

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

324.82101 Definitions.

Sec. 82101.

As used in this part:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "Auction" means the sale or offer for sale by bidding of real or personal property at a public or private location.

(c) "Auctioneer" means a person that is engaged in the business of conducting auctions or that offers to conduct an auction for compensation.

(d) "Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.

(e) "Dealer" means any person engaged in the sale, lease, or rental of snowmobiles as a regular business, other than an auctioneer.

(f) "Former section 15a" means section 15a of former 1968 PA 74, as constituted before May 1, 1994.

(g) "Highly restricted personal information" means an individual's photograph or image, Social Security number, digitized signature, and medical and disability information.

(h) "Highway or street" means the entire width between the boundary lines of every way publicly maintained if any part of it is open to public use for vehicular travel.

(i) "Historic snowmobile" means a snowmobile that is over 25 years old and that is owned solely as a collector's item and for occasional use and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing.

(j) "In-kind contributions" means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.

(k) "Law of another state" means a law or ordinance enacted by any of the following:

(i) Another state.

(ii) A local unit of government in another state.

(iii) Canada or a province or territory of Canada.

(iv) A local unit of government in a province or territory of Canada.

(l) "Operate" means to ride in or on and be in actual physical control of the operation of a snowmobile.

(m) "Operator" means any individual who operates a snowmobile.

(n) "Owner" means any of the following:

(i) A person that holds the legal title to a snowmobile.

(ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

(iii) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.

(o) "Peace officer" means any of the following:

(i) A sheriff.

(ii) A sheriff's deputy.

(iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.

(iv) A village or township marshal.

(v) An officer of the police department of any municipality.

(vi) An officer of the Michigan state police.

(vii) The director and conservation officers employed by the department.

(viii) A law enforcement officer who is licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and is policing within his or her jurisdiction.

(p) "Personal information" means information that identifies an individual, including an individual's driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.

(q) "Prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) A violation or an attempted violation of section 82127(1), (3), (4), (5), (6), or (7), except that only 1 violation or attempted violation of section 82127(6), a local ordinance substantially corresponding to section 82127(6), or a law of another state substantially corresponding to section 82127(6), or a law of the United States substantially corresponding to section 82127(6) may be used as a prior conviction other than for enhancement purposes as provided in section 82129a(1)(b).

(ii) Negligent homicide, manslaughter, or murder resulting from the operation of a snowmobile or an attempt to commit any of those crimes.

(iii) Former section 15a(1), (3), (4), or (5) of 1968 PA 74.

(iv) Former section 15a.

(r) "Probate court or family division disposition" means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(s) "Prosecuting attorney", unless the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

(t) "Recreational snowmobile trail improvement subaccount" means the recreational snowmobile trail improvement subaccount of the snowmobile account created in section 82110.

(u) "Right-of-way" means that portion of a highway or street not including the roadway and any shoulder.

(v) "Roadway" means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any roadway separately, but not to all of the roadways collectively.

(w) "Shoulder" means that portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.

(x) "Snowmobile" means any motor-driven vehicle that is designed for travel primarily on snow or ice and that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(y) "Snowmobile account" means the snowmobile account of the Michigan conservation and recreation legacy fund provided for in section 2025.

(z) "Snowmobile registration fee subaccount" means the snowmobile registration fee subaccount of the snowmobile account created in section 82111.

(aa) "Specialty court program" means a program under any of the following:

(i) A drug treatment court, as defined in section 1060 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060, in which the participant is an adult.

(ii) A DWI/sobriety court, as defined in section 1084 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1084.

(iii) A hybrid of the programs under subparagraphs (i) and (ii).

(iv) A mental health court as defined in section 1090 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1090.

(v) A veterans treatment court, as defined in section 1200 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1200.

(bb) "Zone 1" means all of the Upper Peninsula.

(cc) "Zone 2" means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River Road in Muskegon County; thence due east to the westerly terminus of River Road; thence north and east along the center line of the River Road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay County line; thence easterly along the center line of the "business route" of highway US-10 to the intersection of Garfield Road in Bay County; thence north along the center line of Garfield Road to the intersection of the Pinconning Road; thence east along the center line of Pinconning Road to the intersection of the Seven Mile Road; thence north along the center of the Seven Mile Road to the Bay-Arenac County line; thence north along the center line of the Lincoln School Road (county road 25) in Arenac County to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres River; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

(dd) "Zone 3" means all of that part of the Lower Peninsula south of the line described in subdivision (bb).

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995 ;-- Am. 1997, Act 102, Imd. Eff. Aug. 7, 1997 ;-- Am. 2003, Act 43, Imd. Eff. July 14, 2003 ;-- Am. 2003, Act 230, Imd. Eff. Dec. 18, 2003 ;-- Am. 2004, Act 587, Eff. Dec. 23, 2006 ;-- Am. 2005, Act 175, Imd. Eff. Oct. 12,

2005 ;-- Am. 2008, Act 145, Eff. July 1, 2009 ;-- Am. 2010, Act 371, Imd. Eff. Dec. 22, 2010 ;-- Am. 2014, Act 195, Imd. Eff. June 24, 2014 ;-- Am. 2014, Act 404, Eff. Mar. 31, 2015 ;-- Am. 2016, Act 294, Eff. Jan. 2, 2017 ;-- Am. 2020, Act 385, Eff. Mar. 24, 2021

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 as provided in section 1 of article XII of the state constitution of 1963." In subdivision (dd) of this section, the reference to "subdivision (bb)" evidently should read "subdivision (cc)".

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Snowmobiles