

SUBSTITUTE FOR
HOUSE BILL NO. 4817

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 675d and 742 (MCL 257.675d and 257.742),
section 675d as amended by 2004 PA 49 and section 742 as amended by
2000 PA 268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 675d. (1) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (2), A law~~
2 enforcement agency or a local unit of government may implement and
3 administer a program to authorize and utilize persons other than
4 police officers as volunteers to issue citations ~~as described in~~
5 ~~sections 742 and 743 for the violations described in section~~
6 ~~674(1)(s), 674(1)(t), or 674(1)(aa) or a local ordinance~~
7 ~~substantially corresponding to section 674(1)(s), 674(1)(t), or~~
8 ~~674(1)(aa).~~ **FOR THE FOLLOWING VIOLATIONS:**

1 (A) PARKING ON A SIDEWALK IN VIOLATION OF SECTION 674(1)(A) OR
2 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674(1)(A).

3 (B) PARKING IN FRONT OF A PUBLIC OR PRIVATE DRIVEWAY IN
4 VIOLATION OF SECTION 674(1)(B) OR A LOCAL ORDINANCE SUBSTANTIALLY
5 CORRESPONDING TO SECTION 674(1)(B).

6 (C) PARKING WITHIN 15 FEET OF A FIRE HYDRANT IN VIOLATION OF
7 SECTION 674(1)(D) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
8 TO SECTION 674(1)(D).

9 (D) PARKING ON A CROSSWALK IN VIOLATION OF SECTION 674(1)(E)
10 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
11 674(1)(E).

12 (E) PARKING WITHIN 20 FEET OF A CROSSWALK OR, IF THERE IS NOT
13 A CROSSWALK, WITHIN 15 FEET OF THE INTERSECTION OF PROPERTY LINES
14 AT AN INTERSECTION OF HIGHWAYS, IN VIOLATION OF SECTION 674(1)(F)
15 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
16 674(1)(F).

17 (F) PARKING AT A PLACE WHERE AN OFFICIAL SIGN PROHIBITS
18 STOPPING OR PARKING IN VIOLATION OF SECTION 674(1)(N) OR A LOCAL
19 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 674(1)(N). THIS
20 SUBDIVISION DOES NOT AUTHORIZE A VOLUNTEER TO ISSUE A CITATION FOR
21 ANY OTHER VIOLATION SET FORTH IN SECTION 674 OR A LOCAL ORDINANCE
22 SUBSTANTIALLY CORRESPONDING TO SECTION 674.

23 (G) PARKING IN A SPACE RESERVED FOR USE BY DISABLED PERSONS IN
24 VIOLATION OF SECTION 674(1)(S) OR A LOCAL ORDINANCE SUBSTANTIALLY
25 CORRESPONDING TO SECTION 674(1)(S).

26 (H) PARKING IN AN ACCESS AISLE OR ACCESS LANE IMMEDIATELY
27 ADJACENT TO A SPACE DESIGNATED FOR PARKING BY PERSONS WITH

1 DISABILITIES IN VIOLATION OF SECTION 674(1)(T) OR A LOCAL ORDINANCE
2 SUBSTANTIALLY CORRESPONDING TO SECTION 674(1)(T) .

3 (I) PARKING IN VIOLATION OF AN OFFICIAL SIGN RESTRICTING THE
4 PERIOD OF TIME FOR OR MANNER OF PARKING IN VIOLATION OF SECTION
5 674(1)(W) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
6 SECTION 674(1)(W) . THIS SUBDIVISION DOES NOT AUTHORIZE A VOLUNTEER
7 TO ISSUE A CITATION FOR ANY OTHER VIOLATION SET FORTH IN SECTION
8 674 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
9 674 .

10 (J) PARKING IN A SPACE OR IN A MANNER THAT BLOCKS ACCESS TO A
11 FIRE LANE IN VIOLATION OF SECTION 674(1)(AA) OR A LOCAL ORDINANCE
12 SUBSTANTIALLY CORRESPONDING TO SECTION 674(1)(AA) .

13 (2) Before authorizing and utilizing persons other than police
14 officers to issue citations, the law enforcement agency or local
15 unit of government shall implement a program to train the persons
16 to properly issue citations as provided in this section. A person
17 who successfully completes a program of training implemented
18 pursuant to this section may issue citations as provided in this
19 section as authorized by the law enforcement agency or local unit
20 of government. A law enforcement agency of a local unit of
21 government shall not implement or administer a program under this
22 section without the specific authorization of the governing body of
23 that local unit of government. **A LAW ENFORCEMENT AGENCY SHALL NOT**
24 **IMPLEMENT OR ADMINISTER A PROGRAM UNDER THIS SECTION THAT WOULD**
25 **ALLOW VOLUNTEERS TO ISSUE CITATIONS UNDER SUBSECTION (1)(A), (B),**
26 **(C), (D), (E), (F), OR (I) FOR ANY VIOLATIONS FOR WHICH THE USE OF**
27 **VOLUNTEERS IS PROHIBITED UNDER A COLLECTIVE BARGAINING AGREEMENT**

1 BETWEEN THAT LOCAL UNIT OF GOVERNMENT AND ANY LAW ENFORCEMENT
2 OFFICERS OF THAT LOCAL UNIT OF GOVERNMENT.

3 (3) ~~(2)~~As used in this section:

4 (a) "Law enforcement agency" means ~~a~~ANY OF THE FOLLOWING:

5 (i) A police agency of a city, village, or township. ~~+~~a

6 (ii) A sheriff's department. ~~+~~the

7 (iii) THE department of state police. ~~+~~or any

8 (iv) ANY other governmental law enforcement agency in this
9 state.

10 (b) "Local unit of government" means a state university or
11 college ~~+~~OR A county, city, village, or township.

12 Sec. 742. (1) A police officer who witnesses a person
13 violating this act or a local ordinance substantially corresponding
14 to this act, which violation is a civil infraction, may stop the
15 person, detain the person temporarily for purposes of making a
16 record of vehicle check, and prepare and subscribe, as soon as
17 possible and as completely as possible, an original and 3 copies of
18 a written citation, which shall be a notice to appear in court for
19 1 or more civil infractions. If a police officer of a village,
20 city, township, or county, or a police officer who is an authorized
21 agent of a county road commission, witnesses a person violating
22 this act or a local ordinance substantially corresponding to this
23 act within that village, city, township, or county and that
24 violation is a civil infraction, that police officer may pursue,
25 stop, and detain the person outside the village, city, township, or
26 county where the violation occurred for the purpose of exercising
27 the authority and performing the duties prescribed in this section

1 and section 749, as applicable.

2 (2) Any police officer, having reason to believe that the
3 load, weight, height, length, or width of a vehicle or load are in
4 violation of section 717, 719, 719a, 722, 724, 725, or 726 which
5 violation is a civil infraction, may require the driver of the
6 vehicle to stop, and the officer may investigate, weigh, or measure
7 the vehicle or load. If, after personally investigating, weighing,
8 or measuring the vehicle or load, the officer determines that the
9 load, weight, height, length, or width of the vehicle or load are
10 in violation of section 717, 719, 719a, 722, 724, 725, or 726, the
11 officer may temporarily detain the driver of the vehicle for
12 purposes of making a record or vehicle check and issue a citation
13 to the driver or owner of the vehicle as provided in those
14 sections.

15 (3) A police officer may issue a citation to a person who is a
16 driver of a motor vehicle involved in an accident when, based upon
17 personal investigation, the officer has reasonable cause to believe
18 that the person is responsible for a civil infraction in connection
19 with the accident. A police officer may issue a citation to a
20 person who is a driver of a motor vehicle when, based upon personal
21 investigation by the police officer of a complaint by someone who
22 witnessed the person violating this act or a local ordinance
23 substantially corresponding to this act, which violation is a civil
24 infraction, the officer has reasonable cause to believe that the
25 person is responsible for a civil infraction and if the prosecuting
26 attorney or attorney for the political subdivision approves in
27 writing the issuance of the citation.

1 (4) The form of a citation issued under subsection (1), (2),
2 or (3) shall be as prescribed in sections 727c and 743.

3 (5) The officer shall inform the person of the alleged civil
4 infraction or infractions and shall deliver the third copy of the
5 citation to the alleged offender.

6 (6) In a civil infraction action involving the parking or
7 standing of a motor vehicle, a copy of the citation ~~need~~ **IS** not
8 **REQUIRED TO** be served personally upon the defendant but may be
9 served upon the registered owner by attaching the copy to the
10 vehicle. A city may authorize personnel other than a police officer
11 to issue and serve a citation for a violation of its ordinance
12 involving the parking or standing of a motor vehicle. A city may
13 authorize a person other than personnel or a police officer to
14 issue and serve a citation for ~~a violation of an ordinance~~
15 ~~pertaining to parking for persons with disabilities or for certain~~
16 ~~other violations involving the parking or standing of a motor~~
17 ~~vehicle~~ **PARKING VIOLATIONS** described in section 675d if the city
18 has complied with the requirements of section 675d. State security
19 personnel receiving authorization under section 6c of 1935 PA 59,
20 MCL 28.6c, may issue and serve citations for violations involving
21 the parking or standing of vehicles on land owned by the state or
22 land of which the state is the lessee when authorized to do so by
23 the director of the department of state police.

24 (7) If a parking violation notice other than a citation is
25 attached to a motor vehicle, and if an admission of responsibility
26 is not made and the civil fine and costs, if any, prescribed by
27 ordinance for the violation are not paid at the parking violations

bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation.

(8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant ~~pursuant to~~ **UNDER** subsection (1) or (3).

(9) As used in subsection (7):

(a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.

(b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8395, ~~the violations bureau established within the traffic and ordinance division of the~~

1 ~~recorder's court of the city of Detroit,~~ or a comparable parking
2 violations bureau established in a city or village served by a
3 municipal court or established pursuant to law by the governing
4 board of a state university or college.