



HOUSE BILL No. 5834

May 1, 1996, Introduced by Reps. Gubow and Brackenridge and referred to the Committee on Local Government.

A bill to amend section 41 of Act No. 279 of the Public Acts of 1909, entitled as amended "The home rule city act," as added by Act No. 44 of the Public Acts of 1996, being section 117.41 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 41 of Act No. 279 of the Public Acts of
2 1909, as added by Act No. 44 of the Public Acts of 1996, being
3 section 117.41 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 41. (1) Consistent with any of the following statutes
6 and whether or not authorized by the city charter, the legisla-
7 tive body of a city may adopt an ordinance that designates a
8 violation of the ordinance as a civil infraction and provides a
9 civil fine for that violation:

1 (a) The Michigan vehicle code, Act No. 300 of the Public
2 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
3 Compiled Laws.

4 (b) Act No. 235 of the Public Acts of 1969, being
5 sections 257.941 to 257.943 of the Michigan Compiled Laws.

6 (c) Act No. 62 of the Public Acts of 1956, being
7 sections 257.951 to 257.954 of the Michigan Compiled Laws.

8 (2) CONSISTENT WITH PART 801 (MARINE SAFETY) OF THE NATURAL
9 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
10 PUBLIC ACTS OF 1994, BEING SECTIONS 324.80101 TO 324.80199 OF THE
11 MICHIGAN COMPILED LAWS, THE LEGISLATIVE BODY OF A CITY MAY ADOPT
12 AN ORDINANCE THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A
13 STATE CIVIL INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN
14 \$100.00 FOR THAT VIOLATION.

15 (3) ~~-(2)-~~ Whether or not authorized by the city charter, the
16 legislative body of a city may adopt an ordinance that designates
17 a violation of the ordinance as a municipal civil infraction and
18 provides a civil fine for that violation. An ordinance may not
19 designate a violation as a municipal civil infraction if that
20 violation may be designated as a civil infraction under
21 subsection (1). A statute may provide that a violation of a spe-
22 cific type of ordinance is a municipal civil infraction whether
23 or not the ordinance designates the violation as a municipal
24 civil infraction.

25 (4) ~~-(3)-~~ An ordinance shall not make an act or omission a
26 municipal civil infraction if that act or omission constitutes a
27 crime under any of the following:

1 (a) Article 7 or section 17766a of the public health code,
2 Act No. 368 of the Public Acts of 1978, being sections 333.7101
3 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

4 (b) The Michigan penal code, Act No. 328 of the Public Acts
5 of 1931, being sections 750.1 to 750.568 of the Michigan Compiled
6 Laws.

7 (c) Act No. 300 of the Public Acts of 1949, being
8 sections 257.1 to 257.923 of the Michigan Compiled Laws.

9 (d) The Michigan liquor control act, Act No. 8 of the Public
10 Acts of the Extra Session of 1933, being sections 436.1 to 436.58
11 of the Michigan Compiled Laws.

12 (e) Part 801 (marine safety) of the natural resources and
13 environmental protection act, Act No. 451 of the Public Acts of
14 1994, being sections 324.80101 to 324.80199 of the Michigan
15 Compiled Laws.

16 (f) The aeronautics code of the state of Michigan, Act
17 No. 327 of the Public Acts of 1945, being sections 259.1 to
18 259.208 of the Michigan Compiled Laws.

19 (g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts
20 of 1994, being sections 324.82101 to 324.82159 of the Michigan
21 Compiled Laws.

22 (h) Part 811 (off-road recreation vehicles) of Act No. 451
23 of the Public Acts of 1994, being sections 324.81101 to 324.81150
24 of the Michigan Compiled Laws.

25 (i) Sections 351 to 365 of the railroad code of 1993, Act
26 No. 354 of the Public Acts of 1993, being sections 462.351 to
27 462.365 of the Michigan Compiled Laws.

1 (j) Any law of this state under which the act or omission is
2 punishable by imprisonment for more than 90 days.

3 Section 2. This amendatory act shall not take effect unless
4 House Bill No. 4507 of the 88th Legislature is enacted into law.