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House Bill 4021 (as passed by the House)
Sponsor: Representative Curtis VanderWall
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 10-11-23

CONTENT

The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act (NREPA) to authorize a "peace officer", instead of a "law enforcement officer", to enforce provisions of NREPA concerning off-road vehicle (ORV) use.

Section 81132 of NREPA allows the Department of Natural Resources (DNR) to promulgate rules regulating the operation of ORVs, ORV speed limits, use of ORVs by day and hour, and the establishment and designation of areas within which ORVs may be used on frozen surface public waters, certain submerged marshlands, and navigable inland waters.

A local law enforcement officer may enforce an ordinance enacted under Section 81132, and a State law enforcement officer must enforce a rule promulgated under Section 81132. The bill would refer to a "peace officer" instead of a "law enforcement officer".

"Peace officer" would mean any of the following:

- A sheriff.
- A sheriff's deputy.
- A deputy who is authorized by a sheriff to enforce Part 811 and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to Part 811.
- A village or township marshal.
- An officer of the police department of a municipality.
- An officer of the Department of State Police.
- The DNR Director and conservation officers employed by the DNR.

Section 81145 of NREPA generally allows a law enforcement officer to issue an appearance ticket for a violation of Part 811 and prescribes what constitutes prima facie evidence during a proceeding for a violation for Part 811. The bill would refer to "peace officer" instead of "law enforcement officer".

Section 81146 of NREPA generally prescribes a misdemeanor penalty for failing or refusing to obey a signal or request to stop given by a law enforcement officer acting in the lawful performance or his or her duty. The bill would refer to "peace officer" instead of "law enforcement officer".

Section 81150 of NREPA requires the DNR to disseminate information to its field officers and to State and local law enforcement agencies on a uniform interpretation of Part 811 and each officer's duties and responsibilities in enforcing Part 811. The bill would refer to *peace officer*.

MCL 324.81101

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a reintroduction of Senate Bill 1003 of the 2021-2022 Legislative Session. Senate Bill 1003 was reported from the House Committee on Judiciary but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce R. Baker
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.