

# HOUSE BILL No. 4411

March 9, 1989, Introduced by Reps. Dolan, Honigman, Camp, Hoekman, Sparks, Stopczynski, Johnson, Barns, Berman, Bankes, Crandall, Emmons, Dunaskiss and Miller and referred to the Committee on Transportation.

A bill to amend sections 19a, 252d, 321a, 675, 742, and 907 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 252d as amended by Act No. 104 of the Public Acts of 1981, sections 321a and 907 as amended by Act No. 346 of the Public Acts of 1988, section 675 as amended by Act No. 150 of the Public Acts of 1988, and section 742 as amended by Act No. 74 of the Public Acts of 1984, being sections 257.19a, 257.252d, 257.321a, 257.675, 257.742, and 257.907 of the Michigan Compiled Laws; and to add section 675d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 19a, 252d, 321a, 675, 742, and 907 of  
2 Act No. 300 of the Public Acts of 1949, section 252d as amended  
3 by Act No. 104 of the Public Acts of 1981, sections 321a and 907  
4 as amended by Act No. 346 of the Public Acts of 1988, section 675

1 as amended by Act No. 150 of the Public Acts of 1988, and section  
2 742 as amended by Act No. 74 of the Public Acts of 1984, being  
3 sections 257.19a, 257.252d, 257.321a, 257.675, 257.742, and  
4 257.907 of the Michigan Compiled Laws, are amended and section  
5 675d is added to read as follows:

6       Sec. 19a. "Handicapper" ~~is~~ MEANS a person who ~~, for the~~  
7 ~~purposes of this act,~~ has ~~a~~ 1 OR MORE OF THE FOLLOWING physi-  
8 cal ~~characteristic categorized as a handicap, which limits ambu-~~  
9 ~~lation or necessitates the use of a wheelchair for mobility, or a~~  
10 ~~person who is blind.~~ CHARACTERISTICS:

11       (A) BLINDNESS.

12       (B) INABILITY TO AMBULATE MORE THAN 200 FEET WITHOUT HAVING  
13 TO STOP AND REST DURING ANY TIME OF THE YEAR.

14       (C) LOSS OF USE OF 1 OR BOTH LEGS OR FEET.

15       (D) INABILITY TO AMBULATE WITHOUT THE PROLONGED USE OF A  
16 WHEELCHAIR, WALKER, CRUTCHES, BRACES, OR OTHER DEVICE REQUIRED TO  
17 AID MOBILITY.

18       (E) A LUNG DISEASE FROM WHICH THE PERSON'S EXPIRATORY VOLUME  
19 FOR 1 SECOND, WHEN MEASURED BY SPIROMETRY, IS LESS THAN 1 LITER,  
20 OR FROM WHICH THE PERSON'S ARTERIAL OXYGEN TENSION IS LESS THAN  
21 60 MM/HG OF ROOM AIR AT REST.

22       (F) A CARDIOVASCULAR DISEASE FROM WHICH THE PERSON MEASURES  
23 BETWEEN 3 AND 4 ON THE NEW YORK HEART CLASSIFICATION SCALE, OR  
24 FROM WHICH A MARKED LIMITATION OF PHYSICAL ACTIVITY CAUSES  
25 FATIGUE, PALPITATION, DYSPNEA, OR ANGINAL PAIN.

1 (G) OTHER DIAGNOSED DISEASE OR DISORDER INCLUDING, BUT NOT  
2 LIMITED TO, SEVERE ARTHRITIS OR A NEUROLOGICAL OR ORTHOPEDIC  
3 IMPAIRMENT THAT CREATES A SEVERE MOBILITY LIMITATION.

4 Sec. 252d. (1) A police agency or a governmental agency  
5 designated by the police agency may provide for the immediate  
6 removal of a vehicle from public or private property to a place  
7 of safekeeping at the expense of the registered owner of the  
8 vehicle in any of the following circumstances:

9 (a) If the vehicle is in such a condition that the continued  
10 operation of the vehicle upon the highway would constitute an  
11 immediate hazard to the public.

12 (b) If the vehicle is parked or standing upon the highway in  
13 such a manner as to create an immediate public hazard or an  
14 obstruction of traffic.

15 (c) If a vehicle is parked in a posted tow away zone.

16 (d) If there is reasonable cause to believe that the vehicle  
17 or any part of the vehicle is stolen.

