

SENATE BILL No. 161

February 3, 2005, Introduced by Senators ALLEN, BIRKHOLZ, STAMAS, VAN WOERKOM, JACOBS, JELINEK, BARCIA, GOSCHKA, GARCIA, GEORGE, CASSIS, TOY, GILBERT, JOHNSON, SANBORN, PATTERSON, BROWN, McMANUS, HARDIMAN, KUIPERS, BISHOP and BASHAM and referred to the Committee on Natural Resources and Environmental Affairs.

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. 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 snowmobile may be operated on the right-of-way of a
7 public highway, except a limited access highway, if it is operated
8 at the extreme right of the open portion of the right-of-way and

1 with the flow of traffic on the highway. However, a snowmobile may
2 be operated on the right-of-way of a public highway against the
3 flow of traffic if the right-of-way is a snowmobile trail
4 designated by the department in the plan developed pursuant to
5 section 82106(2) and is approved by the state transportation
6 department and the department. Snowmobiles operated on the right-
7 of-way of a public highway, as provided in this subdivision, shall
8 travel single file and shall not be operated abreast except when
9 overtaking and passing another snowmobile. In the absence of a
10 posted snowmobile speed limit, a snowmobile operated on the right-
11 of-way of a public highway, as provided in this subdivision, shall
12 be limited to the speed limit posted on the public highway.

13 **(B) A SNOWMOBILE MAY BE OPERATED ON THE RIGHT-OF-WAY OF A**
14 **PUBLIC HIGHWAY THAT IS A LIMITED ACCESS HIGHWAY IF THE RIGHT-OF-WAY**
15 **IS A SNOWMOBILE TRAIL DESIGNATED BY THE DEPARTMENT IN THE PLAN**
16 **DEVELOPED PURSUANT TO SECTION 82106(2) AND IS APPROVED BY THE STATE**
17 **TRANSPORTATION DEPARTMENT AND THE DEPARTMENT. A SNOWMOBILE SHALL**
18 **ONLY BE OPERATED ON THAT RIGHT-OF-WAY IN THE MANNER PROVIDED IN**
19 **THAT PLAN AND WITHIN THE WIDTH OF THE DESIGNATED TRAIL.**

20 (C) ~~-(b)-~~ A snowmobile may be operated on the roadway or
21 shoulder when necessary to cross a bridge or culvert if the
22 snowmobile is brought to a complete stop before entering onto the
23 roadway or shoulder and the driver yields the right-of-way to an
24 approaching vehicle on the highway.

25 (D) ~~-(e)-~~ In a court action in this state where competent
26 evidence demonstrates that a vehicle that is permitted to be
27 operated on a highway pursuant to the Michigan vehicle code, ~~-Act~~

1 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923~~
2 ~~of the Michigan Compiled Laws, is in a collision~~ 1949 PA 300, MCL
3 257.1 TO 257.923, COLLIDED with a snowmobile on a roadway, the
4 driver of the snowmobile involved in the collision shall be
5 considered prima facie negligent.

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

14 (F) ~~-(e)-~~ Snowmobiles may be operated on a highway in a
15 county road system that is not normally snowplowed for vehicular
16 traffic and on the plowed right-of-way or shoulder when no right-
17 of-way exists on a snowplowed highway in the county road system,
18 outside the corporate limits of a city or village, that is
19 designated and marked for snowmobile use by the county road
20 commission having jurisdiction. Upon the request of a county road
21 commission that has designated all county roads outside the
22 corporate limits of a city or village for snowmobile use, the state
23 transportation department shall erect at county road commission
24 expense and shall maintain, in accordance with the Michigan manual
25 of uniform traffic control devices standards, the basic snowmobile
26 sign unit together with a supplemental panel stating "permitted on
27 right-of-way or shoulder of all (county name) roads --

1 ~~Act 74 of P.A. 1968~~ MCL 324.82119" at the county line on all
2 state trunk line highways and county roads. **A SIGN ERECTED BEFORE**
3 **THE EFFECTIVE DATE OF THE 2005 AMENDATORY ACT THAT AMENDED THIS**
4 **SECTION MAY CITE 1968 PA 74 INSTEAD OF CITING THIS SECTION.**

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

11 (H) ~~(g)~~ A snowmobile may be operated on a highway or street
12 for a special event of limited duration conducted according to a
13 prearranged schedule only under permit from the governmental unit
14 having jurisdiction. The event may be conducted on the frozen
15 surface of public waters only under permit from the department.

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