

# SENATE BILL No. 296

March 1, 2007, Introduced by Senator JELINEK and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 81129 (MCL 324.81129), as amended by 2003 PA  
111.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 81129. (1) Subject to subsections (2), (3), ~~and~~ (17), **AND**  
2       **(18)**, a parent or legal guardian of a child less than 16 years of  
3       age shall not permit the child to operate an ORV unless the child  
4       is under the direct visual supervision of an adult and the child  
5       has in his or her immediate possession an ORV safety certificate  
6       issued pursuant to this part or a comparable ORV safety certificate  
7       issued under the authority of another state or a province of  
8       Canada.

9       (2) ~~A~~ **SUBJECT TO SUBSECTION (18)**, A parent or legal guardian

1 of a child less than 12 years of age shall not permit the child to  
2 operate a 4-wheeled ATV, unless the child is not less than 10 years  
3 of age and is on private land owned by a parent or legal guardian  
4 of the child. This subsection does not apply to the operation of an  
5 ATV used in agricultural operations.

6 (3) A parent or legal guardian of a child less than 16 years  
7 of age shall not permit the child to operate a 3-wheeled ATV.

8 (4) Subject to subsections (5), (6), ~~and (17)~~, **AND (18)**, the  
9 owner or person in charge of an ORV shall not knowingly permit the  
10 vehicle to be operated by a child less than 16 years of age unless  
11 the child is under the direct visual supervision of an adult and  
12 the child has in his or her immediate possession an ORV safety  
13 certificate issued pursuant to this part or a comparable ORV safety  
14 certificate issued under the authority of another state or a  
15 province of Canada.

16 (5) ~~The~~ **SUBJECT TO SUBSECTION (18), THE** owner or person in  
17 charge of a 4-wheeled ATV shall not knowingly permit the vehicle to  
18 be operated by a child less than 12 years of age, unless the child  
19 is not less than 10 years of age and is on private land owned by a  
20 parent or legal guardian of the child. This subsection does not  
21 apply to the operation of an ATV used in agricultural operations.

22 (6) The owner or person in charge of a 3-wheeled ATV shall not  
23 knowingly permit the vehicle to be operated by a child less than 16  
24 years of age.

25 (7) The owner or person in charge of an ORV shall not  
26 knowingly permit the vehicle to be operated by a person who is  
27 incompetent to operate the vehicle because of mental or physical

1 disability except as provided in section 81131.

2 (8) The department shall implement a comprehensive ORV  
3 information, safety education, and training program that shall  
4 include the training of operators and the preparation and  
5 dissemination of information and safety advice to the public. The  
6 program shall provide for the training of youthful operators and  
7 for the issuance of ORV safety certificates to those who  
8 successfully complete the training provided under the program and  
9 may include separate instruction for each type of ORV.

10 (9) In implementing a program that is established pursuant to  
11 this section, the department shall cooperate with private  
12 organizations and associations, private and public corporations,  
13 the department of education, the department of state, and local  
14 governmental units. The department shall consult with ORV and  
15 environmental organizations and associations in regard to the  
16 subject matter of a training program and performance testing that  
17 leads to certification of ORV operators.

18 (10) The department may designate a person it considers  
19 qualified to provide course instruction and to award ORV safety  
20 certificates.

21 (11) The department may promulgate rules to implement  
22 subsections (8) to (10) **AND (18)**.

23 (12) Subject to subsections (13), (14), ~~and (17)~~, **AND (18)**, a  
24 child who is less than 16 years of age may operate an ORV if the  
25 child is under the direct visual supervision of an adult and the  
26 child has in his or her immediate possession an ORV safety  
27 certificate issued pursuant to this section or a comparable ORV

1 safety certificate issued under the authority of another state or a  
2 province of Canada.

3 (13) ~~A~~**SUBJECT TO SUBSECTION (18)**, A child who is less than 12  
4 years of age shall not operate a 4-wheeled ATV, unless the child is  
5 not less than 10 years of age and is on private land owned by a  
6 parent or legal guardian of the child. This subsection does not  
7 apply to the operation of an ATV used in agricultural operations.

8 (14) A child who is less than 16 years of age shall not  
9 operate a 3-wheeled ATV.

10 (15) ~~When~~**SUBJECT TO SUBSECTION (18)**, ~~WHEN~~ operating an ORV  
11 under subsection (12), a child shall present the ORV safety  
12 certificate to a peace officer upon demand.

