

SUBSTITUTE FOR
SENATE BILL NO. 161

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82119. (1) A person shall not operate a snowmobile upon a
2 public highway, land used as an airport or street, or on a public
3 or private parking lot not specifically designated for the use of
4 snowmobiles except under the following conditions and
5 circumstances:

6 (a) ~~A~~ **SUBJECT TO SUBSECTION (2),** A snowmobile may be
7 operated on the right-of-way of a public highway, except a limited
8 access highway, if it is operated at the extreme right of the open
9 portion of the right-of-way and with the flow of traffic on the
10 highway. However, a snowmobile may be operated on the right-of-way

1 of a public highway against the flow of traffic if the right-of-way
2 is a snowmobile trail **THAT IS** designated by the department in the
3 plan developed pursuant to section 82106(2) and **THAT** is approved by
4 the state transportation department. ~~and the department.~~

5 Snowmobiles operated on the right-of-way of a public highway, as
6 provided in this subdivision, shall travel single file and shall
7 not be operated abreast except when overtaking and passing another
8 snowmobile. In the absence of a posted snowmobile speed limit, a
9 snowmobile operated on the right-of-way of a public highway, as
10 provided in this subdivision, shall ~~be limited to~~ **NOT EXCEED** the
11 speed limit posted on the public highway.

12 **(B) SUBJECT TO SUBSECTION (2), A SNOWMOBILE MAY BE OPERATED ON**
13 **THE RIGHT-OF-WAY OF A LIMITED ACCESS PUBLIC HIGHWAY IF IT IS**
14 **OPERATED ON A SNOWMOBILE TRAIL THAT IS DESIGNATED BY THE DEPARTMENT**
15 **IN THE PLAN DEVELOPED PURSUANT TO SECTION 82106(2) AND THAT IS**
16 **APPROVED BY THE STATE TRANSPORTATION DEPARTMENT. A SNOWMOBILE SHALL**
17 **ONLY BE OPERATED ON THAT RIGHT-OF-WAY IN THE MANNER PROVIDED IN**
18 **THAT PLAN. IN ADDITION, A SNOWMOBILE OPERATED ON THE RIGHT-OF-WAY**
19 **OF A PUBLIC HIGHWAY, AS PROVIDED IN THIS SUBDIVISION, SHALL TRAVEL**
20 **SINGLE FILE AND SHALL NOT BE OPERATED ABREAST EXCEPT WHEN**
21 **OVERTAKING AND PASSING ANOTHER SNOWMOBILE. IN THE ABSENCE OF A**
22 **POSTED SNOWMOBILE SPEED LIMIT, A SNOWMOBILE OPERATED ON THE RIGHT-**
23 **OF-WAY OF A PUBLIC HIGHWAY, AS PROVIDED IN THIS SUBDIVISION, SHALL**
24 **NOT EXCEED THE SPEED LIMIT POSTED ON THE PUBLIC HIGHWAY.**

25 **(C) ~~(b)~~** A snowmobile may be operated on the roadway or
26 shoulder when necessary to cross a bridge or culvert if the
27 snowmobile is brought to a complete stop before entering onto the

1 roadway or shoulder and the driver yields the right-of-way to an
2 approaching vehicle on the highway.

3 (D) ~~-(e)-~~ In a court action in this state where competent
4 evidence demonstrates that a vehicle that is permitted to be
5 operated on a highway pursuant to the Michigan vehicle code, ~~Act~~
6 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923~~
7 ~~of the Michigan Compiled Laws, is in a collision~~ **1949 PA 300, MCL**
8 **257.1 TO 257.923, COLLIDED** with a snowmobile on a roadway, the
9 driver of the snowmobile involved in the collision shall be
10 considered prima facie negligent.

11 (E) ~~-(d)-~~ A snowmobile may be operated across a public highway
12 other than a limited access highway, at right angles to the
13 highway, for the purpose of getting from 1 area to another when the
14 operation can be done in safety and another vehicle is not crossing
15 the highway at the same time in the same general area. An operator
16 shall bring his or her snowmobile to a complete stop before
17 proceeding across the public highway and shall yield the right-of-
18 way to all oncoming traffic.

