

SENATE BILL NO. 1235

September 15, 1998, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1956 PA 62, entitled

"An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code,"

by amending sections 1 and 3 (MCL 257.951 and 257.953), section 1 as amended by 1993 PA 225.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A city, township, or village may adopt by ref-
2 erence a code or ordinance for the regulation of traffic within
3 cities, townships, and villages which has been promulgated by the
4 director of the department of state police. The director of the
5 department of state police may promulgate a uniform traffic code
6 pursuant to the administrative procedures act of 1969, ~~Act~~
7 No. 306 of the Public Acts of 1969, as amended, being sections

1 ~~24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL
2 24.201 TO 24.328.

3 (2) A city, township, or village, with the consent of, or at
4 the request of, a person who is in charge of a private road or
5 parking lot, whether or not that road or parking lot is open to
6 the general public, may contract with that person for the city,
7 township, or village to enforce provisions of the uniform traffic
8 code or ordinance adopted under this section on that private road
9 or parking lot. As used in this subsection, "person" means an
10 individual, corporation, association, partnership, or other legal
11 entity.

12 (3) A uniform traffic code promulgated by the director of
13 the department of state police under this section shall specify
14 whether a person who violates a particular provision of the code
15 is guilty of a misdemeanor or is responsible for a civil
16 infraction. The director may establish civil sanctions for civil
17 infractions, except that a civil sanction in excess of that pre-
18 scribed in the vehicle code is in conflict with that act and is
19 void to the extent of the conflict. The uniform traffic code
20 shall not impose a criminal penalty for an act or omission which
21 is a civil infraction under the vehicle code.

22 (4) Violation of a provision designated a civil infraction
23 in the uniform traffic code shall be processed in the same manner
24 as a civil infraction under the vehicle code.

25 (5) Notwithstanding the requirements of the uniform traffic
26 code, a handicapped parking sign shall be 12 inches by 18 inches
27 or larger, and shall be either blue or white and at a minimum

1 contain the international handicapped symbol in contrasting
2 colors of either blue or white in the center of the sign.

3 (6) The provisions of the uniform traffic code promulgated
4 pursuant to this act that relate to driving while under the
5 influence of an alcoholic beverage or driving with impaired abil-
6 ity shall be identical to the provisions of sections 625 to
7 ~~625m~~ 625N of the Michigan vehicle code, ~~Act No. 300 of the~~
8 ~~Public Acts of 1949, as amended, being sections 257.625 to~~
9 ~~257.625m of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.625
10 TO 257.625N.

11 (7) For purposes of this section, "vehicle code" means the
12 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
13 ~~as amended, being sections 257.1 to 257.923 of the Michigan~~
14 ~~Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

15 Sec. 3. If the ~~commissioner~~ DIRECTOR of the DEPARTMENT OF
16 state police ~~shall thereafter amend such~~ AMENDS THE code, ~~any~~
17 A city, township, or village ~~which~~ THAT has adopted ~~such~~ THE
18 code by reference may adopt ~~such~~ THE amendment by reference by
19 the same procedure as required for the adoption of the original
20 code ~~, or such amendment may be adopted~~ OR by enacting an ordi-
21 nance setting forth the entire text of ~~such~~ THE amendment.
22 HOWEVER, IF THE ORDINANCE ADOPTING THE ORIGINAL CODE EXPLICITLY
23 PROVIDES OR IS AMENDED TO PROVIDE THAT FUTURE AMENDMENTS TO THE
24 CODE ARE INCORPORATED BY REFERENCE WHEN, OR A SPECIFIED PERIOD OF
25 TIME AFTER, THE AMENDMENTS TO THE CODE ARE PROMULGATED AND EFFEC-
26 TIVE, THE AMENDMENTS TO THE CODE ARE AUTOMATICALLY INCORPORATED
27 IN THE ORDINANCE.