

**SUBSTITUTE FOR
HOUSE BILL NO. 5684**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 82105, 82114, 82118, and 82119 (MCL 324.82105,
324.82114, 324.82118, and 324.82119), sections 82105 and 82114 as
amended by 2012 PA 28, section 82118 as amended by 2010 PA 371, and
section 82119 as amended by 2005 PA 307.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82105. (1) ~~Before operating~~ **If** a snowmobile ~~requiring~~
2 ~~registration~~ **is required under section 82103 to be registered** in
3 this state, the owner shall apply for registration with the
4 department of state on forms provided by the department of state.
5 If the snowmobile was purchased from a retail dealer in this state,
6 application for initial registration shall be made with the dealer



at the point of sale. The dealer shall issue a temporary registration permit in a form received from and approved by the department of state that is valid for 15 days after the date of sale. Each retail dealer shall submit applications for registrations and fees to the department of state not less than once each week. The application shall include a certification. The new owner shall sign the application or, if the application is filed electronically, provide information requested by the department of state to verify the new owner's identity. The application shall also include the new owner's name and bona fide residence address and the names and addresses of holders of any security interest in the snowmobile and its accessories in the order of priority. The application shall be accompanied by a fee of \$30.00. Upon receipt of the application in approved form, the department of state shall enter the application upon its records and issue to the applicant a certificate of registration and decal. The certificate of registration shall contain the number awarded to the snowmobile, the name and address of the owner, other information the department of state considers necessary, and ~~beginning July 1, 2009,~~ the name and address of the holders of secured interests. A person shall not operate a snowmobile that is required to be registered in this state unless the person possesses the certificate of registration in legible form. ~~The person~~

(2) The operator of a snowmobile shall make the certificate of registration available for inspection upon demand by a peace officer. A person who violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$150.00.

(3) ~~(2)~~ If the secretary of state is not satisfied as to the



1 ownership of a snowmobile that is worth more than \$2,500.00, before
2 registering the snowmobile and issuing a certificate of
3 registration, the secretary of state may require the applicant to
4 file a ~~properly-executed~~ surety bond in a form prescribed by the
5 secretary of state and executed by the applicant and a company
6 authorized to conduct a surety business in this state. The bond
7 shall be in an amount equal to twice the value of the snowmobile as
8 determined by the secretary of state and shall be conditioned to
9 indemnify or reimburse the secretary of state, any prior owner, and
10 any subsequent purchaser of the snowmobile and their successors in
11 interest against any expense, loss, or damage, including reasonable
12 attorney fees, incurred as a result of the issuance of a
13 certificate of registration for the snowmobile or any defect in the
14 right, title, or interest of the applicant in the snowmobile. An
15 interested person has a right of action to recover on the bond for
16 a breach of the conditions of the bond, but the aggregate liability
17 of the surety to all persons shall not exceed the amount of the
18 bond. The bond shall be returned at the end of 3 years, or ~~before 3~~
19 ~~years if~~ **when** the snowmobile is no longer registered in this state
20 and the current valid certificate of registration is surrendered to
21 the secretary of state, **whichever is earlier**, unless the secretary
22 of state has received notification of the pendency of an action to
23 recover on the bond. If the secretary of state is not satisfied as
24 to the ownership of a snowmobile that is worth \$2,500.00 or less,
25 the secretary of state shall require the applicant to certify that
26 the applicant is the owner of the snowmobile and entitled to
27 register the snowmobile.

28 (4) ~~(3)~~ The certificate of registration and registration decal
29 authorizes the operation of the snowmobile for a 3-year period that



1 begins on October 1 and expires on September 30 of the third year.
 2 The certificate of registration and registration decal may be
 3 renewed beginning July 1 of the expiration year by payment of a fee
 4 of \$30.00. The registration decal shall be displayed as prescribed
 5 by ~~rule promulgated by the department of state.~~ **section 82113.**

6 **(5)** ~~(4)~~ The department of state may destroy a record of a
 7 certificate of registration 7 years after expiration of the
 8 certificate.

9 Sec. 82114. (1) The owner of a snowmobile shall notify the
 10 department of state within 15 days if the snowmobile is destroyed,
 11 ~~or abandoned, or is sold, or if~~ an interest in the snowmobile is
 12 transferred either wholly or in part to another person, or if the
 13 owner's address ~~no longer conforms to the address~~ **has changed from**
 14 **that** appearing on the certificate of registration. The notice shall
 15 consist of a surrender of the certificate of registration on which
 16 the proper information ~~shall be~~ **is** noted on a place to be provided.
 17 If the certificate of registration is surrendered because the
 18 snowmobile was destroyed or abandoned, the department of state
 19 shall cancel the certificate of registration and enter ~~that fact~~
 20 **the destruction or abandonment** in the records of the department of
 21 state, and the number may be then reassigned. The department of
 22 state may destroy the record of a surrendered certificate of
 23 registration 10 years after its surrender.

