

## UNATTENDED RUNNING VEHICLES

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House Bill 4215 (reported from committee as H-4)

Sponsor: Rep. Holly Hughes

Committee: Transportation and Infrastructure

Complete to 4-20-17

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 61 of 2017)*

## SUMMARY:

House Bill 4215 would amend the Michigan Vehicle Code with the intention of making the prohibition on leaving a vehicle unattended without stopping the engine, locking the ignition, and removing and taking possession of the ignition key will only apply to vehicles **on a highway** and not to vehicles on private property.

The Vehicle Code defines a "highway or street" as the entire width between the boundary lines of every "publicly maintained" way, any part of which is "open to the use of the public" for purposes of vehicular travel (at MCL 257.20).

The bill does the following:

- The bill would repeal Rule 28.1458 of the Michigan Administrative Code. That rule specifies that a person who has control or charge of a motor vehicle shall not allow the vehicle to stand unattended on any street **or any other place** without first stopping the engine, locking the ignition, and removing and taking possession of the ignition key. The provision pertaining to locking the ignition and removing the key does not apply to motor vehicles that are manufactured with an ignition system that does not have a key and that is incapable of being locked.) [Underlining added for emphasis.] A violation is a civil infraction.

The rule being rescinded is part of the Uniform Traffic Code for Cities, Townships, and Villages,<sup>1</sup> and local units may adopt the uniform code by reference for local enforcement. The code makes enforcement the responsibility of the local chief of police and police officers.

- The bill would amend Section 676 code. Currently, under that section, a person shall not allow a motor vehicle to stand **on a highway** unattended without engaging the parking brake or placing the vehicle in park and stopping the motor of the vehicle, among other things. A violation is a civil infraction. HB 4215 would amend Section 676 so that it would say that a person shall not allow a motor vehicle to stand on a highway without engaging the parking brake or placing the vehicle in park, stopping the motor vehicle, **and removing and taking possession of the ignition key.** (Bolded text indicates proposed new language.) The bill also would specify that the new bolded language would not apply to a vehicle that is standing in place and is equipped with a remote start feature if that feature is engaged.

<sup>1</sup> [http://w3.lara.state.mi.us/orr/Files/AdminCode/17\\_10016\\_AdminCode.pdf](http://w3.lara.state.mi.us/orr/Files/AdminCode/17_10016_AdminCode.pdf)

## **FISCAL IMPACT:**

This bill would have an indeterminate, negative fiscal impact on state and local units of government resulting from forgone civil infraction fine revenues. For example, applicable fines benefit local libraries, which are constitutionally designated recipients of such revenues, and civil infraction penalties support the Justice System Fund, which in turn supports various justice-related endeavors in the judicial branch and the Departments of State Police, Corrections, and Health and Human Services. For additional information regarding the distribution of funds from traffic citations, please see the House Fiscal Agency memorandum regarding traffic citation revenue:

[http://house.mi.gov/hfa/PDF/Judiciary/Traffic\\_Citation\\_Revenue\\_Memo\\_Oct16.pdf](http://house.mi.gov/hfa/PDF/Judiciary/Traffic_Citation_Revenue_Memo_Oct16.pdf).

## **DISCUSSION:**

For proponents, this is a private property issue. The bill aims to prevent a vehicle owner from being ticketed for leaving a vehicle running on private property; for example, in his or her own driveway or that of a friend or family member. This, in part, is in response to a highly publicized case where a driver reportedly received a \$128 ticket under a local ordinance for leaving his car running and unattended in winter in a friend's driveway in Roseville. (This incident was reported in media ranging from the *UK Daily Mail* to *Road and Track*.)

For opponents, the bill is a public safety and welfare issue, as well as a local control issue. They say the current application of the law makes sense and discourages vehicle thefts, joyriding, and police pursuits of stolen vehicles, and generally protects public safety and welfare. It is up to local units whether to adopt and enforce local ordinances and policies against this practice. Some localities with high theft rates might choose to enforce egregious cases of cars left unlocked and running with the keys in them. Also, reportedly, Ann Arbor has a local ordinance due to take effect this summer that creates "no idling" zones for the purpose of reducing pollution.

## **POSITIONS:**

The Michigan Municipal League testified in opposition to the bill. (3-7-17)

The Roseville City Manager and Roseville Police Chief testified in opposition to the bill. (3-7-17)

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