18 (e) If the vehicle must be seized to preserve evidence of a  
19 crime, or when there is reasonable cause to believe that the  
20 vehicle was used in the commission of a crime.

21 (f) If removal is necessary in the interest of public safety  
22 because of fire, flood, storm, snow, natural or man-made  
23 disaster, or other emergency.

24 (g) If the vehicle is hampering the use of private property  
25 by the owner or person in charge of that property or is parked in  
26 a manner which impedes the movement of another vehicle.

1 (H) IF THE VEHICLE IS STOPPED, STANDING, OR PARKED IN A  
2 SPACE DESIGNATED FOR HANDICAPPER PARKING AND IS NOT PERMITTED BY  
3 LAW TO BE STOPPED, STANDING, OR PARKED IN A SPACE DESIGNATED FOR  
4 HANDICAPPER PARKING.

5 (2) A police agency which authorizes the removal of a vehi-  
6 cle under subsection (1) shall do all of the following:

7 (a) Check to determine if the vehicle has been reported  
8 stolen.

9 (b) Within 24 hours after removing the vehicle, enter the  
10 vehicle into the law enforcement information network if the vehi-  
11 cle has not been redeemed. This subdivision does not apply to a  
12 vehicle that is removed from the scene of a motor vehicle traffic  
13 accident.

14 (c) If the vehicle has not been redeemed within 10 days  
15 after moving the vehicle, send to the registered owner and the  
16 secured party as shown by the records of the secretary of state,  
17 by first-class mail or personal service a notice that the vehicle  
18 has been removed; however, if the police agency informs the owner  
19 or operator of the vehicle of the removal and the location of the  
20 vehicle within 24 hours after the removal, and if the vehicle has  
21 not been redeemed within 30 days and upon complaint from the  
22 towing service, the police agency shall send the notice within 30  
23 days after the removal. The notice shall be by a form furnished  
24 by the secretary of state. The notice form shall contain the  
25 following information: —

26 (i) The year, make, and vehicle identification number of the  
27 vehicle.

1       (ii) The location from which the vehicle was taken into  
2 custody.

3       (iii) The date on which the vehicle was taken into custody.

4       (iv) The name and address of the police agency which had the  
5 vehicle taken into custody.

6       (v) The location where the vehicle is being held.

7       (vi) The procedure to redeem the vehicle.

8       (vii) The procedure to contest the fact that the vehicle was  
9 properly removed or the reasonableness of the towing and daily  
10 storage fees.

11       (viii) A form petition which the owner may file in person or  
12 by mail with the specified court which requests a hearing on the  
13 police agency's action.

14       (ix) A warning that the failure to redeem the vehicle or to  
15 request a hearing within 20 days after the date of the notice may  
16 result in the sale of the vehicle and the termination of all  
17 rights of the owner and the secured party to the vehicle or the  
18 proceeds of the sale or to both the vehicle and the proceeds.

19       (3) The registered owner may contest the fact that the vehi-  
20 cle was properly removed or the reasonableness of the towing fees  
21 and daily storage fees by requesting a hearing. A request for a  
22 hearing shall be made by filing a petition with the court speci-  
23 fied in the notice within 20 days after the date of the notice.  
24 If the owner requests a hearing, the matter shall be resolved  
25 after a hearing conducted pursuant to sections 252e and 252f. An  
26 owner who requests a hearing may obtain release of the vehicle by  
27 posting a towing and storage bond with the court in an amount

1 equal to the accrued towing and storage fees. The owner of a  
2 vehicle who requests a hearing may obtain release of the vehicle  
3 by paying the towing and storage fees instead of posting the  
4 towing and storage bond. If the court finds that the vehicle was  
5 not properly removed, the police agency shall reimburse the owner  
6 of the vehicle for the accrued towing and storage fees.

7 (4) If the owner does not request a hearing, he or she may  
8 obtain the release of the vehicle by paying the accrued charges  
9 to the custodian of the vehicle.

10 (5) If the owner does not redeem the vehicle or request a  
11 hearing within 20 days, the secured party may obtain the release  
12 of the vehicle by paying the accrued charges to the custodian of  
13 the vehicle prior to the date of the sale.