24 (2) If the certificate of registration is surrendered because
 25 of the owner's change of address, **the department shall record** the
 26 new address ~~shall be recorded by the department of state and~~ **return**
 27 **to the owner** a certificate of registration bearing ~~that information~~
 28 ~~shall be returned to the owner.~~ **the new address.**

29 (3) The transferee of a snowmobile registered under this part,



1 within 15 days after acquiring the snowmobile, shall apply to the
 2 department of state for issuance of a new certificate of
 3 registration for the snowmobile. ~~, giving~~ **The application shall**
 4 **include** the previous registration number of the snowmobile and
 5 proof of payment or satisfaction of any security interest shown on
 6 the previous owner's certificate of registration or **the** department
 7 of state's records. The application shall include a certification.
 8 The new owner shall sign the application or, if the application is
 9 filed electronically, provide information requested by the
 10 department of state to verify the owner's identity. The application
 11 shall also include the new owner's name and bona fide residence
 12 address and the names and addresses of the holders of security
 13 interests in the snowmobile and its accessories in the order of
 14 their priority. The application shall be accompanied by the fee
 15 prescribed in section 82105. Upon receipt of the application and
 16 fee, the department of state shall issue **to the new owner** a new
 17 certificate of registration for the snowmobile. ~~to the new owner.~~
 18 Unless the application is made and the fee paid within 15 days of
 19 transfer of ownership, the snowmobile is without certificate of
 20 registration, and a person shall not operate the snowmobile until a
 21 valid certificate of registration is issued.

22 (4) ~~If a~~ **A person shall not operate a snowmobile if the**
 23 certificate of registration is lost, mutilated, or illegible. ~~, the~~
 24 ~~owner of the snowmobile shall obtain a duplicate of the certificate~~
 25 ~~of registration upon application and payment of a fee of \$5.00.~~ **A**
 26 **person who violates this subsection is responsible for a state**
 27 **civil infraction and may be ordered to pay a civil fine of not more**
 28 **than \$150.00.**

29 (5) If a valid registration decal is lost, mutilated, or



1 illegible, the owner of the snowmobile may obtain a replacement
 2 registration decal **from the department of state**, upon submission of
 3 proof of registration and payment of a fee of \$5.00.

4 Sec. 82118. (1) In addition to registration of a snowmobile
 5 under section 82105 or registration in another state or province,
 6 except as otherwise provided in this section, a person who desires
 7 to operate a snowmobile in this state shall purchase a Michigan
 8 snowmobile trail permit sticker. The Michigan snowmobile trail
 9 permit issued under this section ~~shall be~~ **is** valid for ~~a period of~~
 10 1 year ~~which begins~~ **beginning** on October 1 and ~~ends~~ **ending** on the
 11 following September 30. The fee for the permit ~~shall be~~ **is** as
 12 follows:

13 (a) For ~~permits valid for the 1-year period beginning October~~
 14 ~~1, 2009 or October 1, 2010,~~ \$35.00.

15 ~~(b) For permits~~ **a permit** valid for the 1-year period beginning
 16 October 1, ~~2011, 2012, 2013, 2014, or~~ 2015, \$45.00.

17 ~~(b) (c) For permits~~ **a permit** valid for the 1-year period
 18 beginning October 1, 2016 and every fifth year thereafter, the
 19 state treasurer shall adjust the current permit fee by an amount
 20 determined by the state treasurer to reflect the cumulative
 21 percentage change in the ~~consumer price index~~ **Consumer Price Index**
 22 during the most recent 5-year period for which ~~consumer price index~~
 23 **Consumer Price Index** statistics are available, rounded to the
 24 nearest dollar. A fee adjusted by the state treasurer under this
 25 subdivision shall remain in effect for 5 years. As used in this
 26 subdivision, ~~"consumer price index"~~ **"Consumer Price Index"** means
 27 the most comprehensive index of consumer prices available for this
 28 state from the ~~bureau of labor statistics~~ **Bureau of Labor**
 29 **Statistics** of the United States ~~department of labor~~ **Department of**



1 **Labor.**

2 (2) Revenue from the trail permit fee shall be allocated as
3 follows:

4 (a) 50 cents shall be retained by the department for
5 administrative costs.

6 (b) \$1.00 shall be retained by the agent selling the permit.

7 (c) The balance shall be deposited in the recreational
8 snowmobile trail improvement subaccount.

