

# HOUSE BILL NO. 5684

March 17, 2020, Introduced by Reps. Cherry and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 82105, 82113, 82114, and 82119 (MCL 324.82105,  
324.82113, 324.82114, and 324.82119), sections 82105 and 82114 as  
amended by 2012 PA 28, section 82113 as amended by 1998 PA 297, 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



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department of state on forms provided by the department of state. If the snowmobile was purchased from a retail dealer in this state, application for initial registration shall be made with the dealer at the point of sale. The dealer shall issue a temporary registration permit in a form received from and approved by the department of state that is valid for 15 days after the date of sale. Each retail dealer shall submit applications for registrations and fees to the department of state not less than once each week. The application shall include a certification. The new owner shall sign the application or, if the application is filed electronically, provide information requested by the department of state to verify the new owner's identity. The application shall also include the new owner's name and bona fide residence address and the names and addresses of holders of any security interest in the snowmobile and its accessories in the order of priority. The application shall be accompanied by a fee of \$30.00. Upon receipt of the application in approved form, the department of state shall enter the application upon its records and issue to the applicant a certificate of registration and decal. The certificate of registration shall contain the number awarded to the snowmobile, the name and address of the owner, other information the department of state considers necessary, and, ~~beginning July 1, 2009,~~ the name and address of the holders of secured interests. A person shall not operate a snowmobile that is required to be registered in this state unless the person possesses the certificate of registration in legible form. ~~The person~~

**(2) The operator of a snowmobile** shall make the certificate of registration available for inspection upon demand by a peace officer. **A person who violates this subsection is responsible for a**



1 state civil infraction and may be ordered to pay a civil fine of  
2 not more than \$150.00.

3 (3) ~~(2)~~ If the secretary of state is not satisfied as to the  
4 ownership of a snowmobile that is worth more than \$2,500.00, before  
5 registering the snowmobile and issuing a certificate of  
6 registration, the secretary of state may require the applicant to  
7 file a ~~properly executed~~ surety bond in a form prescribed by the  
8 secretary of state and executed by the applicant and a company  
9 authorized to conduct a surety business in this state. The bond  
10 shall be in an amount equal to twice the value of the snowmobile as  
11 determined by the secretary of state and shall be conditioned to  
12 indemnify or reimburse the secretary of state, any prior owner, and  
13 any subsequent purchaser of the snowmobile and their successors in  
14 interest against any expense, loss, or damage, including reasonable  
15 attorney fees, incurred as a result of the issuance of a  
16 certificate of registration for the snowmobile or any defect in the  
17 right, title, or interest of the applicant in the snowmobile. An  
18 interested person has a right of action to recover on the bond for  
19 a breach of the conditions of the bond, but the aggregate liability  
20 of the surety to all persons shall not exceed the amount of the  
21 bond. The bond shall be returned at the end of 3 years, or ~~before 3~~  
22 ~~years if~~ **when** the snowmobile is no longer registered in this state  
23 and the current valid certificate of registration is surrendered to  
24 the secretary of state, **whichever is earlier**, unless the secretary  
25 of state has received notification of the pendency of an action to  
26 recover on the bond. If the secretary of state is not satisfied as  
27 to the ownership of a snowmobile that is worth \$2,500.00 or less,  
28 the secretary of state shall require the applicant to certify that  
29 the applicant is the owner of the snowmobile and entitled to



1 register the snowmobile.

2 (4) ~~(3)~~—The certificate of registration and registration decal  
3 authorizes the operation of the snowmobile for a 3-year period that  
4 begins on October 1 and expires on September 30 of the third year.  
5 The certificate of registration and registration decal may be  
6 renewed beginning July 1 of the expiration year by payment of a fee  
7 of \$30.00. The registration decal shall be displayed as prescribed  
8 by ~~rule~~ **section 82113** and promulgated by the department of state.

9 (5) ~~(4)~~—The department of state may destroy a record of a  
10 certificate of registration 7 years after expiration of the  
11 certificate.

12 Sec. 82113. (1) ~~The owner of a~~ **A snowmobile having owner who**  
13 **has** been issued a certificate of registration for the snowmobile  
14 shall affix to each side of the forward half of the cowl above the  
15 footwell of the snowmobile the registration decal assigned to that  
16 snowmobile.