14 (6) Not less than 20 days after the disposition of the hear-  
15 ing described in subsection (3), or if a hearing is not  
16 requested, not less than 20 days after the date of the notice  
17 described in subsection (2)(c), the police agency shall offer the  
18 vehicle for sale at a public sale unless the vehicle is  
19 redeemed. The public sale shall be held pursuant to section  
20 252g.

21 (7) If the ownership of a vehicle which has been removed  
22 under this section cannot be determined either because of the  
23 condition of the vehicle identification numbers or because a  
24 check with the records of the secretary of state does not reveal  
25 ownership, the police agency may sell the vehicle at public sale  
26 pursuant to section 252g, not less than 30 days after public  
27 notice of the sale has been published.

1       Sec. 321a. (1) A person who fails to answer a citation, or  
2 notice to appear in court for violating this act or an ordinance  
3 substantially corresponding to this act, or for any matter pend-  
4 ing, or who fails to comply with an order or judgment issued pur-  
5 suant to section 907 is guilty of a misdemeanor, which shall not  
6 be considered a violation for any purpose under section 320a.  
7 Twenty-eight days or more after the date of noncompliance with an  
8 order or judgment, the court shall give notice by mail at the  
9 last known address of the person that if the person fails to  
10 appear within 14 days after the notice the secretary of state  
11 shall suspend the person's operator's or chauffeur's license. If  
12 the person fails to appear within the 14-day period, the court  
13 shall inform the secretary of state within 14 days and the secre-  
14 tary of state shall suspend the license of the person and notify  
15 the person of the suspension by regular mail at the person's last  
16 known address. The suspension shall remain in effect until both  
17 of the following occur:

18       (a) The court informs the secretary of state that the person  
19 has appeared before the court and all matters relating to the  
20 violation or to the noncompliance with section 907 are resolved.

21       (b) The person has paid to the court a \$25.00 driver license  
22 reinstatement fee. The increase in the reinstatement fee from  
23 \$10.00 to \$25.00 shall be imposed for a license which is sus-  
24 pended on or after April 5, 1988 regardless of when the license  
25 was suspended.

26       (2) A court shall not notify the secretary of state, and the  
27 secretary of state shall not suspend the person's license if the

1 person fails to appear in response to a citation issued for, or  
2 fails to comply with a judgment involving 1 or more of the fol-  
3 lowing infractions:

4 (a) The parking or standing of a vehicle.

5 (b) A pedestrian, passenger, or bicycle violation.

6 (3) A court may notify a person who has ~~failed to answer 6~~  
7 ~~or more parking violation notices or citations regarding illegal~~  
8 ~~parking, which have been issued or served after March 31, 1981~~  
9 DONE EITHER OF THE FOLLOWING, that if the person does not appear  
10 within 10 days after the notice, the court will inform the secre-  
11 tary of state of this failure: —

12 (A) FAILED TO ANSWER 1 OR MORE PARKING VIOLATION NOTICES OR  
13 CITATIONS, ISSUED OR SERVED AFTER MARCH 31, 1981, FOR VIOLATING A  
14 PROVISION OF THIS ACT OR AN ORDINANCE SUBSTANTIALLY CORRESPONDING  
15 TO A PROVISION OF THIS ACT PERTAINING TO HANDICAPPER PARKING.

16 (B) FAILED TO ANSWER 6 OR MORE PARKING VIOLATION NOTICES OR  
17 CITATIONS, ISSUED OR SERVED AFTER MARCH 31, 1981, REGARDING ILLE-  
18 GAL PARKING.

19 (4) The secretary of state, upon being informed of the fail-  
20 ure OF A PERSON TO APPEAR AS PROVIDED IN SUBSECTION (3), shall  
21 not issue a license to the person until both of the following  
22 occur:

23 (a) The court informs the secretary of state that the person  
24 has resolved all outstanding matters regarding the notices or  
25 citations.

26 (b) The person has paid to the court a \$25.00 driver license  
27 reinstatement fee. The increase in the reinstatement fee from



1 \$10.00 to \$25.00 shall be imposed for a license which is  
2 suspended on or after April 5, 1988 regardless of when the  
3 license was suspended. If the court determines that the person  
4 is not responsible for any of the parking violations on the basis  
5 of which his or her license was suspended under this subsection,  
6 the court shall waive payment of this fee.

