

Act No. 307
Public Acts of 2005
Approved by the Governor
December 19, 2005
Filed with the Secretary of State
December 27, 2005
EFFECTIVE DATE: December 27, 2005

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 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

ENROLLED SENATE BILL No. 161

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

The People of the State of Michigan enact:

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

(a) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway. However, a snowmobile may be operated on the right-of-way of a public highway against the flow of traffic if the right-of-way is a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2) and that is approved by the state transportation department. Snowmobiles operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

(b) Subject to subsection (2), a snowmobile may be operated on the right-of-way of a limited access public highway if it is operated on a snowmobile trail that is designated by the department in the plan developed pursuant to section 82106(2) and that is approved by the state transportation department. A snowmobile shall only be operated on that right-of-way in the manner provided in that plan. In addition, a snowmobile operated on the right-of-way of a public highway, as provided in this subdivision, shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile operated

on the right-of-way of a public highway, as provided in this subdivision, shall not exceed the speed limit posted on the public highway.

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

(d) In a court action in this state where competent evidence demonstrates that a vehicle that is permitted to be operated on a highway pursuant to the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, collided with a snowmobile on a roadway, the driver of the snowmobile involved in the collision shall be considered prima facie negligent.

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

(f) Snowmobiles may be operated on a highway in a county road system that is not normally snowplowed for vehicular traffic and on the plowed right-of-way or shoulder when no right-of-way exists on a snowplowed highway in the county road system, outside the corporate limits of a city or village, that is designated and marked for snowmobile use by the county road commission having jurisdiction. Upon the request of a county road commission that has designated all county roads outside the corporate limits of a city or village for snowmobile use, the state transportation department shall erect at county road commission expense and shall maintain, in accordance with the Michigan manual of uniform traffic control devices standards, the basic snowmobile sign unit together with a supplemental panel stating “permitted on right-of-way or shoulder of all (county name) roads — MCL 324.82119” at the county line on all state trunk line highways and county roads. A sign erected before the effective date of the 2005 amendatory act that amended this section may cite 1968 PA 74 instead of citing this section.

(g) A law enforcement officer of a local unit of government or the state may authorize use of a snowmobile on a public highway or street within his or her jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

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

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

(2) The state transportation department and the department of natural resources may permanently prohibit snowmobile use as described in subsection (1)(a) or (b) in a highway right-of-way if, within 10 years after the effective date of the amendatory act that added this subsection, all of the following requirements are met:

(a) The right-of-way is designated in a closure plan developed by the state transportation department and the department of natural resources and approved by the state transportation commission and the commission of natural resources.

(b) The state transportation department and the department of natural resources have held a public hearing on the proposed prohibition in the county where the prohibition is to apply. The state transportation department and the department of natural resources shall give notice of the hearing by publication in a newspaper of general circulation in the county not more than 21 or less than 7 days before the hearing.

(c) The state transportation department and the department of natural resources have consulted on the proposed prohibition with the snowmobile advisory committee created under section 82102a.

(d) Snowmobile use in that right-of-way poses a particular and demonstrable threat to public safety.

(e) The department has designated and, if required under subsection (1)(a) or (b), the state transportation department has approved an alternative snowmobile trail that meets all of the following requirements:

(i) Is open for use and functional during snowmobile season.

(ii) Bypasses the highway right-of-way on which snowmobile use is to be prohibited.

(iii) Provides access to any qualified business that, when the alternative snowmobile trail is designated, is located along the highway right-of-way on which snowmobile use is to be prohibited. As used in this subparagraph, “qualified business” means a gas station, restaurant, hotel, motel, convenience store, or grocery store, or any other business that relies on snowmobile-based commerce.

(3) The state transportation department and the department of natural resources may promulgate rules to implement subsections (1)(b) and (2).

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor