

HOUSE BILL No. 4817

May 23, 2007, Introduced by Rep. Green and referred to the Committee on Transportation.

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

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

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

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

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

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

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

21 (G) PARKING IN VIOLATION OF AN OFFICIAL SIGN RESTRICTING THE
22 PERIOD OF TIME FOR OR MANNER OF PARKING IN VIOLATION OF SECTION
23 674(1)(W) OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO
24 SECTION 674(1)(W). THIS SUBDIVISION DOES NOT AUTHORIZE A VOLUNTEER
25 TO ISSUE A CITATION FOR ANY OTHER VIOLATION SET FORTH IN SECTION
26 674 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
27 674.

(2) Before authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency or local unit of government shall implement a program to train the persons to properly issue citations as provided in this section. A person who successfully completes a program of training implemented pursuant to this section may issue citations as provided in this section as authorized by the law enforcement agency or local unit of government. A law enforcement agency of a local unit of government shall not implement or administer a program under this section without the specific authorization of the governing body of that local unit of government.

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

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

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

(ii) A sheriff's department. ~~—the~~

(iii) **THE** department of state police. ~~—or any~~

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

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

Sec. 742. (1) A police officer who witnesses a person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which shall be a notice to appear in court for

1 1 or more civil infractions. If a police officer of a village,
2 city, township, or county, or a police officer who is an authorized
3 agent of a county road commission, witnesses a person violating
4 this act or a local ordinance substantially corresponding to this
5 act within that village, city, township, or county and that
6 violation is a civil infraction, that police officer may pursue,
7 stop, and detain the person outside the village, city, township, or
8 county where the violation occurred for the purpose of exercising
9 the authority and performing the duties prescribed in this section
10 and section 749, as applicable.

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

24 (3) A police officer may issue a citation to a person who is a
25 driver of a motor vehicle involved in an accident when, based upon
26 personal investigation, the officer has reasonable cause to believe
27 that the person is responsible for a civil infraction in connection

1 with the accident. A police officer may issue a citation to a
2 person who is a driver of a motor vehicle when, based upon personal
3 investigation by the police officer of a complaint by someone who
4 witnessed the person violating this act or a local ordinance
5 substantially corresponding to this act, which violation is a civil
6 infraction, the officer has reasonable cause to believe that the
7 person is responsible for a civil infraction and if the prosecuting
8 attorney or attorney for the political subdivision approves in
9 writing the issuance of the citation.

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

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

15 (6) In a civil infraction action involving the parking or
16 standing of a motor vehicle, a copy of the citation ~~need~~**IS** not
17 **REQUIRED TO** be served personally upon the defendant but may be
18 served upon the registered owner by attaching the copy to the
19 vehicle. A city may authorize personnel other than a police officer
20 to issue and serve a citation for a violation of its ordinance
21 involving the parking or standing of a motor vehicle. A city may
22 authorize a person other than personnel or a police officer to
23 issue and serve a citation for ~~a violation of an ordinance~~
24 ~~pertaining to parking for persons with disabilities or for certain~~
25 ~~other violations involving the parking or standing of a motor~~
26 ~~vehicle~~**PARKING VIOLATIONS** described in section 675d if the city
27 has complied with the requirements of section 675d. State security

1 personnel receiving authorization under section 6c of 1935 PA 59,
2 MCL 28.6c, may issue and serve citations for violations involving
3 the parking or standing of vehicles on land owned by the state or
4 land of which the state is the lessee when authorized to do so by
5 the director of the department of state police.

6 (7) If a parking violation notice other than a citation is
7 attached to a motor vehicle, and if an admission of responsibility
8 is not made and the civil fine and costs, if any, prescribed by
9 ordinance for the violation are not paid at the parking violations
10 bureau, a citation may be filed with the court described in section
11 741(4) and a copy of the citation may be served by first-class mail
12 upon the registered owner of the vehicle at the owner's last known
13 address. A parking violation notice may be issued by a police
14 officer, including a limited duty officer, or other personnel duly
15 authorized by the city, village, township, college, or university
16 to issue such a notice under its ordinance. The citation filed with
17 the court pursuant to this subsection need not comply in all
18 particulars with sections 727c and 743 but shall consist of a sworn
19 complaint containing the allegations stated in the parking
20 violation notice and shall fairly inform the defendant how to
21 respond to the citation.

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

26 (9) As used in subsection (7):

27 (a) "Parking violation notice" means a notice, other than a

1 citation, directing a person to appear at a parking violations
2 bureau in the city, village, or township in which, or of the
3 college or university for which, the notice is issued and to pay
4 the fine and costs, if any, prescribed by ordinance for the parking
5 or standing of a motor vehicle in violation of the ordinance.

6 (b) "Parking violations bureau" means a parking violations
7 bureau established pursuant to section 8395 of the revised
8 judicature act of 1961, 1961 PA 236, MCL 600.8395, ~~the violations~~
9 ~~bureau established within the traffic and ordinance division of the~~
10 ~~recorder's court of the city of Detroit,~~ or a comparable parking
11 violations bureau established in a city or village served by a
12 municipal court or established pursuant to law by the governing
13 board of a state university or college.