9 (3) The department shall make the sale of trail permits
10 available on its website. For each trail permit sold through the
11 website, the amount otherwise credited to an agent under subsection
12 (2) shall instead be credited to the recreational snowmobile trail
13 improvement subaccount.

14 (4) The trail permit sticker shall be permanently affixed to
15 the snowmobile directly above or below the headlight of the
16 snowmobile.

17 (5) The department may contract with a person to act as an
18 agent for the purpose of issuing Michigan snowmobile trail permits.
19 The department shall sell the permits to agents in bulk. An agent
20 may obtain a refund from the department for any permits that are
21 not sold.

22 (6) An agent who uses or allows the use of a permit by anyone
23 except the snowmobile user to whom the permit is sold is guilty of
24 a misdemeanor, punishable by a fine of \$50.00 for each instance of
25 such use or allowed use.

26 (7) The department of state may suspend a certificate of
27 registration if the department of state determines that the
28 required fee has not been paid and remains unpaid after reasonable
29 notice or demand. In addition to the required fee, a \$10.00 penalty



1 shall be assessed and collected against any person who tenders an
2 insufficient check or draft in payment of the fee.

3 (8) A snowmobile used solely for transportation on the frozen
4 surface of public waters for the purpose of ice fishing is exempt
5 from the requirement of purchasing and displaying a snowmobile
6 trail permit sticker under this section.

7 (9) A person shall not charge a fee for a snowmobile trail
8 permit in an amount that is greater than the fee printed on the
9 face of the permit.

10 (10) To obtain a snowmobile trail permit, an applicant shall
11 provide all information required on the permit application.

12 (11) A person who fails to secure a permit under this section
13 or who violates subsection (4) is responsible for a state civil
14 infraction and may be ordered to pay a civil fine of not more than
15 ~~\$100.00.~~**\$150.00.**

16 (12) The department shall, by June 1 of each year, report to
17 the members of the appropriate standing committees and
18 appropriations subcommittees of the house and senate, a detailed
19 expenditure plan pertaining to the additional funds generated by
20 this act. The plan shall include information as to how funds were
21 expended in the prior year.

22 (13) This section does not apply to a historic snowmobile
23 registered under section 82105c.

24 Sec. 82119. (1) A person shall not operate a snowmobile upon a
25 public highway, land used as an airport or street, or on a public
26 or private parking lot not specifically designated for the use of
27 snowmobiles except under the following conditions and
28 circumstances:

29 (a) Subject to subsection (2), a snowmobile may be operated on



1 the right-of-way of a public highway, except a limited access
2 highway, if it is operated at the extreme right of the open portion
3 of the right-of-way and with the flow of traffic on the highway.
4 However, a snowmobile may be operated on the right-of-way of a
5 public highway against the flow of traffic if the right-of-way is a
6 snowmobile trail that is designated by the department in the plan
7 developed pursuant to section 82106(2) and that is approved by the
8 state transportation department. Snowmobiles operated on the right-
9 of-way of a public highway, as provided in this subdivision, shall
10 travel single file and shall not be operated abreast except when
11 overtaking and passing **or being overtaken and passed by** another
12 snowmobile. In the absence of a posted snowmobile speed limit, a
13 snowmobile operated on the right-of-way of a public highway, as
14 provided in this subdivision, shall not exceed the speed limit
15 posted on the public highway. **A person who violates this**
16 **subdivision is responsible for a state civil infraction and may be**
17 **ordered to pay a civil fine of not more than \$150.00.**

18 (b) Subject to subsection (2), a snowmobile may be operated on
19 the right-of-way of a limited access public highway if it is
20 operated on a snowmobile trail that is designated by the department
21 in the plan developed pursuant to section 82106(2) and that is
22 approved by the state transportation department. A snowmobile shall
23 only be operated on that right-of-way in the manner provided in
24 that plan. In addition, a snowmobile operated on the right-of-way
25 of a public highway, as provided in this subdivision, shall travel
26 single file and shall not be operated abreast except when
27 overtaking and passing **or being overtaken and passed by** another
28 snowmobile. In the absence of a posted snowmobile speed limit, a
29 snowmobile operated on the right-of-way of a public highway, as



1 provided in this subdivision, shall not exceed the speed limit
2 posted on the public highway.

3 (c) A snowmobile may be operated on the roadway or shoulder
4 when necessary to cross a bridge or culvert if the snowmobile is
5 brought to a complete stop before entering onto the roadway or
6 shoulder and the driver yields the right-of-way to an approaching
7 vehicle on the highway.

