups have suggested that ATVs be outright banned. This bill, however, offers a more sensible approach by requiring that children under 16 — who are, statistically, more likely to be involved in serious or fatal ATV accidents than those more physically mature — receive the proper training before they could operate an ORV. The bill would strictly prohibit children under 16 from operating three-wheeled ATVs, which have proved to be far too unstable for younger, light-weight riders, and would provide sanctions for adults who allowed minors or untrained children to operate certain types of ORVs. Younger ORV operators would also have to be supervised by adults under the bill. In addition, by requiring all ORV operators and passengers to wear a crash helmet and state police-approved protective eyewear (unless a vehicle were enclosed and individuals wore seatbelts), the bill could dramatically improve the safety of ORV recreation. According to a Department of State analysis of the bill, the CPSC estimates that 25 percent of those who received fatal head wounds in ATV accidents would have survived had properly fitted safety gear been worn. The bill provides sufficient age limits and educational requirements for operators of certain ORVs, but recognizes that most youths by the age of 16 have acquired the strength, emotional stability, and plain common sense to control these vehicles.

For:

The Consumer Product Safety Commission has reported that 30 percent of all fatal ATV accidents were associated with alcohol use. Although state law currently prohibits a person from operating an ORV while under the influence of alcohol, a controlled substance, or a combination of the two, the bill would enact much more comprehensive drunk driving provisions. These include sanctions for operating an ORV while under the influence or impaired, and provisions for chemical analysis, implied consent, admissibility of test refusals in certain cases (serious injury/fatal accidents), the suspension of operating privileges, and the imposition of various fines and/or prison terms. These provisions would parallel stringent drunk driving laws currently found in the Michigan Vehicle Code.

For:

The bill would incorporate a number of recommendations made by the Task Force on Recreational Vehicles as part of a 1987 report by the Governor's Conference on Traffic Safety. Among the recommendations were restructuring the accident reporting system, increasing registration fees, imposing criminal liability on parents and ORV owners, requiring safety helmets, and requiring the DNR to provide other law enforcement agencies information to ensure more uniform enforcement of regulations.

Against:

The bill is unnecessary. The Specialty Vehicle Institute of America (SVIA) reports that, on a nationwide basis, ATV injuries are declining sharply and have been doing so for

several years. According to the SVIA, based on CPSC figures, the number of annual ATV injuries peaked in 1986, declined by ten percent in 1987 and an additional 17 percent in 1988, and will have declined by more than 60 percent by 1992. Further, the injury rate peaked in 1985 and declined by more than 42 percent by the end of 1988. Safety efforts by the industry have been effective, and will improve under the agreement made between ATV manufacturers and the federal government. To carry out that agreement, the SVIA reports, ATV distributors have begun implementing a \$100 million nationwide program which includes increasing public awareness of the potential dangers of operating ATVs via extensive media advertising, providing free hands-on training for ATV purchasers and their families and rebate incentives for purchasers and family members who complete a training course, and providing training at reasonable fees for other interested persons. Part of the safety campaign effort includes putting warning labels on vehicles, showing safety videos in dealer showrooms, and offering a toll-free hotline to answer customer inquiries on ATV safety and training availability. These measures should be given a fair chance to work before such stringent ATV regulations are implemented.

For:

By transferring responsibility for the safety program from the DNR to the DOE, the bill recognizes that the DOE could probably provide more comprehensive ORV safety education than the DNR. (DOE, for instance, currently oversees the motorcycle safety program offered through schools to interested minors in conjunction with regular driver's education.) The DNR's primary purpose under the act is, and should be, enforcing ORV law, not training children how to safely operate ORVs. Further, the bill provides for cooperation between DOE, DNR, and other state and private agencies in Page 9 of 11 Pages developing an adequate safety education and training program.

Against:

The bill fails to provide any funding for DOE to implement and operate what could be the key to increasing ORV safety: education. The additional revenue the bill would generate by raising fees should be earmarked for education, specifically for operating the ORV safety program. In its present form the bill, while requiring all juvenile operators to have a safety certificate, would not provide a direct mechanism for funding education and training programs. The act currently allocates registration fees to the DNR for trails and instruction, after the secretary of state's administrative costs have been paid; the bill at least should direct a portion of this to DOE for education. In addition, the welfare of operators could be protected by earmarking additional revenue from higher fees for the development and maintenance of safe trails, which also would enhance the activity's attractiveness to residents and non-residents of the state. (According to a spokesman for the Cycle Conservation Club of Michigan, in fact, nearly all ORV trails on state land are currently located in the northern Lower Peninsula and Upper Peninsula only.)

SUGGESTED AMENDMENTS:

The Department of State Police suggests amending the bill to provide for the following:

- no person under age 12 would be permitted to operate an ORV on public lands;

- if an ORV driver refused a chemical test for determining BAC, the refusal would be admissible as evidence in legal proceedings.

POSITIONS:

The Department of Natural Resources supports the bill. (5-19-89)

The Michigan Motorcycle Dealers Association supports the bill. (5-19-89)

The Cycle Conservation Club of Michigan supports the bill. (5-19-89)

The Department of State supports the concept of the bill, but says the bill should be amended to prohibit persons under age 12 from driving any kind of ORV on public lands. (5-19-89)

The Department of State Police would support the bill if its amendments were adopted (see SUGGESTED AMENDMENTS). (5-16-89)

The Michigan State Medical Society supports the Senate-passed version of the bill. (5-16-89)

The State Bar of Michigan supports the Senate-passed version of the bill. (5-16-89)

AAA Michigan would support the Senate-passed version of the bill if persons under 12 were restricted from driving 2-wheel ORVs (motorcycles). (5-17-89)

The Department of Education has no formal position on the bill at this time but said it would be willing to work with the DNR and secretary of state to implement and conduct an ORV safety program. (5-19-89)

The Department of Transportation has no position on the bill. (5-16-89)