17 (2) The registration decal shall be as prescribed by the  
18 department. ~~Beginning July 1, 1999, the~~ **However, the** registration  
19 decal shall include the registration expiration date and the  
20 registration number and shall contain 2 letters and 4 numbers. The  
21 numbers shall contrast so as to be distinctly visible and legible.

22 (3) A number other than the number awarded to the snowmobile  
23 on the registration certificate, or granted reciprocity under this  
24 part, shall not be attached or otherwise displayed on the  
25 snowmobile.

26 (4) ~~(2)~~—Not earlier than 90 days before the expiration date of  
27 a certificate, a registration decal or other device may be issued  
28 indicating that the certificate of registration is in ~~full force~~  
29 ~~and~~ effect.



1       (5) ~~(3)~~ A certificate of registration shall expire pursuant to  
2 **expires as provided under** section 82105.

3       (6) ~~(4)~~ The department of state may award a certificate of  
4 number directly or may authorize a person to act as its agent for  
5 the awarding of a certificate of number.

6       (7) **A person who violates subsection (1) or (3) is responsible**  
7 **for a state civil infraction and may be ordered to pay a civil fine**  
8 **of not more than \$150.00.**

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 **the new address.** ~~shall be returned to the owner.~~

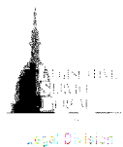
29       (3) The transferee of a snowmobile registered under this part,



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. 82119. (1) A person shall not operate a snowmobile upon a  
5 public highway, land used as an airport or street, or on a public  
6 or private parking lot not specifically designated for the use of  
7 snowmobiles except under the following conditions and  
8 circumstances:

9 (a) Subject to subsection (2), a snowmobile may be operated on  
10 the right-of-way of a public highway, except a limited access  
11 highway, if it is operated at the extreme right of the open portion  
12 of the right-of-way and with the flow of traffic on the highway.  
13 However, a snowmobile may be operated on the right-of-way of a  
14 public highway against the flow of traffic if the right-of-way is a  
15 snowmobile trail that is designated by the department in the plan  
16 developed pursuant to section 82106(2) and that is approved by the  
17 state transportation department. Snowmobiles operated on the right-  
18 of-way of a public highway, as provided in this subdivision, shall  
19 travel single file and shall not be operated abreast except when  
20 overtaking and passing **or being overtaken and passed by** another  
21 snowmobile. In the absence of a posted snowmobile speed limit, a  
22 snowmobile operated on the right-of-way of a public highway, as  
23 provided in this subdivision, shall not exceed the speed limit  
24 posted on the public highway. **A person who violates this**  
25 **subdivision is responsible for a state civil infraction and may be**  
26 **ordered to pay a civil fine of not more than \$150.00.**

27 (b) Subject to subsection (2), a snowmobile may be operated on  
28 the right-of-way of a limited access public highway if it is  
29 operated on a snowmobile trail that is designated by the department



1 in the plan developed pursuant to section 82106(2) and that is  
2 approved by the state transportation department. A snowmobile shall  
3 only be operated on that right-of-way in the manner provided in  
4 that plan. In addition, a snowmobile operated on the right-of-way  
5 of a public highway, as provided in this subdivision, shall travel  
6 single file and shall not be operated abreast except when  
7 overtaking and passing **or being overtaken and passed by** another  
8 snowmobile. In the absence of a posted snowmobile speed limit, a  
9 snowmobile operated on the right-of-way of a public highway, as  
10 provided in this subdivision, shall not exceed the speed limit  
11 posted on the public highway.

12 (c) A snowmobile may be operated on the roadway or shoulder  
13 when necessary to cross a bridge or culvert if the snowmobile is  
14 brought to a complete stop before entering onto the roadway or  
15 shoulder and the driver yields the right-of-way to an approaching  
16 vehicle on the highway.

17 (d) In a court action, ~~in this state where~~ **if** competent  
18 evidence demonstrates that a vehicle that is permitted to be  
19 operated on a highway pursuant to the Michigan vehicle code, 1949  
20 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a  
21 roadway, the driver of the snowmobile involved in the collision  
22 shall be considered prima facie negligent.