7 (5) ~~(4)~~ For the purposes of subsections (1)(a) and  
8 ~~(3)(a)~~ (4)(A), the court shall give to the person a copy of the  
9 information being transmitted to the secretary of state. Upon  
10 showing that copy, the person shall not be arrested or issued a  
11 citation for driving on a suspended license on the basis of any  
12 matter resolved under subsection (1)(a) or ~~(3)(a)~~ (4)(A), even  
13 if the information being sent to the secretary of state has not  
14 yet been received or recorded by the department.

15 (6) ~~(5)~~ Sixty percent of the driver license reinstatement  
16 fees received under subsections (1)(b) and ~~(3)(b)~~ (4)(B) shall  
17 be transmitted by the court to the secretary of state on a  
18 monthly basis. The funds received by the secretary of state pur-  
19 suant to this subsection shall be deposited in the state general  
20 fund and shall be used to defray the expenses of the secretary of  
21 state in processing the suspension and reinstatement of driver  
22 licenses under this section.

23 Sec. 675. (1) Except as otherwise provided in this section  
24 and this chapter, a vehicle stopped or parked upon a highway or  
25 street shall be stopped or parked with the wheels of the vehicle  
26 parallel to the roadway and within 12 inches of any existing  
27 right-hand curb.

1       (2) ~~Local authorities~~ A LOCAL AUTHORITY may by ordinance  
2 permit parking of vehicles with the left-hand wheels adjacent to  
3 and within 12 inches of the left-hand curb of a 1-way roadway.

4       (3) ~~Local authorities~~ A LOCAL AUTHORITY may by ordinance  
5 permit angle parking on a roadway, except that angle parking  
6 shall not be permitted on a state trunk line highway.

7       (4) The state transportation commission with respect to  
8 state trunk line highways and the board of county road commis-  
9 sioners with respect to county roads, acting jointly with the  
10 director of the department of state police, may place signs pro-  
11 hibiting or restricting the stopping, standing, or parking of  
12 vehicles on a highway where in the opinion of the officials as  
13 determined by an engineering survey, the stopping, standing, or  
14 parking is dangerous to those using the highway or where the  
15 stopping, standing, or parking of vehicles would unduly interfere  
16 with the free movement of traffic on the highway or street. The  
17 signs shall be official signs and a person shall not stop, stand,  
18 or park a vehicle in violation of the restrictions stated on the  
19 signs. The signs shall be installed only after a proper traffic  
20 order is filed with the county clerk. Upon the application to  
21 the state transportation commission by a home rule city affected  
22 by an order, opportunity shall be given to the city for a hearing  
23 before the state transportation commission, pursuant to the  
24 administrative procedures act of 1969, Act No. 306 of the Public  
25 Acts of 1969, as amended, being sections 24.201 to 24.328 of the  
26 Michigan Compiled Laws, except when an ordinance of the home rule  
27 city prohibits or restricts the parking of vehicles on a state

1 trunk line highway; when the home rule city, by lawfully  
2 authorized official action, requests the state transportation  
3 department to prohibit or restrict parking on a state trunk line  
4 highway; or when the home rule city enters into a construction  
5 agreement with the state transportation department providing for  
6 the prohibition or restriction of parking on a state trunk line  
7 highway — during or after the period of construction. Traffic  
8 control orders, so long as they affect parking upon a state trunk  
9 line highway within the corporate limits of a home rule city, are  
10 considered "rules" within the meaning of Act No. 306 of the  
11 Public Acts of 1969, as amended, and upon application for a hear-  
12 ing by a home rule city, the proceedings before the state trans-  
13 portation commission shall be considered a "contested case"  
14 within the meaning of that act.

15 (5) A handicapper is entitled to receive, and the secretary  
16 of state may issue, under the rules and upon the application as  
17 the secretary of state prescribes, a serially numbered transfer-  
18 able certificate of identification for the personal use of the  
19 handicapper. The rules shall provide that if the handicapper  
20 personally applies at a branch office of the secretary of state  
21 and if it appears obvious that the handicapper has a qualifying  
22 handicap, the handicapper shall not be required to present a med-  
23 ical statement attesting to the handicap. The secretary of state  
24 may issue a certificate of identification valid for a period of  
25 not less than 1 month to a handicapper who has a temporary handi-  
26 cap or a certificate of identification valid for 4 years to a  
27 handicapper who has a permanent handicap. Upon application as

1 prescribed by the secretary of state, a handicapper may be issued  
2 a duplicate certificate of identification for a fee of ~~\$5.00~~  
3 \$10.00. The certificate may be used by a person other than the  
4 handicapper for the sole purpose of providing transportation to  
5 the handicapper. A nonprofit organization which provides spe-  
6 cialized services to handicappers may apply for and receive a  
7 handicapper certificate of identification to be used in motor  
8 vehicles used by the organization and used to transport handicap-  
9 pers who receive services from the organization. If the organi-  
10 zation ceases to provide specialized services to handicappers,  
11 the certificate shall be returned to the secretary of state for  
12 destruction.

