

# HOUSE BILL No. 5226

October 7, 1991, Introduced by Reps. Ostling, Alley, Bodem, Bartnik and DeMars and referred to the Committee on Conservation, Recreation and Environment.

A bill 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. 340 of the Public Acts of 1990, being section 257.1515 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1.   Section 15 of Act No. 74 of the Public Acts of  
2 1968, as amended by Act No. 340 of the Public Acts of 1990, being  
3 section 257.1515 of the Michigan Compiled Laws, is amended to  
4 read as follows:

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

1 (a) At a rate of speed greater than is reasonable and proper  
2 having due regard for conditions then existing.

3 (b) While under the influence of intoxicating liquor; a con-  
4 trolled substance as defined in section 7104 of Act No. 368 of  
5 the Public Acts of 1978, as amended, being section 333.7104 of  
6 the Michigan Compiled Laws; or a combination of intoxicating  
7 liquor and a controlled substance.

8 (c) During the hours from 1/2 hour after sunset to 1/2 hour  
9 before sunrise without displaying a lighted headlight and a  
10 lighted taillight.

11 (d) In a forest nursery, planting area, or public lands  
12 posted or reasonably identifiable as an area of forest reproduc-  
13 tion when growing stock may be damaged or posted or reasonably  
14 identifiable as a natural dedicated area which is in zone 2 or  
15 zone 3.

16 (e) On the frozen surface of public waters within 100 feet  
17 of a person, including a skater, not in or upon a snowmobile or  
18 within 100 feet of a fishing shanty or shelter except at the min-  
19 imum speed required to maintain forward movement of the snowmo-  
20 bile or on an area which has been cleared of snow for skating  
21 purposes unless the area is necessary for access to the public  
22 water.

23 (f) Without a muffler in good working order and in constant  
24 operation from which noise emission at 50 feet at right angles  
25 from vehicle path under full throttle does not exceed 86 DBA,  
26 ~~decibels~~ DECIBELS on the "a" scale, on a sound meter having  
27 characteristics defined by American standards association S1,

1 4-1966 "general purpose sound meter". A snowmobile manufactured  
2 after February 1, 1972, and sold or offered for sale in this  
3 state shall not exceed 82 DBA of the 1970 society of automotive  
4 engineers code J-192. A snowmobile manufactured after July 1,  
5 1977, and sold or offered for sale in this state shall not exceed  
6 78 decibels of sound pressure at 50 feet as measured under the  
7 1974 society of automobile engineers code J-192a. This subdivi-  
8 sion does not apply to a snowmobile which is being used in an  
9 organized race on a course which is used solely for racing.

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

13 (h) In or upon the lands of another without the written con-  
14 sent of the owner of the land, or the agent or lessee of the  
15 owner of the land, when required by the recreational trespass  
16 act, Act No. 323 of the Public Acts of 1976, being sections  
17 317.171 to 317.181 of the Michigan Compiled Laws.

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

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

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

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

9 (m) On a railroad or railroad right of way, except railroad  
10 personnel, public utility personnel, law enforcement personnel  
11 while in the performance of their duties, AND persons using,  
12 between December 1, ~~1990~~ 1991 and March 31, ~~1991~~ 1992,  
13 BETWEEN DECEMBER 1, 1992, AND MARCH 31, 1993, AND BETWEEN  
14 DECEMBER 1, 1993, AND MARCH 31, 1994, a demonstration snowmobile  
15 trail located on a state owned railroad right-of-way operated by  
16 the Detroit and Mackinaw railway company, or on a railroad  
17 right-of-way owned by the Detroit and Mackinaw railway company  
18 connecting to a state owned railroad right-of-way operated by the  
19 Detroit and Mackinaw railway company, ~~right of way~~ between  
20 Gaylord and Frederic, which also meets the conditions imposed in  
21 subsections (2) and (3).

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

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

5 (b) Provide liability insurance in the amount of  
6 \$2,000,000.00 naming the person owning the railroad right-of-way  
7 and the person operating the railroad as named insureds.

8 (c) Meet any other obligations or provisions considered  
9 appropriate by the person owning the railroad right-of-way  
10 including, but not limited to, the payment of rent that the  
11 person owning the railroad right-of-way or the person operating  
12 the railroad is authorized to charge under this act and the meet-  
13 ing of all construction, operating, and maintenance conditions  
14 imposed by the person owning the railroad right-of-way and the  
15 person operating the railroad regarding the demonstration snowmo-  
16 bile trail project.

17 (3) The demonstration snowmobile trail shall be clearly  
18 demarcated by fencing and signing and shall occupy the outer edge  
19 of the railroad right-of-way, as far from the edge of the rail-  
20 road tracks as possible, but in any case not closer than 20 feet  
21 from the edge of the railroad tracks unless topography or other  
22 natural or manmade features require the trail to lie within 20  
23 feet of the edge of those railroad tracks. The design of the  
24 trail, ~~at such a location~~ INCLUDING THE LOCATION OF FENCING AND  
25 SIGNING, SHALL BE INCLUDED UPON PLAN SHEETS BY THE PERSON CON-  
26 STRUCTING, OPERATING, AND MAINTAINING THE TRAIL, AND shall be  
27 approved in writing by the person owning the right-of-way and the

1 person operating the railroad. SIGNING SHALL CONFORM TO  
2 SPECIFICATIONS ISSUED BY THE DEPARTMENT OF NATURAL RESOURCES TO  
3 ITS SNOWMOBILE TRAIL OPERATOR GRANTEEES.

4       (4) The state transportation department, in cooperation with  
5 the Detroit and Mackinaw railway company and the person operating  
6 the demonstration snowmobile trail, shall conduct a study EACH  
7 YEAR during development, construction, and operation of the trail  
8 to evaluate the demonstration snowmobile trail project, and to  
9 examine the feasibility and desirability of broadening statutory  
10 authority to establish snowmobile trails on functional railroad  
11 rights-of-way in Michigan. The findings of ~~the~~ EACH study  
12 shall be summarized in a report to the legislature to be submit-  
13 ted not later than September 1 ~~1991~~ OF 1992, 1993, AND 1994.

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