19 (F) ~~-(e)-~~ Snowmobiles may be operated on a highway in a county
20 road system that is not normally snowplowed for vehicular traffic
21 and on the plowed right-of-way or shoulder when no right-of-way
22 exists on a snowplowed highway in the county road system, outside
23 the corporate limits of a city or village, that is designated and
24 marked for snowmobile use by the county road commission having
25 jurisdiction. Upon the request of a county road commission that has
26 designated all county roads outside the corporate limits of a city
27 or village for snowmobile use, the state transportation department

1 shall erect at county road commission expense and shall maintain,
2 in accordance with the Michigan manual of uniform traffic control
3 devices standards, the basic snowmobile sign unit together with a
4 supplemental panel stating "permitted on right-of-way or shoulder
5 of all (county name) roads -- ~~Act 74 of P.A. 1968~~ **MCL**
6 **324.82119**" at the county line on all state trunk line highways and
7 county roads. **A SIGN ERECTED BEFORE THE EFFECTIVE DATE OF THE 2005**
8 **AMENDATORY ACT THAT AMENDED THIS SECTION MAY CITE 1968 PA 74**
9 **INSTEAD OF CITING THIS SECTION.**

10 (G) ~~-(f)-~~ A ~~duly constituted~~ law enforcement officer of a
11 local unit of government or the state may authorize use of a
12 snowmobile on a public highway or street within his or her
13 jurisdiction when an emergency occurs and conventional motor
14 vehicles cannot be used for transportation due to snow or other
15 extreme highway conditions.

16 (H) ~~-(g)-~~ A snowmobile may be operated on a highway or street
17 for a special event of limited duration conducted according to a
18 prearranged schedule only under permit from the governmental unit
19 having jurisdiction. The event may be conducted on the frozen
20 surface of public waters only under permit from the department.

21 (I) ~~-(h)-~~ A city or village by ordinance may designate 1 or
22 more specific public highways or streets within its jurisdiction as
23 egress and ingress routes for the use of snowmobiles. A city or
24 village acting under the authority of this subdivision shall erect
25 and maintain, in accordance with the Michigan manual of uniform
26 traffic control devices standards, a sign unit giving proper notice
27 of the designation.

1 (2) THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF
2 NATURAL RESOURCES MAY PERMANENTLY PROHIBIT SNOWMOBILE USE AS
3 DESCRIBED IN SUBSECTION (1)(A) OR (B) IN A HIGHWAY RIGHT-OF-WAY IF,
4 WITHIN 10 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
5 ADDED THIS SUBSECTION, ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

6 (A) THE RIGHT-OF-WAY IS DESIGNATED IN A CLOSURE PLAN DEVELOPED
7 BY THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF
8 NATURAL RESOURCES AND APPROVED BY THE STATE TRANSPORTATION
9 COMMISSION AND THE COMMISSION OF NATURAL RESOURCES.

10 (B) THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF
11 NATURAL RESOURCES HAVE HELD A PUBLIC HEARING ON THE PROPOSED
12 PROHIBITION IN THE COUNTY WHERE THE PROHIBITION IS TO APPLY. THE
13 STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF NATURAL
14 RESOURCES SHALL GIVE NOTICE OF THE HEARING BY PUBLICATION IN A
15 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT MORE THAN 21 OR
16 LESS THAN 7 DAYS BEFORE THE HEARING.

17 (C) THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT
18 HAVE CONSULTED ON THE PROPOSED PROHIBITION WITH THE SNOWMOBILE
19 ADVISORY COMMITTEE CREATED UNDER SECTION 82102A.

20 (D) SNOWMOBILE USE IN THAT RIGHT-OF-WAY POSES A PARTICULAR AND
21 DEMONSTRABLE THREAT TO PUBLIC SAFETY.

22 (E) THE DEPARTMENT HAS DESIGNATED AND, IF REQUIRED UNDER
23 SUBSECTION (1)(A) OR (B), THE STATE TRANSPORTATION DEPARTMENT HAS
24 APPROVED AN ALTERNATIVE SNOWMOBILE TRAIL THAT MEETS ALL OF THE
25 FOLLOWING REQUIREMENTS:

26 (i) IS OPEN FOR USE AND FUNCTIONAL DURING SNOWMOBILE SEASON.

27 (ii) BYPASSES THE HIGHWAY RIGHT-OF-WAY ON WHICH SNOWMOBILE USE

1 IS TO BE PROHIBITED.

2 (iii) PROVIDES ACCESS TO ANY QUALIFIED BUSINESS THAT, WHEN THE
3 ALTERNATIVE SNOWMOBILE TRAIL IS DESIGNATED, IS LOCATED ALONG THE
4 HIGHWAY RIGHT-OF-WAY ON WHICH SNOWMOBILE USE IS TO BE PROHIBITED.
5 AS USED IN THIS SUBPARAGRAPH, "QUALIFIED BUSINESS" MEANS A GAS
6 STATION, RESTAURANT, HOTEL, MOTEL, CONVENIENCE STORE, OR GROCERY
7 STORE OR ANY OTHER BUSINESS THAT RELIES ON SNOWMOBILE-BASED
8 COMMERCE.

9 (3) THE STATE TRANSPORTATION DEPARTMENT AND THE DEPARTMENT OF
10 NATURAL RESOURCES MAY PROMULGATE RULES TO IMPLEMENT SUBSECTIONS
11 (1)(B) AND (2).