13 (6) A handicapper holding a certificate of identification, a  
14 person having special registration plates ~~as provided in this~~  
15 ~~act~~ ISSUED UNDER SECTION 803D, A PERSON HOLDING A SPECIAL REGIS-  
16 TRATION PLATE TO WHICH A HANDICAPPER TAB IS ATTACHED ISSUED UNDER  
17 SECTION 803F, a handicapper holding a similar certificate of  
18 identification from another state, or a person having special  
19 HANDICAPPER registration plates from another state shall be enti-  
20 tled to courtesy in the parking of a vehicle, including free  
21 parking in a metered parking space, which courtesy shall relieve  
22 the handicapper OR THE PERSON TRANSPORTING THE HANDICAPPER from  
23 liability for a violation with respect to parking, other than in  
24 violation of this act. A local authority may, by ordinance, pro-  
25 hibit parking on a street or highway for the purpose of creating  
26 a fire lane or to provide for the accommodation of heavy traffic  
27 during morning and afternoon rush hours and the privileges

1 extending to veterans and physically handicapped persons under  
2 this subsection shall not apply on streets or highways where and  
3 at the times the parking is so prohibited.

4 (7) A certificate of identification issued as provided in  
5 ~~this~~ subsection (5) shall be displayed on the lower left corner  
6 of the front windshield of the vehicle while being parked by or  
7 under the direction of a handicapper pursuant to this section.  
8 Upon conviction of an offense involving a violation of the spe-  
9 cial privileges conferred upon holders of the certificates of  
10 identification, a magistrate or judge trying the case, as a part  
11 of any penalty imposed, may confiscate the serially numbered cer-  
12 tificate of identification and return the certificate of identi-  
13 fication to the secretary of state together with a certified copy  
14 of the sentence imposed. Upon receipt of a certificate of iden-  
15 tification from a judge or magistrate, the secretary of state  
16 shall destroy the certificate, and the handicapper to whom it was  
17 issued shall not receive another certificate until he or she sub-  
18 mits a completed application and presents a current medical  
19 statement attesting to his or her handicap. A person, other than  
20 a handicapper to whom the certificate of identification was  
21 issued or a person who used a certificate of identification for  
22 the sole purpose of providing transportation to a handicapper,  
23 who uses a certificate of identification for the purpose of park-  
24 ing a vehicle as permitted by this subsection is guilty of a mis-  
25 demeanor, and a law enforcement officer who observes this misuse  
26 of a certificate of identification may immediately confiscate the

1 certificate and forward it to the secretary of state, who may  
2 return it to the handicapper.

3 (8) A PERSON WHO INTENTIONALLY MAKES A FALSE STATEMENT OF  
4 MATERIAL FACT OR COMMITS OR ATTEMPTS TO COMMIT A DECEPTION OR  
5 FRAUD ON A MEDICAL STATEMENT ATTESTING TO A HANDICAP, SUBMITTED  
6 IN SUPPORT OF AN APPLICATION FOR A CERTIFICATE OF IDENTIFICATION  
7 OR A SPECIAL REGISTRATION PLATE OR HANDICAPPER TAB UNDER THIS  
8 SECTION, SECTION 803D, OR SECTION 803F, IS GUILTY OF A MISDEMEAN-  
9 OR, PUNISHABLE BY A FINE OF NOT MORE THAN \$100.00.

10 (9) A PERSON WHO COMMITS OR ATTEMPTS TO COMMIT A DECEPTION  
11 OR FRAUD BY 1 OR MORE OF THE FOLLOWING METHODS IS GUILTY OF A  
12 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$100.00:

13 (A) USING A HANDICAPPER CERTIFICATE OF IDENTIFICATION,  
14 ISSUED UNDER THIS SECTION OR BY ANOTHER STATE TO PROVIDE TRANS-  
15 PORTATION TO A HANDICAPPER, WHEN THE PERSON IS NOT PROVIDING  
16 TRANSPORTATION TO A HANDICAPPER.

