



HOUSE BILL No. 5548

January 31, 1996, Introduced by Reps. Lowe, Cropsey, Fitzgerald, Dalman, Nye, Ryan, Bush and Jersevic and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 81109, 81141, and 81147 of Act No. 451 of the Public acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 58 of the Public Acts of 1995, being sections 324.81109, 324.81141, and 324.81147 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 81109, 81141, and 81147 of Act No. 451
2 of the Public Acts of 1994, as added by Act No. 58 of the Public
3 Acts of 1995, being sections 324.81109, 324.81141, and 324.81147
4 of the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 81109. (1) The purchaser or other transferee of an ORV
6 subject to the titling provisions of this part shall, except as
7 provided in subsection (2), make application to the department of
8 state for issuance of a certificate of title to the ORV. The

1 application shall be filed within 15 days after the date of
2 purchase or transfer.

3 (2) A dealer selling ORVs at retail, within 15 days after
4 delivering an ORV to a retail purchaser, shall make application
5 for issuance of an ORV certificate of title in the purchaser's
6 name. The purchaser of the ORV shall sign the application and
7 other papers necessary to enable the dealer to secure the title
8 from the department of state. If the ORV was not previously
9 titled, the application shall be accompanied by a manufacturer's
10 certificate of origin.

11 (3) At the request of the applicant, the department of state
12 shall process an application for an ORV certificate of title on
13 an expedited basis.

14 (4) An application filed with the department of state pursu-
15 ant to this section shall be accompanied by the fee or fees pre-
16 scribed in section 81110.

17 (5) Beginning January 1, 1992, a person who violates this
18 section is responsible for a STATE civil ~~violation~~ INFRACTION
19 and ~~subject~~ AND MAY BE ORDERED to PAY a civil fine of not more
20 than \$100.00. ~~plus costs.~~

21 Sec. 81141. (1) A peace officer who has reasonable cause to
22 believe that a person was operating an ORV and that the person by
23 the consumption of intoxicating liquor may have affected his or
24 her ability to operate the ORV, may require the person to submit
25 to a preliminary chemical breath analysis.

26 (2) A peace officer may arrest a person based in whole or in
27 part upon the results of a preliminary chemical breath analysis.

1 (3) The results of a preliminary chemical breath analysis
2 shall be admissible in a criminal prosecution for a crime enumer-
3 ated in section 81136(1) or in an administrative hearing held
4 under section 81140, solely to assist the court or hearing offi-
5 cer in determining a challenge to the validity of an arrest.
6 This subsection does not limit the introduction of other compe-
7 tent evidence offered to establish the validity of an arrest.

8 (4) A person who submits to a preliminary chemical breath
9 analysis shall remain subject to the requirements of sections
10 81136, 81137, 81138, 81139, and 81140 for the purposes of chemi-
11 cal tests described in those sections.

12 (5) A person who refuses to submit to a preliminary chemical
13 breath analysis upon a lawful request by a peace officer ~~shall~~
14 ~~be~~ IS responsible for a STATE civil infraction AND MAY BE
15 ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$100.00. ~~A civil~~
16 ~~infraction under this subsection shall be processed in the same~~
17 ~~manner as a civil infraction under the code.~~

18 Sec. 81147. (1) Except as otherwise provided in this part,
19 a person who violates a provision of this part is guilty of a
20 misdemeanor, punishable by imprisonment for not more than 90
21 days, or a fine of not less than \$50.00 or more than \$1,000.00,
22 or both, for each violation of the part.

23 (2) ~~On and after the date the civil procedures act is~~
24 ~~enacted into law, a~~ A person who violates sections 81105, 81107,
25 81115, 81116, 81121, 81130, and 81133(b), (c), (d), (f), (g),
26 (h), (j), (l), and (m) is responsible for a STATE civil

1 ~~violation~~ INFRACTION and ~~subject~~ MAY BE ORDERED to PAY a
2 civil ~~penalty~~ FINE of not more than \$500.00.

3 (3) A person shall not remove, deface, or destroy a sign or
4 marker placed by the department indicating the boundaries of an
5 ORV trail or area or that marks a route.

6 (4) In addition to the penalties otherwise provided under
7 this part, a court of competent jurisdiction may order a person
8 to restore, as nearly as possible, any land, water, stream bank,
9 streambed, or other natural or geographic formation damaged by
10 the violation of this part to the condition it was in before the
11 violation occurred.

12 (5) The department or any other peace officer may impound
13 the ORV of a person who violates a provision of this part that is
14 punishable as a misdemeanor or who causes damage to the particu-
15 lar area in which the ORV was used in the commission of the
16 violation.

17 (6) Upon conviction of a person for violation of a provision
18 of this part that is punishable as a misdemeanor or any other
19 provision of this part that results in damage to the particular
20 area in which the ORV was used, a court of competent jurisdiction
21 may order an ORV and any personal property on the ORV seized as a
22 result of the violation returned to the owner or upon recommenda-
23 tion of the local prosecuting attorney turned over to the
24 department. If the ORV and any other property is turned over to
25 the department, they shall be disposed of in the manner provided
26 for condemnation of property in part 16. The proceeds realized
27 by the department under this subsection shall first be used to

1 restore areas damaged by ORV use with the balance to be deposited
2 in the ORV trail improvement fund.