13 (16) Notwithstanding any other provision of this section, an  
14 operator who is less than 12 years of age shall not cross a highway  
15 or street. An operator who is not less than 12 years of age but  
16 less than 16 years of age may cross a highway or street or operate  
17 on the right-of-way or shoulder of designated access routes  
18 pursuant to section 81131 if the operator has a valid ORV safety  
19 certificate in his or her immediate possession and meets any other  
20 requirements under this section for operation of the vehicle.

21 (17) The requirement of possession or presentation of an ORV  
22 safety certificate under this section does not apply until  
23 implementation of the program for the vehicle proposed to be  
24 operated required by subsection (8).

25 **(18) THE REQUIREMENT THAT A CHILD POSSESS AN ORV SAFETY**  
26 **CERTIFICATE TO OPERATE AN ORV, AND THE REQUIREMENT THAT A CHILD WHO**  
27 **IS LESS THAN 12 YEARS OF AGE NOT OPERATE A 4-WHEELED ATV UNLESS THE**

1 CHILD IS NOT LESS THAN 10 YEARS OF AGE AND IS ON PRIVATE LAND OWNED  
2 BY A PARENT OR LEGAL GUARDIAN OF THE CHILD, DO NOT APPLY IF ALL OF  
3 THE FOLLOWING REQUIREMENTS ARE MET:

4 (A) THE CHILD IS PARTICIPATING IN AN ORGANIZED ORV RIDING OR  
5 RACING EVENT HELD ON LAND NOT OWNED BY THIS STATE.

6 (B) THE CHILD'S PARENT OR LEGAL GUARDIAN HAS PROVIDED THE  
7 EVENT ORGANIZER WITH WRITTEN PERMISSION FOR THE CHILD TO  
8 PARTICIPATE IN THE EVENT.

9 (C) THE EVENT ORGANIZER HAS NOT LESS THAN \$500,000.00  
10 LIABILITY INSURANCE COVERAGE FOR THE EVENT.

11 (D) A PHYSICIAN OR PHYSICIAN'S ASSISTANT LICENSED OR OTHERWISE  
12 AUTHORIZED UNDER PART 170 OR 175 OF THE PUBLIC HEALTH CODE, 1978 PA  
13 368, MCL 333.17001 TO 333.17084 AND 333.17501 TO 333.17556, OR A  
14 PARAMEDIC OR EMERGENCY MEDICAL TECHNICIAN LICENSED UNDER PART 209  
15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20901 TO 333.20979,  
16 IS PRESENT AT THE SITE OF THE EVENT OR AVAILABLE ON CALL.

17 (E) THE EVENT IS AT ALL TIMES UNDER THE SUPERVISION OF ADULT  
18 STAFF OF THE EVENT ORGANIZER AND A STAFF MEMBER SERVES AS A FLAGGER  
19 TO WARN ORV RIDERS IF ANOTHER ORV RIDER IS INJURED OR AN ORV IS  
20 INOPERABLE IN THE ORV OPERATING AREA.

21 (F) FENCING OR ANOTHER MEANS OF CROWD CONTROL IS USED TO KEEP  
22 SPECTATORS OUT OF THE ORV OPERATING AREA.

23 (G) IF THE EVENT IS ON A CLOSED COURSE, DUST IS CONTROLLED IN  
24 THE ORV OPERATING AREA AND THE RIDING SURFACE IN THE ORV OPERATING  
25 AREA IS OTHERWISE PROPERLY PREPARED.

26 (H) THREE-WHEELED ATVS ARE NOT USED BY PARTICIPANTS.

27 (I) ANY ATVS USED BY PARTICIPANTS ARE EQUIPPED WITH A SIDE

1 STEP BAR OR COMPARABLE SAFETY EQUIPMENT AND WITH A TETHER KILL  
2 SWITCH, AND THE TETHER IS USED BY ALL PARTICIPANTS.

3 (J) EACH PARTICIPANT IN THE EVENT WEARS A CRASH HELMET  
4 APPROVED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION, A  
5 PROTECTIVE LONG-SLEEVED SHIRT OR JACKET, LONG PANTS, BOOTS, AND  
6 PROTECTIVE GLOVES.

7 (K) ANY OTHER APPLICABLE REQUIREMENTS OF THIS PART OR RULES  
8 PROMULGATED UNDER THIS PART ARE MET.