

Legislative Analysis



ALLOW ORV ORDINANCES IN ALL COUNTIES

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House Bill 4299

Sponsor: Rep. Jon Bumstead

Committee: Tourism

Complete to 3-6-13

A SUMMARY OF HOUSE BILL 4299 AS INTRODUCED 2-21-13

The bill allow for the adoption of ordinances allowing ORVs to operate on the side of certain maintained roads in all counties in the state. The bill is an amendment to Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act (NREPA).

Currently, Part 811 allows the county board of commissioners of an eligible county, the township board of a township located within an eligible county, and the legislative body of a municipality located within an eligible county, to adopt an ordinance authorizing the use of ORVs on the maintained portion of one or more roads located within their respective jurisdictions. All county primary and local roads, or city major and local streets, would be eligible for such a designation, as determined by the appropriate local legislative body.

Under the act, the only counties currently eligible to adopt such ordinances are Oceana, Newaygo, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, or a county lying north of those counties, including all of the counties in the Upper Peninsula, and St. Clair County.

Specifically, House Bill 4299 would eliminate reference to "eligible counties," therefore making it possible for all counties in the state to adopt such an ordinance.

FISCAL IMPACT:

House Bill 4299 would have no significant fiscal impact for the Department of Natural Resources. The bill would have an indeterminate fiscal impact on local units of government that may choose to adopt an ordinance that would allow the operation of ORVs on roads within their jurisdictions.

The amount of potential fiscal impact would depend upon any increased enforcement costs that a local government might incur under the bill's provisions and any potential change in fine revenue that it might receive from violations of the ORV ordinance.

The statute provides that local governments may adopt an ordinance that requires a fine of up to \$500 for violations of that ordinance. The fines would be collected by the local government and distributed as follows: fifty percent to the county sheriff or police department that is responsible for ORV enforcement and training, and fifty percent to the

County Road Commission or the department within a city or village that is responsible for street maintenance.

BACKGROUND INFORMATION:

Legislative History. 2008 PA 240 amended NREPA to allow eligible counties (and local governmental units within eligible counties) to pass ordinances allowing ORVs to be driven by adults and children 12 and over with the flow of traffic on the far right of the maintained portion of streets and roads within the jurisdiction. 2008 PA 240 allowed Mason, Lake, Osceola, Clare, Gladwin, Arenac, and Bay County, and all counties north of those counties (including all of the Upper Peninsula) to pass ORV ordinances. 2009 PA 175 extended that ability to seven additional counties: Huron, Tuscola, Sanilac, St. Clair, Saginaw, Gratiot, and Montcalm.

Definition of ORV. As contained in MCL 324.81101(o), 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. "ORV or vehicle" includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, 4-wheel, or 6-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. "ORV or vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft."

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