

Act No. 340
Public Acts of 1990
Approved by the Governor
December 21, 1990
Filed with the Secretary of State
December 21, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Ouwinga, Stacey, Hoffman, Weeks, Bandstra, Strand, Pitoniak, Willis Bullard,
DeMars, Allen, Munsell, Pridnia, Crandall, Middaugh, Camp, Walberg and Krause

ENROLLED HOUSE BILL No. 4627

AN ACT to amend section 15 of Act No. 74 of the Public Acts of 1968, entitled as amended "An act to register and regulate snowmobiles; to provide for education and training programs; to provide for trails, areas, and facilities; to create a recreational snowmobile trail improvement fund; to provide for expenditure of appropriations; and to prescribe penalties," as amended by Act No. 402 of the Public Acts of 1980, being section 257.1515 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 15 of Act No. 74 of the Public Acts of 1968, as amended by Act No. 402 of the Public Acts of 1980, being section 257.1515 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 15. (1) A person shall not operate a snowmobile under any of the following circumstances:

- (a) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing.
- (b) While under the influence of intoxicating liquor; a controlled substance as defined in section 7104 of Act No. 368 of the Public Acts of 1978, as amended, being section 333.7104 of the Michigan Compiled Laws; or a combination of intoxicating liquor and a controlled substance.
- (c) During the hours from 1/2 hour after sunset to 1/2 hour before sunrise without displaying a lighted headlight and a lighted taillight.
- (d) In a forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or posted or reasonably identifiable as a natural dedicated area which is in zone 2 or zone 3.
- (e) On the frozen surface of public waters within 100 feet of a person, including a skater, not in or upon a snowmobile or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain

forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

(f) Without a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from vehicle path under full throttle does not exceed 86 DBA, decibels on the "a" scale, on a sound meter having characteristics defined by American standards association S1, 4-1966 "general purpose sound meter". A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 DBA of the 1970 society of automotive engineers code J-192. A snowmobile manufactured after July 1, 1977, and sold or offered for sale in this state shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 society of automobile engineers code J-192a. This subdivision does not apply to a snowmobile which is being used in an organized race on a course which is used solely for racing.

(g) Within 100 feet of a dwelling between 12 midnight and 6 a.m., at a speed greater than minimum required to maintain forward movement of the snowmobile.

(h) In or upon the lands of another without the written consent of the owner of the land, or the agent or lessee of the owner of the land, when required by the recreational trespass act, Act No. 323 of the Public Acts of 1976, being sections 317.171 to 317.181 of the Michigan Compiled Laws.

(i) In an area on which public hunting is permitted during the season open to the taking of deer with firearms from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency, for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations, or on the person's own property or property under the person's control or as an invited guest.

(j) While transporting on the snowmobile a bow, unless unstrung, or a firearm, unless securely encased or equipped with, and made inoperative by, a manufactured keylocked trigger housing mechanism.

(k) On or across a cemetery or burial ground.

(l) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.

(m) On a railroad or railroad right of way, except railroad personnel, public utility personnel, law enforcement personnel while in the performance of their duties, persons using, between December 1, 1990 and March 31, 1991, a demonstration snowmobile trail located on a state owned railroad right-of-way operated by the Detroit and Mackinaw railway company, or on a railroad right-of-way owned by the Detroit and Mackinaw railway company connecting to a state owned railroad right-of-way operated by the Detroit and Mackinaw railway company right-of-way between Gaylord and Frederic which also meets the conditions imposed in subsections (2) and (3).

(2) The demonstration snowmobile trail shall be constructed, operated, and maintained by a person other than the person owning the railroad right-of-way and the person operating the railroad pursuant to terms of a lease agreement under which the person operating the trail agrees to do all of the following:

(a) Indemnify the person owning the railroad right-of-way and the person operating the railroad against any claims associated with or arising from the construction, maintenance, operation, and use of the trail.

(b) Provide liability insurance in the amount of \$2,000,000.00 naming the person owning the railroad right-of-way and the person operating the railroad as named insureds.

(c) Meet any other obligations or provisions considered appropriate by the person owning the railroad right-of-way including, but not limited to, the payment of rent that the person owning the railroad right-of-way or the person operating the railroad is authorized to charge under this act and the meeting of all construction, operating, and maintenance conditions imposed by the person owning the railroad right-of-way and the person operating the railroad regarding the demonstration snowmobile trail project.

(3) The demonstration snowmobile trail shall be clearly demarcated by fencing and signing and shall occupy the outer edge of the railroad right-of-way, as far from the edge of the railroad tracks as possible, but in any case not closer than 20 feet from the edge of the railroad tracks unless topography or other natural or manmade features require the trail to lie within 20 feet of the edge of those railroad tracks. The design of the trail at such a location shall be approved in writing by the person owning the right-of-way and the person operating the railroad.

(4) The state transportation department in cooperation with the Detroit and Mackinaw railway company and the person operating the demonstration snowmobile trail shall conduct a study during development, construction, and operation of the trail to evaluate the demonstration snowmobile trail project, and to examine the feasibility and desirability of broadening statutory authority to establish snowmobile trails on functional railroad rights-of-way in Michigan. The findings of the study shall be summarized in a report to the legislature to be submitted not later than September 1, 1991.

(5) Notwithstanding section 1(c) and for purposes of this section, “operate” means to cause to function, run, or manage.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.