17 (B) ALTERING, MODIFYING, OR SELLING A HANDICAPPER CERTIFI-  
18 CATE OF IDENTIFICATION ISSUED UNDER THIS SECTION OR BY ANOTHER  
19 STATE.

20 (C) MAKING A FALSE STATEMENT OF MATERIAL FACT TO OBTAIN A  
21 CERTIFICATE OF IDENTIFICATION UNDER THIS SECTION, A SPECIAL REG-  
22 ISTRATION PLATE UNDER SECTION 803D, OR A HANDICAPPER TAB UNDER  
23 SECTION 803F.

24 (10) ~~-(6)-~~ Except as OTHERWISE provided in ~~subsection (5)-~~  
25 THIS SECTION, a person who violates this section is responsible  
26 for a civil infraction.

1 SEC. 675D. (1) A LAW ENFORCEMENT AGENCY OR A LOCAL UNIT OF  
2 GOVERNMENT MAY IMPLEMENT AND ADMINISTER A PROGRAM TO AUTHORIZE  
3 AND UTILIZE PERSONS OTHER THAN POLICE OFFICERS AS VOLUNTEERS TO  
4 ISSUE CITATIONS AS DESCRIBED IN SECTIONS 742 AND 743 FOR VIOLA-  
5 TIONS OF SECTION 674(1)(S) OR A LOCAL ORDINANCE SUBSTANTIALLY  
6 CORRESPONDING TO SECTION 674(1)(S). BEFORE AUTHORIZING AND UTI-  
7 LIZING PERSONS OTHER THAN POLICE OFFICERS TO ISSUE CITATIONS, THE  
8 LAW ENFORCEMENT AGENCY OR LOCAL UNIT OF GOVERNMENT SHALL IMPE-  
9 MENT A PROGRAM TO TRAIN THE PERSONS TO PROPERLY ISSUE CITATIONS  
10 AS PROVIDED IN THIS SECTION. A PERSON WHO SUCCESSFULLY COMPLETES  
11 A PROGRAM OF TRAINING IMPLEMENTED PURSUANT TO THIS SECTION MAY  
12 ISSUE CITATIONS AS PROVIDED IN THIS SECTION AS AUTHORIZED BY THE  
13 LAW ENFORCEMENT AGENCY OR LOCAL UNIT OF GOVERNMENT.

14 (2) AS USED IN THIS SECTION:

15 (A) "LAW ENFORCEMENT AGENCY" MEANS A POLICE AGENCY OF A  
16 CITY, VILLAGE, OR TOWNSHIP; A SHERIFF'S DEPARTMENT; THE DEPART-  
17 MENT OF STATE POLICE; OR ANY OTHER GOVERNMENTAL LAW ENFORCEMENT  
18 AGENCY IN THIS STATE.

19 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VIL-  
20 LAGE, OR TOWNSHIP.

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

1 for 1 or more civil infractions. If a police officer of a  
2 village, city, township, or county, or a police officer who is ~~a~~  
3 ~~duly~~ AN authorized agent of a county road commission, witnesses  
4 a person violating this act or a local ordinance substantially  
5 corresponding to this act within that village, city, township, or  
6 county and that violation is a civil infraction, that police  
7 officer may pursue, stop, and detain the person outside the vil-  
8 lage, city, township, or county where the violation occurred for  
9 the purpose of exercising the authority and performing the duties  
10 prescribed in this section 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  
13 in violation of ~~the provisions of~~ section 717, 719, 719a, 722,  
14 724, 725, or 726 which violation is a civil infraction, may  
15 require the driver of the vehicle to stop, and the officer may  
16 investigate, weigh, or measure the vehicle or load. If, after  
17 personally investigating, weighing, or measuring the vehicle or  
18 load, the officer determines that the load, weight, height,  
19 length, or width of the vehicle or load are in violation of ~~the~~  
20 ~~provisions of~~ section 717, 719, 719a, 722, 724, 725, or 726, the  
21 officer may temporarily detain the driver of the vehicle for pur-  
22 poses of making a record or vehicle check and issue a citation to  
23 the driver or owner of the vehicle as provided in those  
24 sections.

