

Legislative Analysis



PART 811: ORV AMENDMENTS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 50 (Substitute S-2)

Sponsor: Sen. Tom Casperson

House Committee: Natural Resources

Senate Committee: Natural Resources, Environment, and Great Lakes

Complete to 6-17-13

A SUMMARY OF SENATE BILL 50 (S-2) AS PASSED BY THE SENATE 6-13-13

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resource and Environmental Protection Act to:

- (1) Expand the activities for which an ORV license is not needed.
- (2) Allow the Department of Natural Resources (DNR) to enter into license reciprocity agreements.
- (3) Establish a free ORV-riding day.
- (4) Prohibit a permit from being needed for group recreational ORV riding on DNR-owned land or for an ORV event on the frozen surface of public waters.

Exempt from licensure

ORVs would not be required to be licensed under Part 811 under any of the following circumstances:

- The ORV is used solely on private property by the property owner, a family member, or an invited guest.
- The ORV is being used on a free ORV-riding day.
- The Department of Natural Resources waived the licensure requirement as part of a reciprocal agreement with another state.

ORV license reciprocity

The bill would allow the DNR to enter into a reciprocal agreement with other states under which ORV users licensed in other states would not need to obtain a license in Michigan.

Free ORV-riding day

Under the bill, the DNR would be required to designate as free ORV-riding days, a Saturday and the following Sunday that corresponds to the same days designed as "free fishing days" under Section 43534. The DNR could also designate one additional day or two consecutive days as free ORV-riding days each year. During designated days,

unlicensed ORV operators would have the same privileges and be subject to the same rules and regulations as a licensed operator under Part 811.

DNR lands and public waters

The bill would prohibit the DNR from requiring a permit under Part 811 for organized group recreational ORV riding on DNR-owned land or for an ORV event on the frozen surface of public waters, as long as the activity is conducted in compliance with appropriate rules, laws, and orders. Within 90 days after the bill taking effect, the DNR would be required to develop and establish, in collaboration with the Snowmobile and Trails Advisory Committee, policy criteria for determining circumstances under which notice to the department or a permit is required for ORV events on department lands.

Acceptance of risk

The bill states that each person participating in ORV riding accepts the risks associated with the sport because the dangers and risks are obvious and inherent. The bill specifies what types of injuries are inherent risks, what injuries are not risks, and what risks riders may face.

Enacting Section 1

The bill would repeal Sections 81102 and 81128 of the Natural Resources and Environmental Protection Act. Section 81102 contains exemptions to ORV licensure that would be reenacted under the bill into other sections within Part 811. Section 81128 established a citizen review board to make recommendations regarding the state's trail system.

FISCAL IMPACT:

Senate Bill 50 would have minimal fiscal impact on the Department of Natural Resources. Any fiscal impact would be related to possible lost permit revenue related to the bill's requirements of the implementation of several free ORV trail riding trails days during which riders could use the state trail system without purchasing a permit.

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Viola Bay Wild

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