

SENATE BILL No. 1348

September 8, 2004, Introduced by Senator SCHAUER and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

A bill to regulate certain motorcycle races and racetracks; to provide for the establishing of certain standards; to provide certain powers and duties for state agencies; to provide for rule-making authority; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "motorcycle racing regulation act".

3 Sec. 3. As used in this act:

4 (a) "Department" means the department of labor and economic
5 growth.

6 (b) "Motorcycle" means that term as defined in section 31 of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.31.

8 (c) "Person" means an individual or legal entity.

9 (d) "Racetrack" means an area in which a person provides or

1 offers to provide an area for the racing of motorcycles.

2 Sec. 5. (1) Beginning 180 days after the effective date of
3 this act, a person shall not operate a racetrack unless licensed
4 by the department under this act.

5 (2) A license under this act is specific to a location. A
6 person owning more than 1 racetrack must obtain a license for
7 each racetrack.

8 Sec. 7. (1) A person seeking a license for a racetrack
9 under this act shall apply to the department on a form provided
10 by the department and shall pay a nonrefundable application fee
11 of \$50.00. The applicant shall also pay a license fee of \$50.00
12 with the application. The license fee is refundable if the
13 application is denied.

14 (2) The department shall, upon approval of a completed
15 application accompanied by the appropriate fees, issue a
16 racetrack license to an applicant. A racetrack license is issued
17 for a period of 4 years.

18 (3) A licensee shall display a copy of the license at any
19 entrance to the racetrack.

20 Sec. 9. (1) The director of the department shall promulgate
21 rules under the administrative procedures act of 1969, 1969 PA
22 306, MCL 24.201 to 24.328, to do all of the following:

23 (a) Establish standards for the conduct of races conducted at
24 the racetrack.

25 (b) Establish standards for participant and spectator
26 safety.

27 (c) Administer and enforce this act.

1 (2) Until rules are promulgated under subsection (1), the
2 standards contained in the "2003 American Motorcyclist
3 Association Sports Rules Governing Pro AM, Standard, ATV and
4 Youth Competition" and the "2003 AMA/NATC Supplemental Riding
5 Rules for National Championship Observed Trials Events" are
6 adopted by reference. The director of the department may adopt
7 these standards or other standards established by a nationally
8 recognized organization acceptable to the department or may
9 establish its own standards, by rule promulgated by the director
10 of the department. The director of the department may, by rule,
11 amend or supplement any standards adopted under this section.

12 Sec. 11. (1) A licensee, after notice and opportunity for a
13 hearing under the administrative procedures act of 1969, 1969 PA
14 306, MCL 24.201 to 24.328, that is determined to have violated
15 this act or rules promulgated under this act is subject to an
16 administrative fine of not more than \$250.00 for a first
17 violation during any 1 calendar year, not more than \$500.00 for a
18 second violation during any 1 calendar year, and not more than
19 \$1,000.00 for a third or subsequent violation during any 1
20 calendar year.

21 (2) In addition to a fine under subsection (1), if an
22 egregious violation of this act occurs, the department may
23 suspend a license for not more than 30 days.

24 (3) A person operating a racetrack without a license is
25 guilty of a misdemeanor punishable by imprisonment for not more
26 than 93 days or a fine of not more than \$500.00, or both, as well
27 as the cost of prosecution.