

## ***ORV Offense Types<sup>1</sup>***

The table below is meant to be a quick-reference guide for common offenses involving ORVs. An individual may be subject to exceptions found within the relevant statutes, and accordingly, may not be guilty or responsible for the offense when certain conditions are met. See each statute in its entirety for information on circumstances in which an offense may not apply.<sup>2</sup>

<b>Statutory Reference</b>	<b>Offense Description</b>	<b>Offense Type</b>
<a href="#">MCL 324.81103</a>	Failure to apply for certificate of title by purchaser	Misdemeanor
<a href="#">MCL 324.81104</a>	Failure to surrender MVC title to Department of State	Misdemeanor
<a href="#">MCL 324.81105</a>	Failure to obtain title/transfer title	State civil Infraction
<a href="#">MCL 324.81107</a>	Failure to deliver/acquire certificate of origin when selling/transferring ORV to dealer or purchasing ORV by dealer	State civil Infraction
<a href="#">MCL 324.81108</a>	Improper application for ORV certificate of title	Misdemeanor
<a href="#">MCL 324.81109</a>	Failure to timely apply for certificate of title by purchaser/transferee	State civil Infraction
<a href="#">MCL 324.81115</a>	Operation of unlicensed ORV	State civil Infraction
<a href="#">MCL 324.81116(4)</a>	Failure to display license/decal	State civil Infraction
<a href="#">MCL 324.81122(1)</a>	Operation of unregistered ORVs on public highways and streets	Misdemeanor

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<sup>1</sup> See the Michigan Judicial Institute's [Recreational Vehicles Benchbook](#), Chapter 2, for more information on offenses and civil infractions involving ORVs.

Statutory Reference	Offense Description	Offense Type
MCL 324.81129	Permitting prohibited operation of ORV by minor; operation of ORV by minor; permitting operation of ORV by mentally or physically incompetent person	Misdemeanor
MCL 324.81130	Operation of ORV by children < 16 yrs of age - failure to take ORV safety education course	State civil Infraction
MCL 324.81131(10)	Operation of ORV as authorized under select subsections of MCL 324.81131 at speed greater than 25 mph (or lower posted ORV speed limit) or in manner that interferes with traffic on street/county road/highway	Violation of ordinance - municipal civil infraction; otherwise, misdemeanor
MCL 324.81131(11)	Operation of ORV as authorized under select subsections of MCL 324.81131 without MVC operator's license if ORV is registered as a motor vehicle under MVC and either is more than 65 inches wide or has 3 wheels; Operation of ORV as authorized under select subsections of MCL 324.81131 - failure to travel single file except during overtaking/passing	Violation of ordinance - municipal civil infraction; otherwise, misdemeanor
MCL 324.81131(12)	Equipment requirement - headlight and taillight	Violation of ordinance - municipal civil infraction; otherwise, misdemeanor
MCL 324.81131(13)	Operation of ORV under local ordinance by person under 18 without driver license or without direct parental supervision/safety certificate; Operation of ORV under local ordinance by person under 12	Violation of ordinance - municipal civil infraction; otherwise, misdemeanor
MCL 324.81133(1)(a)	Operation of ORV at unreasonable/improper speed or careless manner	Misdemeanor
MCL 324.81133(1)(b)	Equipment requirement - headlights, taillights	State civil Infraction

<sup>2</sup>See [http://www.michigan.gov/documents/dnr/IC9120-2\\_Summ\\_Conserv\\_Laws\\_439410\\_7.pdf?20160127142613](http://www.michigan.gov/documents/dnr/IC9120-2_Summ_Conserv_Laws_439410_7.pdf?20160127142613) for a PDF entitled *Summary of Michigan's Conservation-Related Laws*.