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



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

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

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

16 (6) In a civil infraction action involving the parking or  
17 standing of a motor vehicle, a copy of the citation need not be  
18 served personally upon the defendant but may be served upon the  
19 registered owner by attaching the copy to the vehicle. A city  
20 may ~~also~~ authorize ~~personnel~~ A PERSON other than a police  
21 officer to issue and serve a citation for a violation of its  
22 ordinance involving the parking or standing of a motor vehicle,  
23 EXCEPT THAT A CITY MAY NOT AUTHORIZE A PERSON OTHER THAN A POLICE  
24 OFFICER TO ISSUE AND SERVE A CITATION FOR A VIOLATION OF AN ORDI-  
25 NANCE PERTAINING TO HANDICAPPER PARKING UNLESS THE CITY HAS COM-  
26 PLIED WITH THE REQUIREMENTS OF SECTION 675D. State security  
27 personnel receiving authorization under section 6c of Act No. 59

1 of the Public Acts of 1935, being section 28.6c of the Michigan  
2 Compiled Laws, may issue and serve citations for ~~a violation~~  
3 VIOLATIONS involving the parking or standing of vehicles on land  
4 owned by the state or land of which the state is the lessee when  
5 authorized to do so by the director of the department of state  
6 police.

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

24 (8) A citation issued under subsection (6) or (7) for a  
25 parking or standing violation shall be processed in the same  
26 manner as a citation issued personally to a defendant pursuant to  
27 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, Act No. 236 of the Public Acts of 1961, as amended, being section 600.8395 of the Michigan Compiled Laws, the violations bureau established within the traffic and ordinance division of the recorder's court of the city of Detroit, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

Sec. 907. (1) A violation of this act or a local ordinance substantially corresponding to a provision of this act, which is designated a civil infraction shall not be considered a lesser included offense of a criminal offense.

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge, district court referee, or district court magistrate may order the person to pay a civil fine of not more than \$100.00 and costs as provided in subsection (4). However, ~~beginning March 30, 1983,~~

~~1 a person determined pursuant to sections 741 to 750 to be~~  
~~2 responsible or responsible "with explanation" for a civil~~  
~~3 infraction under~~ VIOLATION OF section 674(1)(s) or a local ordi-  
 4 nance substantially corresponding to section 674(1)(s), THE  
 5 PERSON shall be ordered to pay costs as provided in subsection  
 6 (4) and ~~shall be ordered to pay~~ a civil fine of not less than  
 7 ~~\$20.00~~ \$50.00 nor more than \$100.00. For a violation of  
 8 section 710d, the civil fine ordered under this subsection shall  
 9 not exceed \$10.00. ~~Until January 1, 1986, for a violation of~~  
~~10 section 710e, the civil fine ordered under this subsection shall~~  
~~11 not exceed \$10.00. After January 1, 1986, for~~ FOR a violation  
 12 of section 710e, the civil fine and court costs ordered under  
 13 this subsection shall be \$25.00. Permission may be granted for  
 14 payment of a civil fine and costs to be made within a specified  
 15 period of time or in specified installments, but ~~in the absence~~  
 16 ~~of~~ UNLESS permission ~~being~~ IS included in the order or judg-  
 17 ment, the civil fine and costs shall be payable immediately.

18 (3) If a person is determined to be responsible or responsi-  
 19 ble "with explanation" for a civil infraction under this act or a  
 20 local ordinance substantially corresponding to a provision  
 21 ~~under~~ OF this act while driving a commercial motor vehicle, he  
 22 or she shall be ordered to pay costs as provided in  
 23 subsection (4) and ~~shall be ordered to pay~~ a civil fine of not  
 24 more than \$250.00.

25 (4) If a civil fine is ordered to be paid under  
 26 subsection (2) or (3), the judge, district court referee, or  
 27 district court magistrate shall summarily tax and determine the

1 costs of the action, which shall not be limited to the costs  
2 taxable in ordinary civil actions, and may include all expenses,  
3 direct and indirect, to which the plaintiff has been put in con-  
4 nection with the civil infraction, up to the entry of judgment.  
5 Except in a civil infraction for a parking violation, costs of  
6 not less than \$5.00 shall be ordered. Costs shall not be ordered  
7 in excess of \$100.00. Except as otherwise provided by law, costs  
8 shall be payable to the general fund of the plaintiff.

