

# HOUSE BILL NO. 4075

February 02, 2021, Introduced by Reps. LaFave, Maddock, LaGrand, Markkanen, Bellino, Filler, Griffin, Whiteford, Paquette, Cynthia Johnson, Hood, O'Malley, Hammoud, Yaroach and Rendon and referred to the Committee on Health Policy.

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 section 1 (MCL 257.951), as amended by 2006 PA 297.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1. (1) A city, township, or village may adopt by
- 2       reference a code or ordinance for the regulation of traffic within
- 3       cities, townships, and villages that has been promulgated by the

1 director of the department of state police. The director of the  
2 department of state police may promulgate a uniform traffic code in  
3 compliance with the administrative procedures act of 1969, 1969 PA  
4 306, MCL 24.201 to 24.328.

5 (2) A city, township, or village, with the consent of, or at  
6 the request of, a person who is in charge of a parking lot, whether  
7 or not that parking lot is open to the general public, may contract  
8 with that person for the city, township, or village to enforce  
9 provisions of the uniform traffic code or ordinance adopted under  
10 this section in that parking lot. A peace officer may enter upon a  
11 private road that is accessible to the general public to enforce  
12 provisions of an ordinance adopted under this section if signs  
13 meeting the requirements of the Michigan manual ~~of~~**on** uniform  
14 traffic control devices are posted on the private road. The owner  
15 or person in charge of the private road is responsible for the  
16 posting of signs under this subsection. ~~Nothing in this~~**This**  
17 subsection ~~shall be considered to~~**does not** affect a contract  
18 entered into between a city, township, or village and the person in  
19 charge of a private road before ~~the effective date of the~~  
20 ~~amendatory act that added this sentence.~~**July 20, 2006.** As used in  
21 this subsection, "person" means an individual, corporation,  
22 association, partnership, or other legal entity.

23 (3) A uniform traffic code promulgated by the director of the  
24 department of state police under this section ~~shall~~**must** specify  
25 whether a person who violates a particular provision of the code is  
26 guilty of a misdemeanor or is responsible for a civil infraction.  
27 The director may establish civil sanctions for civil infractions,  
28 except that a civil sanction in excess of that prescribed in the  
29 vehicle code is in conflict with that act and is void to the extent

1 of the conflict. The uniform traffic code ~~shall~~**must** not impose a  
 2 criminal penalty for an act or omission that is a civil infraction  
 3 under the vehicle code.

4 (4) Violation of a provision designated a civil infraction in  
 5 the uniform traffic code ~~shall~~**must** be processed in the same manner  
 6 as a civil infraction under the vehicle code.

7 (5) Notwithstanding the requirements of the uniform traffic  
 8 code, **except as otherwise provided in this subsection**, a sign  
 9 designating a parking space for persons with disabilities ~~shall~~  
 10 **must** be 12 inches by 18 inches or larger and ~~shall~~**must** be either  
 11 blue or white and at a minimum contain the international  
 12 ~~handicapped~~**symbol of access** in contrasting colors of either blue  
 13 or white in the center of the sign. **A sign designating a parking**  
 14 **space for persons with disabilities that is erected or replaced on**  
 15 **or after the effective date of the 2021 amendatory act that amended**  
 16 **this subsection must be 12 inches by 18 inches or larger and must**  
 17 **use the design adopted under section 102a of the persons with**  
 18 **disabilities civil rights act, 1976 PA 220, MCL 37.1102a, must not**  
 19 **include the word "handicapped", and may include a word providing**  
 20 **instruction, such as "reserved".**

21 (6) The provisions of the uniform traffic code promulgated  
 22 ~~pursuant to~~**under** this act that relate to driving while under the  
 23 influence of an alcoholic beverage or driving with impaired ability  
 24 ~~shall~~**must** be identical to the provisions of sections 625 to 625m  
 25 of the ~~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.

28 Enacting section 1. This amendatory act takes effect 90 days  
 29 after the date it is enacted into law.

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 4076 (request no.  
3 01311'21) of the 101st Legislature is enacted into law.