8 (d) In a court action, ~~in this state where~~ **if** competent
9 evidence demonstrates that a vehicle that is permitted to be
10 operated on a highway pursuant to the Michigan vehicle code, 1949
11 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a
12 roadway, the driver of the snowmobile involved in the collision
13 shall be considered prima facie negligent.

14 (e) A snowmobile may be operated across a public highway other
15 than a limited access highway, at **a right angles-angle** to the
16 highway, ~~for the purpose of getting from 1 area to another when~~ **if**
17 the operation can be done in safety and another vehicle is not
18 crossing the highway at the same time in the same general area. An
19 operator shall bring his or her snowmobile to a complete stop
20 before proceeding across the public highway and shall yield the
21 right-of-way to ~~all~~ oncoming traffic. **A person who violates this**
22 **subdivision is responsible for a state civil infraction and may be**
23 **ordered to pay a civil fine of not more than \$150.00.**

24 (f) Snowmobiles may be operated on a highway in a county road
25 system that is not normally snowplowed for vehicular traffic and on
26 the plowed right-of-way or shoulder when no right-of-way exists on
27 a snowplowed highway in the county road system, outside the
28 corporate limits of a city or village, that is designated and
29 marked for snowmobile use by the county road commission having



jurisdiction. Upon the request of a county road commission that has designated all county roads outside the corporate limits of a city or village for snowmobile use, the state transportation department shall erect at county road commission expense and shall maintain, in accordance with the Michigan ~~manual of uniform traffic control devices~~ **"Manual of Uniform Traffic Control Devices"** standards, the basic snowmobile sign unit together with a supplemental panel stating "permitted on right-of-way or shoulder of all (county name) roads - MCL 324.82119" at the county line on all state trunk line highways and county roads. A sign erected before ~~the effective date of the 2005 amendatory act that amended this section~~ **December 27, 2005** may cite 1968 PA 74 instead of citing this section.

(g) A law enforcement officer of a local unit of government or ~~the~~ **this** state may authorize use of a snowmobile on a public highway or street within his or her jurisdiction ~~when~~ **during** an emergency ~~occurs and~~ **when** conventional motor vehicles cannot be used for transportation ~~due to~~ **because of** snow or other extreme highway conditions.

(h) A snowmobile may be operated on a highway or street for a special event of limited duration conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction. The event may be conducted on the frozen surface of public waters only under permit from the department.

(i) A city or village by ordinance may designate 1 or more specific public highways or streets within its jurisdiction as egress and ingress routes for the use of snowmobiles. A city or village acting under the authority of this subdivision shall erect and maintain, in accordance with the Michigan ~~manual of uniform~~



1 ~~traffic control devices~~ **"Manual of Uniform Traffic Control Devices"**
2 standards, a sign unit giving proper notice of the designation.

3 (2) The state transportation department and the department of
4 natural resources may permanently prohibit snowmobile use as
5 described in subsection (1)(a) or (b) in a highway right-of-way if,
6 ~~within 10 years after the effective date of the amendatory act that~~
7 ~~added this subsection,~~ **by December 27, 2015,** all of the following
8 requirements are met:

9 (a) The right-of-way is designated in a closure plan developed
10 by the state transportation department and the department of
11 natural resources and approved by the state transportation
12 commission and the ~~commission of~~ natural resources **commission.**

13 (b) The state transportation department and the department of
14 natural resources have held a public hearing on the proposed
15 prohibition in the county where the prohibition is to apply. The
16 state transportation department and the department of natural
17 resources shall give notice of the hearing by publication in a
18 newspaper of general circulation in the county not more than 21 or
19 less than 7 days before the hearing.

20 (c) The state transportation department and the department
21 have consulted on the proposed prohibition with the snowmobile
22 advisory committee created under section 82102a.

23 (d) Snowmobile use in that right-of-way poses a particular and
24 demonstrable threat to public safety.

25 (e) The department has designated and, if required under
26 subsection (1)(a) or (b), the state transportation department has
27 approved an alternative snowmobile trail that meets all of the
28 following requirements:

29 (i) Is open for use and functional during snowmobile season.



1 (ii) Bypasses the highway right-of-way on which snowmobile use
2 is to be prohibited.

3 (iii) Provides access to any qualified business that, when the
4 alternative snowmobile trail is designated, is located along the
5 highway right-of-way on which snowmobile use is to be prohibited.
6 As used in this subparagraph, "qualified business" means a gas
7 station, restaurant, hotel, motel, convenience store, or grocery
8 store or any other business that relies on snowmobile-based
9 commerce.

10 (3) The state transportation department and the department of
11 natural resources may promulgate rules to implement subsections
12 (1) (b) and (2).