

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4394 (Substitute H-2 as reported with amendment)
Sponsor: Representative Larry DeVuyst
First House Committee: Criminal Law and Corrections
Second House Committee: Conservation and Outdoor Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-18-99

RATIONALE

The popularity of "off-roading" and snowmobiling over Michigan's vast terrain and extensive trail network has increased dramatically over the past decade. Reportedly, 290,000 snowmobiles and between 75,000 and 100,000 off-road vehicles (ORVs) are registered in Michigan. ("ORV" means any motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail over land, snow, ice, marsh, swampland, or other natural terrain, and includes vehicles such as dirt bikes, four-wheel cruisers, and dune buggies.) Although a popular activity and important to tourism business, however, snowmobiling and off-roading can be dangerous. Reportedly, drinking and aggressive driving are the two factors most often cited in snowmobile and ORV accidents.

According to the Department of Natural Resources (DNR), conservation officers currently patrol trails, roads, and winter festivals to encourage safety and catch reckless drivers but accidents continue to increase. It has been suggested that a person who has already shown a willingness to break the law and endanger others by having his or her driver's license suspended or revoked also should be prohibited from operating an ORV or snowmobile for the same period.

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act to provide that if the operator's or chauffeur's license of a person who was State resident were suspended or revoked by the Secretary of State under the Michigan Vehicle Code, or if the driver's license of a person who was a nonresident were suspended or revoked under the law of the state in which he or she resided, then that person could not operate an off-road vehicle or a snowmobile for the same period as the suspension or revocation of the license.

A person who violated the bill would be guilty of a

misdemeanor punishable by up to 90 days' imprisonment and/or a fine of up to \$500 for a first conviction, and up to 180 days' imprisonment and/or a fine of up to \$1,000 for a second or subsequent offense. The bill would take effect October 1, 2000.

Proposed MCL 324.81140a & 324.82147a

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

While the incidence of highway crashes has been well-documented, considerably less attention has been paid to fatal accidents involving ORVs and snowmobiles. According to the DNR, speeding, riding at night, traveling in unsafe areas and conditions, and alcohol use are contributing factors in nearly all fatal snowmobiling accidents. Reportedly, alcohol is commonly consumed in association with high-speed, adrenaline-pumping recreational activities such as off-roading and snowmobiling. Drinking and driving these high-powered recreational vehicles, like other vehicles, can be fatal since alcohol impairs judgment and slows reaction time. According to a *Detroit News* article (2-10-99), the Michigan Association of Insurance Agents reported that more than half of the 39 snowmobile deaths last season were alcohol-related. In March 1998, Michigan State University researchers found that 55% of 147 deaths in snowmobile accidents from the end of 1993 to the spring of 1997 involved alcohol. By comparison, 36% of highway deaths in 1996 were alcohol-related.

Although less is heard about ORV incidents, an article in the *Detroit Free Press* (6-2-98) reported that, over the last Memorial Day weekend in Oscoda County, Federal forest rangers and State

conservation officers handed out more than 200 tickets for ORV violations; during the same weekend in Clare County, a group of ORV operators apparently dumped gasoline in a sand pit, set it ablaze, and drove through the flames.

These reports demonstrate the need for more effective deterrence. The bill would reflect an effort to deter operation of the vehicles under the influence, decrease the number of fatal accidents, protect innocent victims, and improve Michigan's ORV and snowmobile safety by imposing penalties for people who operated an ORV or snowmobile while their driver's or chauffeur's license was suspended or revoked.

Response: Current laws and penalties pertaining to the operation of ORVs and snowmobiles are not readily enforced. According to an article in the *Detroit Free Press* (1-14-98), national studies show that a high percentage of motorists with suspended licenses are still driving despite the penalties. Instead, efforts should be focused on increased law enforcement activities and more education programs outlining the risks of operating an ORV or snowmobile under the influence.

Legislative Analyst: N. Nagata

FISCAL IMPACT

House Bill 4394 (H-2) would have an indeterminate fiscal impact on local government.

There are no data available to estimate the number of people who would be subject to the offense of operating either an ORV or a snowmobile while their driver's license had been suspended. The term of incarceration for first-time offenders would have a 90-day maximum and subsequent offenses would have a 180-day maximum. Offenders sentenced for crimes with less than a 12-month minimum sentence are incarcerated in local facilities. The cost of incarceration in county jail varies by county from \$27 a day to \$70 a day.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.