23 (e) A snowmobile may be operated across a public highway other  
24 than a limited access highway, at **a right angles-angle** to the  
25 highway, ~~for the purpose of getting from 1 area to another when~~ **if**  
26 the operation can be done in safety and another vehicle is not  
27 crossing the highway at the same time in the same general area. An  
28 operator shall bring his or her snowmobile to a complete stop  
29 before proceeding across the public highway and shall yield the





1 right-of-way to ~~all~~ oncoming traffic. **A person who violates this**  
 2 **subdivision is responsible for a state civil infraction and may be**  
 3 **ordered to pay a civil fine of not more than \$150.00.**

4 (f) Snowmobiles may be operated on a highway in a county road  
 5 system that is not normally snowplowed for vehicular traffic and on  
 6 the plowed right-of-way or shoulder when no right-of-way exists on  
 7 a snowplowed highway in the county road system, outside the  
 8 corporate limits of a city or village, that is designated and  
 9 marked for snowmobile use by the county road commission having  
 10 jurisdiction. Upon the request of a county road commission that has  
 11 designated all county roads outside the corporate limits of a city  
 12 or village for snowmobile use, the state transportation department  
 13 shall erect at county road commission expense and shall maintain,  
 14 in accordance with the Michigan ~~manual of uniform traffic control~~  
 15 ~~devices~~ **"Manual of Uniform Traffic Control Devices"** standards, the  
 16 basic snowmobile sign unit together with a supplemental panel  
 17 stating "permitted on right-of-way or shoulder of all .....  
 18 (county name) roads - MCL 324.82119" at the county line on all  
 19 state trunk line highways and county roads. A sign erected before  
 20 ~~the effective date of the 2005 amendatory act that amended this~~  
 21 ~~section~~ **December 27, 2005** may cite 1968 PA 74 instead of citing  
 22 this section.

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

29 (h) A snowmobile may be operated on a highway or street for a



1 special event of limited duration conducted according to a  
 2 prearranged schedule only under permit from the governmental unit  
 3 having jurisdiction. The event may be conducted on the frozen  
 4 surface of public waters only under permit from the department.

5 (i) A city or village by ordinance may designate 1 or more  
 6 specific public highways or streets within its jurisdiction as  
 7 egress and ingress routes for the use of snowmobiles. A city or  
 8 village acting under the authority of this subdivision shall erect  
 9 and maintain, in accordance with the Michigan ~~manual of uniform~~  
 10 ~~traffic control devices~~ **"Manual of Uniform Traffic Control Devices"**  
 11 standards, a sign unit giving proper notice of the designation.

12 (2) The state transportation department and the department of  
 13 natural resources may permanently prohibit snowmobile use as  
 14 described in subsection (1)(a) or (b) in a highway right-of-way if,  
 15 ~~within 10 years after the effective date of the amendatory act that~~  
 16 ~~added this subsection,~~ **by December 27, 2015,** all of the following  
 17 requirements are met:

18 (a) The right-of-way is designated in a closure plan developed  
 19 by the state transportation department and the department of  
 20 natural resources and approved by the state transportation  
 21 commission and the ~~commission of~~ natural resources **commission.**

22 (b) The state transportation department and the department of  
 23 natural resources have held a public hearing on the proposed  
 24 prohibition in the county where the prohibition is to apply. The  
 25 state transportation department and the department of natural  
 26 resources shall give notice of the hearing by publication in a  
 27 newspaper of general circulation in the county not more than 21 or  
 28 less than 7 days before the hearing.

29 (c) The state transportation department and the department



1 have consulted on the proposed prohibition with the snowmobile  
2 advisory committee created under section 82102a.

3 (d) Snowmobile use in that right-of-way poses a particular and  
4 demonstrable threat to public safety.

5 (e) The department has designated and, if required under  
6 subsection (1)(a) or (b), the state transportation department has  
7 approved an alternative snowmobile trail that meets all of the  
8 following requirements:

9 (i) Is open for use and functional during snowmobile season.

10 (ii) Bypasses the highway right-of-way on which snowmobile use  
11 is to be prohibited.

12 (iii) Provides access to any qualified business that, when the  
13 alternative snowmobile trail is designated, is located along the  
14 highway right-of-way on which snowmobile use is to be prohibited.

15 As used in this subparagraph, "qualified business" means a gas  
16 station, restaurant, hotel, motel, convenience store, or grocery  
17 store or any other business that relies on snowmobile-based  
18 commerce.

19 (3) The state transportation department and the department of  
20 natural resources may promulgate rules to implement subsections  
21 (1)(b) and (2).

