



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 847 (as introduced 10-26-05)

Sponsor: Senator Ron Jelinek

Committee: Natural Resources and Environmental Affairs

Date Completed: 2-6-06

CONTENT

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to make an exception to certain requirements regarding the operation of an ORV by a child, if a child were participating in an organized riding or racing event and other conditions were met.

Part 811 prohibits a child younger than 16 from operating an off-road vehicle (ORV) unless he or she is under the direct visual supervision of an adult and the child has in his or her possession an ORV safety certificate issued by the Department Natural Resources indicating that he or she successfully has completed an ORV training and safety program.

Part 811 also prohibits a child under 12 from operating a four-wheeled all-terrain vehicle (ATV), unless he or she is at least 10 and is on private land owned by his or her parent or legal guardian. (A child under 16 may not operate a three-wheeled ATV.)

Additionally, Part 811 prohibits a child's parent or legal guardian, or the owner or person in charge of an ORV or ATV, from permitting a child to operate the vehicle in violation of these requirements.

Under the bill, the requirement that a child be under an adult's direct visual supervision, possess an ORV safety certificate, or operate an ORV on his or her parent's or legal guardian's land, would not apply if all of the following conditions were met:

- The child was participating in an organized ORV riding or racing event held off of State-owned land.
- The child's parent or legal guardian provided the event organizer with written permission for the child to participate.
- The event organizer had at least \$500,000 liability insurance coverage for the event.
- A licensed or otherwise authorized physician or physician's assistant, or a licensed paramedic or emergency medical technician, was present at the site or available on-call.
- At all times, the event was under the supervision of adult staff and a staff member served as a flagger to warn ORV riders if another rider was injured or an ORV was inoperable in the ORV operating area.
- Fencing or another means of crowd control was used to keep spectators out of the ORV operating area.
- If the event were on a closed course, dust was controlled in the operating area and the riding surface was otherwise properly prepared.

- Any ATVs used by participants were equipped with a side step bar or comparable safety equipment and with a tether kill switch, and all participants used the tether.
- Each participant wore a crash helmet approved by the U.S. Department of Transportation, a protective long-sleeved shirt or jacket, long pants, boots, and protective gloves.
- Any other applicable requirements of Part 811 or rules promulgated under it were met.

The bill would authorize the Department to promulgate rules to implement these provisions.

(Under Part 811, "ORV" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. The term includes a multitrack or multiwheel drive vehicle; an ATV; a motorcycle or related two-, three-, or four-wheel vehicle; an amphibious machine; a ground effect air cushion vehicle; or other means of transportation deriving motive power from a source other than muscle or wind.

"ATV" means a three- or four-wheeled vehicle designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 500cc gasoline engine or an engine of comparable size using other fuels.)

MCL 324.81129

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have little or no fiscal impact on State government and an indeterminate fiscal impact on local government. There are no data to indicate how many offenders have been convicted of allowing a child to operate an ORV in violation of Part 811. To the extent that the proposed exemption resulted in fewer convictions, local governments would incur reduced incarceration costs in their local facilities, which vary by county. Penal fine revenue, which benefits public libraries, would decrease.

Fiscal Analyst: Lindsay Hollander
Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.