

**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



1 at the point of sale. The dealer shall issue a temporary  
 2 registration permit in a form received from and approved by the  
 3 department of state that is valid for 15 days after the date of  
 4 sale. Each retail dealer shall submit applications for  
 5 registrations and fees to the department of state not less than  
 6 once each week. The application shall include a certification. The  
 7 new owner shall sign the application or, if the application is  
 8 filed electronically, provide information requested by the  
 9 department of state to verify the new owner's identity. The  
 10 application shall also include the new owner's name and bona fide  
 11 residence address and the names and addresses of holders of any  
 12 security interest in the snowmobile and its accessories in the  
 13 order of priority. The application shall be accompanied by a fee of  
 14 \$30.00. Upon receipt of the application in approved form, the  
 15 department of state shall enter the application upon its records  
 16 and issue to the applicant a certificate of registration and decal.  
 17 The certificate of registration shall contain the number awarded to  
 18 the snowmobile, the name and address of the owner, other  
 19 information the department of state considers necessary, and ~~7~~  
 20 ~~beginning July 1, 2009,~~ the name and address of the holders of  
 21 secured interests. A person shall not operate a snowmobile that is  
 22 required to be registered in this state unless the person possesses  
 23 the certificate of registration in legible form. ~~The person~~

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

29 **(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)~~ **(b)** ~~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



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

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

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

25 (i) A city or village by ordinance may designate 1 or more  
 26 specific public highways or streets within its jurisdiction as  
 27 egress and ingress routes for the use of snowmobiles. A city or  
 28 village acting under the authority of this subdivision shall erect  
 29 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).

