

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.81147 Violation of part as misdemeanor or civil violation; penalties; restoration; impoundment; disposition of seized ORV or personal property.

Sec. 81147.

(1) Except as otherwise provided in this part, a person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$50.00 or more than \$1,000.00, or both, for each violation.

(2) A person who violates section 81133(1)(d) by operating an ORV in such a manner as to create an erosive condition or who violates section 81133(1)(h) or (n) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$250.00 or more than \$1,000.00, or both, for each violation.

(3) A person who violates section 81105, 81107, 81115, 81116, 81121, 81130, 81133(1)(b), (c), (e), (f), (g), (i), (k), or (l), or 81133(2) is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(4) A person shall not remove, deface, or destroy a sign or marker placed by the department indicating the boundaries of an ORV trail or area or that marks a route.

(5) In addition to the penalties otherwise provided under this part, a court of competent jurisdiction may order a person to restore, as nearly as possible, any land, water, stream bank, streambed, or other natural or geographic formation damaged by the violation of this part to the condition it was in before the violation occurred.

(6) The department or any other peace officer may impound the ORV of a person who commits a violation of this part that is punishable as a misdemeanor or who causes damage to the particular area in which the ORV was used in the commission of the violation.

(7) Upon conviction of a person for violation described in subsection (6), a court of competent jurisdiction may order the ORV and any personal property on the ORV seized as a result of the violation returned to the owner or, upon recommendation of the local prosecuting attorney, turned over to the department. An ORV or any other property turned over to the department under this subsection shall be disposed of in the manner provided for condemnation of property in part 16. The proceeds realized by the department under this subsection shall first be used to restore areas damaged by ORV use, and any balance shall be deposited in the off-road vehicle account.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 1996, Act 175, Imd. Eff. Apr. 18, 1996 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006 ;-- Am. 2008, Act 240, Imd. Eff. July 17, 2008 ;-- Am. 2013, Act 119, Imd. Eff. Sept. 25, 2013 ;-- Am. 2014, Act 147, Imd. Eff. June 4, 2014

Compiler's Notes: Enacting section 2 of Act 587 of 2004 provides: "Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963."

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Off-Road Vehicle Act

Popular Name: ORV