

HOUSE BILL No. 5598

May 3, 2012, Introduced by Rep. Zorn and referred to the Committee on Local, Intergovernmental, and Regional 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 the title and sections 1, 2, 3, 4, and 5 (MCL 257.951, 257.952, 257.953, 257.954, and 257.955), section 1 as amended by 2006 PA 297 and section 5 as added by 2000 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a **COUNTY**, 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.

1 Sec. 1. (1) A **COUNTY**, city, township, or village may adopt by
2 reference a code or ordinance for the regulation of traffic within
3 **COUNTIES**, cities, townships, and villages that has been promulgated
4 by the director of the department of state police. The director of
5 the department of state police may promulgate a uniform traffic
6 code in compliance with the administrative procedures act of 1969,
7 1969 PA 306, MCL 24.201 to 24.328.

8 (2) A **COUNTY**, city, township, or village, with the consent of,
9 or at the request of, a person who is in charge of a parking lot,
10 whether or not that parking lot is open to the general public, may
11 contract with that person for the **COUNTY**, city, township, or
12 village to enforce provisions of the uniform traffic code or
13 ordinance adopted under this section in that parking lot. A peace
14 officer may enter upon a private road that is accessible to the
15 general public to enforce provisions of an ordinance adopted under
16 this section if signs meeting the requirements of the Michigan
17 manual of uniform traffic control devices are posted on the private
18 road. The owner or person in charge of the private road is
19 responsible for the posting of signs under this subsection. Nothing
20 in this subsection shall be considered to affect a contract entered
21 into between a city, township, or village and the person in charge
22 of a private road before ~~the effective date of the amendatory act~~
23 ~~that added this sentence.~~ **JULY 20, 2006. IN ADDITION, NOTHING IN**
24 **THIS SUBSECTION SHALL BE CONSIDERED TO AFFECT A CONTRACT ENTERED**
25 **INTO BETWEEN A COUNTY AND THE PERSON IN CHARGE OF A PRIVATE ROAD**
26 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
27 **SENTENCE.** As used in this subsection, "person" means an individual,

1 corporation, association, partnership, or other legal entity.

2 (3) A uniform traffic code promulgated by the director of the
3 department of state police under this section shall specify whether
4 a person who violates a particular provision of the code is guilty
5 of a misdemeanor or is responsible for a civil infraction. The
6 director may establish civil sanctions for civil infractions,
7 except that a civil sanction in excess of that prescribed in the
8 vehicle code is in conflict with that act and is void to the extent
9 of the conflict. The uniform traffic code shall not impose a
10 criminal penalty for an act or omission that is a civil infraction
11 under the vehicle code.

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

15 (5) Notwithstanding the requirements of the uniform traffic
16 code, a sign designating a parking space for persons with
17 disabilities shall be 12 inches by 18 inches or larger and shall be
18 either blue or white and at a minimum contain the international
19 handicapped symbol in contrasting colors of either blue or white in
20 the center of the sign.

21 (6) The provisions of the uniform traffic code promulgated
22 pursuant to this act that relate to driving while under the
23 influence of an alcoholic beverage or driving with impaired ability
24 shall be identical to the provisions of sections 625 to 625m of the
25 Michigan vehicle code, 1949 PA 300, MCL 257.625 to 257.625m.

26 (7) For purposes of this section, "vehicle code" means the
27 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

1 Sec. 2. The code or ordinance passed shall clearly identify
2 the code adopted by reference. The code need not be published in
3 full. Publication of the code or ordinance shall be supplemented by
4 a notice of the purpose of the code and the fact that a complete
5 copy of the code is available for inspection by the public at the
6 office of the **COUNTY**, city, township, or village clerk.

7 Sec. 3. If the ~~commissioner~~**DIRECTOR** of the **DEPARTMENT OF**
8 state police ~~shall thereafter amend such~~**AMENDS THE** code, ~~any~~**A**
9 **COUNTY**, city, township, or village ~~which~~**THAT** has adopted ~~such~~**THE**
10 code by reference may adopt ~~such~~**THE** amendment by reference by the
11 same procedure as required for the adoption of the original code,
12 or ~~such~~**THE** amendment may be adopted by enacting an ordinance
13 setting forth the entire text of ~~such~~**THE** amendment.

14 Sec. 4. Upon adoption of the code by reference, the **COUNTY**,
15 city, township, or village clerk shall maintain in his or her
16 office a copy of the code for inspection by the public or a person
17 charged under the code.

18 Sec. 5. (1) A civil fine imposed upon a person for a violation
19 of a code or ordinance regulating the operation of a commercial
20 vehicle adopted by a **COUNTY**, city, township, or village under
21 section 1 shall be paid to the county treasurer and shall be
22 allocated as follows:

23 (a) Seventy percent to the **COUNTY**, city, township, or village
24 in which the citation is issued.

25 (b) Thirty percent for library purposes as provided by law.

26 (2) This section does not apply to a case in which the
27 citation is dismissed pursuant to subsection (3).

1 (3) The owner or operator of a commercial motor vehicle shall
2 not be issued more than 1 citation for each violation of a code or
3 ordinance regulating the operation of a commercial motor vehicle
4 and substantially corresponding to a provision of sections 683 to
5 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to
6 257.725a, within a 24-hour period. If the owner or operator of a
7 commercial motor vehicle is issued a citation for an equipment
8 violation that does not result in the vehicle being placed out of
9 service, the court shall dismiss the citation if the owner or
10 operator of that commercial motor vehicle provides written proof to
11 the court within 14 days after the citation is issued showing that
12 the defective equipment indicated in the citation has been
13 repaired.

14 (4) In order to be classified as a motor carrier enforcement
15 officer, a police officer must have training equal to the minimum
16 training requirements, including any annual training updates,
17 established by the department of state police for an officer of the
18 motor carrier division of the department of state police. A police
19 officer who has received training equal to these minimum training
20 requirements before ~~the effective date of this section~~ **MAY 15, 2000**
21 is considered a motor carrier enforcement officer for purposes of
22 this act.

23 (5) As used in this section:

24 (a) "Commercial vehicle" means that term as defined in section
25 7 of the Michigan vehicle code, 1949 PA 300, MCL 257.7.

26 (b) "Operation" means being in actual physical control of a
27 vehicle regardless of whether or not the person is licensed under

1 the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an
2 operator or chauffeur.

3 (c) "Out of service" means that process established under the
4 motor carrier safety act **OF 1963**, 1963 PA 181, MCL 480.11 to
5 ~~480.22-480.25~~.

6 (d) "Person" means every natural person, partnership,
7 association, or corporation and their legal successors.