

Legislative Analysis



ORVS ON STREETS, ROADS & HIGHWAYS

Phone: (517) 373-8080
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House Bill 4846 as introduced
Sponsor: Rep. Brett Roberts
Committee: Transportation and Infrastructure
Complete to 10-2-17

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Generally, the Natural Resources and Environmental Protection Act (NREPA) prohibits a person from operating an off road vehicle (ORV) that is not registered under the code upon a street, county road, or highway, unless authorized by a local unit of government or the Department of Transportation under certain conditions.

House Bill 4846 would amend NREPA to instead allow an individual to operate an ORV under the same conditions unless prohibited by local units of government or the Department of Transportation.

MCL 324.81122, et al.

FISCAL IMPACT:

The bill would have a minimal, but indeterminate, fiscal impact to the state and to some local units of government depending on the extent to which changing the default to allowing ORV use rather than prohibiting it changes the number of communities in which it is allowed and affects the number of statutory violations.

Violations of traffic laws in NREPA pertaining to ORVs are considered municipal civil infractions and carry a maximum fine of \$500 and a possible court ordered payment for environmental damages. Revenue from fines are required to be collected by the local unit of government which has jurisdiction over the affected roads and deposited into an "ORV fund".

Local units are required to appropriate 50% of ORV fund revenues towards law enforcement and the other 50% to road maintenance to support the implementation of the Act. If the civil fine originates from a violation of a local government's exception to NREPA's provisions, as described in Sec. 81131 (5), the second 50% is to go to the Michigan Department of Transportation for road maintenance. Sufficient information for determining how fine revenue would be affected by the bill is not currently available. The impact is therefore indeterminate.

Legislative Analyst: E. Best
Fiscal Analyst: Michael Cnossen

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