9       (5) In addition to a civil fine and costs ordered under  
10 subsection (2) or (3) AND SUBSECTION (4), the judge, district  
11 court referee, or district court magistrate may order the person  
12 to attend and complete a program of treatment, education, or  
13 rehabilitation.

14       (6) A district court referee or district court magistrate  
15 shall impose the sanctions permitted under subsections (2), (3),  
16 and (5) only to the extent expressly authorized by the chief  
17 judge or only judge of the district court district.

18       (7) Each district of the district court and each municipal  
19 court may establish a schedule of civil fines and costs to be  
20 imposed for civil infractions which occur within the respective  
21 district or city. If a schedule is established, it shall be  
22 prominently posted and readily available for public inspection.  
23 A schedule need not include all violations which are designated  
24 by law or ordinance as civil infractions. A schedule may exclude  
25 cases on the basis of a defendant's prior record of civil infrac-  
26 tions or traffic offenses, or a combination of civil infractions  
27 and traffic offenses.

1       (8) The state court administrator shall annually publish and  
2 distribute to each district and court a recommended range of  
3 civil fines and costs for first-time civil infractions. This  
4 recommendation shall not be binding upon the courts having juris-  
5 diction over civil infractions but is intended to act as a norma-  
6 tive guide for judges, district court referees, and district  
7 court magistrates and a basis for public evaluation of dispari-  
8 ties in the imposition of civil fines and costs throughout the  
9 state.

10       (9) If a person has received a civil infraction citation for  
11 defective safety equipment on a vehicle under section 683, the  
12 court shall waive a civil fine and costs, upon receipt of certi-  
13 fication by a law enforcement agency that repair of the defective  
14 equipment was made before the appearance date on the citation.

15       (10) If a person has received a civil infraction citation  
16 under section 328 for failure to produce evidence that a motor  
17 vehicle is insured under chapter 31 of the insurance code of  
18 1956, Act No. 218 of the Public Acts of 1956, as amended, being  
19 sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the  
20 court shall waive a civil fine and costs upon receipt of certifi-  
21 cation by a law enforcement agency that the defendant, before the  
22 appearance date on the citation, has produced evidence that the  
23 vehicle was insured on the date of issuance of the citation as  
24 required.

25       (11) A default in the payment of a civil fine or costs  
26 ordered under subsection (2), ~~or~~ (3), OR (4) or an installment  
27 of the fine or costs may be collected by a means authorized for

1 the enforcement of a judgment under chapter 40 of the revised  
2 judicature act of 1961, Act No. 236 of the Public Acts of 1961,  
3 as amended, being sections 600.4001 to 600.4065 of the Michigan  
4 Compiled Laws, or under chapter 60 of Act No. 236 of the Public  
5 Acts of 1961, as amended, being sections 600.6001 to 600.6098 of  
6 the Michigan Compiled Laws.

7 (12) If a person fails to comply with an order or judgment  
8 issued pursuant to this section, within the time prescribed by  
9 the court, the driver's license of that person shall be suspended  
10 pursuant to section 321a until full compliance with that order or  
11 judgment occurs. In addition to this suspension, the court may  
12 also proceed under section 908.

13 (13) The court shall waive any civil fine or cost against a  
14 person who received a civil infraction citation for a violation  
15 of section 710d if the person, before the appearance date on the  
16 citation, supplies the court with evidence of acquisition, pur-  
17 chase, or rental of a child seating system meeting the require-  
18 ments of section 710d.

19 (14) In addition to any fines and costs ordered to be paid  
20 under this section, the judge, district court referee, or dis-  
21 trict court magistrate shall levy an assessment of \$5.00 for each  
22 civil infraction determination, except for a parking violation or  
23 a violation for which the total fine and costs imposed are \$10.00  
24 or less. Upon payment of the assessment, the clerk of the court  
25 shall transmit the assessment levied to the state treasury to be  
26 deposited into the Michigan justice training fund. An assessment

1 levied under this subsection shall not be considered a civil fine  
2 for purposes of section 909.

3 (15) If a person has received a citation for a violation of  
4 section 223, the court shall waive any fine and costs, upon  
5 receipt of certification by a law enforcement agency that the  
6 person, before the appearance date on the citation, produced a  
7 valid registration certificate that was valid on the date the  
8 violation of section 223 occurred.

9 Section 2. This amendatory act shall take effect upon the  
10 expiration of 90 days after the date of its enactment.