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MCL 324.81133(1)(c)	Equipment requirement - braking system, brake light, throttle	State civil Infraction
MCL 324.81133(1)(d)	Operation of ORV in/on certain state-owned lands; on public lands identifiable as forest reproduction area; or anywhere if operation creates erosive condition or injures, damages, or destroys trees/growing crops	Misdemeanor
MCL 324.81133(1)(e)	Operation of ORV on frozen surface of public waters within 100 feet of individual not in/on a vehicle, fishing shanty/shelter (minimum speed is permitted), or ice skating area (minimum speed is permitted)	State civil Infraction
MCL 324.81133(1)(f)	Equipment requirement - muffler	State civil Infraction
MCL 324.81133(1)(g)	Operation of ORV at greater than minimum speed within 100 feet of a dwelling	State civil Infraction
MCL 324.81133(1)(h)	Operation of ORV in or upon the lands of another without consent	Misdemeanor
MCL 324.81133(1)(i)	Operation of ORV during prohibited times in public hunting area during firearm deer season	State civil Infraction
MCL 324.81133(1)(j)	Operation of ORV while transporting a bow or firearm under certain circumstances	Misdemeanor
MCL 324.81133(1)(k)	Operation of ORV on or across a cemetery or burial ground, or land used as an airport	State civil Infraction
MCL 324.81133(1)(l)	Operation of ORV within 100 feet of a slide, ski, or skating area	State civil Infraction
MCL 324.81133(1)(m)	Operation of ORV on railroad	Misdemeanor
MCL 324.81133(1)(n)	Operation of ORV in or upon waters of any stream, river, etc	Misdemeanor
MCL 324.81133(1)(o)	Operation of ORV to hunt, pursue, worry, kill an animal (or attempt to do so)	Misdemeanor
MCL 324.81133(1)(p)	Operation of ORV so as to leave behind litter/debris	Misdemeanor

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MCL 324.81133(1)(q)	Operation of ORV on public land, contrary to operating regulations	Misdemeanor
MCL 324.81133(1)(r)	Operation of ORV while transporting or possessing open alcoholic liquor	Misdemeanor
MCL 324.81133(1)(s)	Operation of ORV while transporting any passenger unless manufacturing standards provide for such transportation	Misdemeanor
MCL 324.81133(1)(t)	Operation of ORV at greater than minimum speed on adjacent private land, in an area zoned residential, or within 300 feet of a dwelling	Misdemeanor
MCL 324.81133(1)(u)	Operation of ORV on forest trail if ORV > 50 inches wide	Misdemeanor
MCL 324.81133(2)	Equipment requirement - crash helmet, protective eyewear	State civil Infraction
MCL 324.81134(1)(a)-(c)	Operating while under the influence, with unlawful bodily alcohol content, or with any amount of certain controlled substances	Misdemeanor/ Felony (depends on prior convictions)
MCL 324.81134(2)	Knowingly allowing a person who is under the influence, who has unlawful bodily alcohol content, or who is visibly impaired to operate ORV	Misdemeanor
MCL 324.81134(3)	Operating while visibly impaired	Misdemeanor
MCL 324.81134(4)	Operating while under the influence/Operating with unlawful bodily alcohol content/ Operating with any amount of certain controlled substances/Operating while visibly impaired - causing death	Felony
MCL 324.81134(5)	Operating while under the influence/Operating with unlawful bodily alcohol content/ Operating with any amount of certain controlled substances/Operating while visibly impaired - causing serious impairment of a body function	Felony

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MCL 324.81134(6)	Operating with any bodily alcohol content when less than 21 years of age	Misdemeanor
MCL 324.81134(7)	Violation of § 81134(1), (3), (4), (5), or (6) when a person less than 16 years of age is occupying the ORV	Misdemeanor/ Felony (depending on underlying offense and prior convictions)
MCL 324.81140a	Operation of ORV after driver's license has been suspended or revoked	Misdemeanor
MCL 324.81142	Operation of ORV after ORV operating privileges have been suspended	Misdemeanor
MCL 324.81146(1)	Willful failure to obey signal of law enforcement officer to stop by attempting to flee/elude officer	Misdemeanor
MCL 324.81146(2)	Failure to stop and provide personal identification when visibly hailed by owner/ owner's authorized agent on private premises	Misdemeanor

