



HOUSE BILL No. 5624

April 13, 2000, Introduced by Reps. Voorhees, Bovin, Julian, Kukuk, Gosselin, Pappageorge, Bradstreet, Shulman, Vander Roest, Toy, Kuipers, Hart and Jansen and referred to the Committee on Family and Civil Law.

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 1992 PA 230 and section 742 as amended
by 1998 PA 68.

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
3 and utilize persons other than police officers as volunteers to
4 issue citations as described in sections 742 and 743 for ANY OF
5 THE violations ~~of~~ DESCRIBED IN section ~~674(1)(s)~~ 674(1) or a
6 local ordinance substantially corresponding to section
7 ~~674(1)(s)~~ 674(1) AS SPECIFICALLY AUTHORIZED BY THAT LAW
8 ENFORCEMENT AGENCY OR LOCAL UNIT OF GOVERNMENT. Before
9 authorizing and utilizing persons other than police officers to

1 issue citations, the law enforcement agency or local unit of
2 government shall implement a program to train the persons to
3 properly issue citations as provided in this section. A person
4 who successfully completes a program of training implemented pur-
5 suant to this section may issue citations as provided in this
6 section as authorized by the law enforcement agency or local unit
7 of government.

8 (2) As used in this section:

9 (a) "Law enforcement agency" means a police agency of a
10 city, village, or township; a sheriff's department; the depart-
11 ment of state police; or any other governmental law enforcement
12 agency in this state.

13 (b) "Local unit of government" means a state university or
14 college, county, city, village, or township.

15 Sec. 742. (1) A police officer who witnesses a person vio-
16 lating this act or a local ordinance substantially corresponding
17 to this act, which violation is a civil infraction, may stop the
18 person, detain the person temporarily for purposes of making a
19 record of vehicle check, and prepare and subscribe, as soon as
20 possible and as completely as possible, an original and 3 copies
21 of a written citation, which shall be a notice to appear in court
22 for 1 or more civil infractions. If a police officer of a vil-
23 lage, city, township, or county, or a police officer who is an
24 authorized agent of a county road commission, witnesses a person
25 violating this act or a local ordinance substantially correspond-
26 ing to this act within that village, city, township, or county
27 and that violation is a civil infraction, that police officer may

1 pursue, stop, and detain the person outside the village, city,
2 township, or county where the violation occurred for the purpose
3 of exercising the authority and performing the duties prescribed
4 in this section and section 749, as applicable.

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

18 (3) A police officer may issue a citation to a person who is
19 a driver of a motor vehicle involved in an accident when, based
20 upon personal investigation, the officer has reasonable cause to
21 believe that the person is responsible for a civil infraction in
22 connection with the accident. A police officer may issue a
23 citation to a person who is a driver of a motor vehicle when,
24 based upon personal investigation by the police officer of a com-
25 plaint by someone who witnessed the person violating this act or
26 a local ordinance substantially corresponding to this act, which
27 violation is a civil infraction, the officer has reasonable cause

1 to believe that the person is responsible for a civil infraction
2 and if the prosecuting attorney or attorney for the political
3 subdivision approves in writing the issuance of the citation.

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

6 (5) The officer shall inform the person of the alleged civil
7 infraction or infractions and shall deliver the third copy of the
8 citation to the alleged offender.

9 (6) In a civil infraction action involving the parking or
10 standing of a motor vehicle, a copy of the citation need not be
11 served personally upon the defendant but may be served upon the
12 registered owner by attaching the copy to the vehicle. A city
13 may authorize personnel other than a police officer to issue and
14 serve a citation for a violation of its ordinance involving the
15 parking or standing of a motor vehicle. A city may authorize a
16 person other than personnel or a police officer to issue and
17 serve a citation for a violation of an ordinance pertaining to
18 parking for persons with disabilities OR FOR CERTAIN OTHER VIOLA-
19 TIONS INVOLVING THE PARKING OR STANDING OF A MOTOR VEHICLE
20 DESCRIBED IN SECTION 675D if the city has complied with the
21 requirements of section 675d. State security personnel receiving
22 authorization under section 6c of 1935 PA 59, MCL 28.6c, may
23 issue and serve citations for violations involving the parking or
24 standing of vehicles on land owned by the state or land of which
25 the state is the lessee when authorized to do so by the director
26 of the department of state police.

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

18 (8) A citation issued under subsection (6) or (7) for a
19 parking or standing violation shall be processed in the same
20 manner as a citation issued personally to a defendant pursuant to
21 subsection (1) or (3).

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

23 (a) "Parking violation notice" means a notice, other than a
24 citation, directing a person to appear at a parking violations
25 bureau in the city, village, or township in which, or of the col-
26 lege or university for which, the notice is issued and to pay the

1 fine and costs, if any, prescribed by ordinance for the parking
2 or standing of a motor vehicle in violation of the ordinance.

3 (b) "Parking violations bureau" means a parking violations
4 bureau established pursuant to section 8395 of the revised judi-
5 cature act of 1961, 1961 PA 236, MCL 600.8395, the violations
6 bureau established within the traffic and ordinance division of
7 the recorder's court of the city of Detroit, or a comparable
8 parking violations bureau established in a city or village served
9 by a municipal court or established pursuant to law by the gov-
10 erning board of a state university or college.