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Senate Bill 491 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Jack Brandenburg
Committee: Transportation

Date Completed: 11-19-13

RATIONALE

There is concern that off-road vehicles that have been modified for on-road use pose a risk to public safety. Currently, an off-road vehicle owner can modify an exclusively off-road vehicle so it meets the basic requirements for on-road use, such as having lights and windshield wipers, and seek a registration plate from the Secretary of State (SOS), and the SOS must provide that vehicle owner with a plate. These vehicles do not undergo the same type of testing as vehicles that are designed for on-road use, and could pose danger to the modified vehicles' passengers and other motorists. Therefore, it has been suggested that the Secretary of State should be required to deny registration for off-road vehicles.

CONTENT

The bill would amend the Michigan Vehicle Code to require the Secretary of State to refuse to issue a registration or title for an off-road vehicle (ORV) that was manufactured exclusively for off-road use, including one that was modified for on-road use.

The Code specifies grounds under which the SOS must refuse to issue a registration or transfer of registration, and grounds under which the SOS must refuse to issue a certificate of title or a salvage certificate.

Under the bill, these grounds would include an application for a vehicle that was an ORV manufactured exclusively for off-road use as specified on the manufacturer's certificate of origin, or an ORV, using either the original vehicle identification number or one that the SOS assigned to the vehicle, that was originally manufactured exclusively for off-road use and modified for use on the public roadways. "Off-road vehicle" would include a golf cart and would not include a motorcycle.

MCL 257.219

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Off-road vehicles should not be allowed to operate on public roads. These vehicles have not necessarily been subject to sufficient road testing, including crash testing, and could pose a threat to the lives and safety of those in or around such a vehicle. Simply upfitting an off-road vehicle with lights and wiper blades does not make it road-worthy, and the SOS should be required to deny registration for such a vehicle. The bill would keep vehicles that were never intended to be used on public roads off of the road, while still allowing registration for dual-purpose vehicles, such as motorcycles.

Opposing Argument

The law should not discourage the development of innovative vehicles that can be operated safely on the public streets. An example is the autocycle (a three-wheeled, enclosed motorcycle with safety belts, a roll bar, a steering wheel, and other features). Recently, legislation was passed to address a provision that impeded the use of autocycles.

Response: The bill would not stymie innovation. It would apply only to ORVs that were manufactured *exclusively* for off-road use and, when operated on-road, with or without modifications, are being put to a use that was never intended. It would still be possible for someone to assemble a new type of vehicle that was not an ORV, go through the proper road testing, and, if successful, receive a registration for that vehicle, as long as it was insured.

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The Secretary of State has issued a minimal number of registrations and/or titles for off-road vehicles that have been modified to meet the requirements of a motor vehicle under the provision of the Michigan Vehicle Code. However, the exact number of such off-road vehicles is indeterminate. The Department of State anticipates that the bill would have a negligible impact on the amount of revenue received by the Department for the registration or titling of such modified off-road vehicles.

Fiscal Analyst: Joe Carrasco

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