

HOUSE BILL No. 5898

March 21, 2006, Introduced by Reps. Tobocman, Alma Smith, Farrah, Hunter and Lemmons, III and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

by amending section 15a (MCL 45.515a), as amended by 1996 PA 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15a. (1) Consistent with ~~Act No. 58 of the Public Acts~~
2 ~~of 1945, being section 46.201 of the Michigan Compiled Laws 1945~~
3 **PA 58, MCL 46.201**, and whether or not authorized by the county
4 charter, the county board of commissioners of a county established
5 under this act may adopt an ordinance that designates a violation
6 of the ordinance as a civil infraction and provides a civil fine

1 for that violation.

2 (2) Whether or not authorized by the county charter, the
3 county board of commissioners may adopt an ordinance that
4 designates a violation of the ordinance as a municipal civil
5 infraction and provides a civil fine for that violation. An
6 ordinance may not designate a violation as a municipal civil
7 infraction if that violation may be designated as a civil
8 infraction under subsection (1). A statute may provide that a
9 violation of a specific type of ordinance is a municipal civil
10 infraction whether or not the ordinance designates the violation as
11 a municipal civil infraction.

12 (3) An ordinance ~~shall not make~~ **MAY DESIGNATE** an act or
13 omission a **CIVIL INFRACTION OR** municipal civil infraction **EVEN** if
14 that act or omission constitutes a crime under ~~any of the~~
15 ~~following:~~ **STATE STATUTE.**

16 ~~— (a) Article 7 or section 17766a of the public health code, Act~~
17 ~~No. 368 of the Public Acts of 1978, being sections 333.7101 to~~
18 ~~333.7545 and 333.17766a of the Michigan Compiled Laws.~~

19 ~~— (b) The Michigan penal code, Act No. 328 of the Public Acts of~~
20 ~~1931, being sections 750.1 to 750.568 of the Michigan Compiled~~
21 ~~Laws.~~

22 ~~— (c) The Michigan vehicle code, Act No. 300 of the Public Acts~~
23 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
24 ~~Laws.~~

25 ~~— (d) The Michigan liquor control act, Act No. 8 of the Public~~
26 ~~Acts of the Extra Session of 1933, being sections 436.1 to 436.58~~
27 ~~of the Michigan Compiled Laws.~~

1 ~~—— (c) Part 801 (marine safety) of the natural resources and~~
2 ~~environmental protection act, Act No. 451 of the Public Acts of~~
3 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
4 ~~Compiled Laws.~~

5 ~~—— (f) The aeronautics code of the state of Michigan, Act No. 327~~
6 ~~of the Public Acts of 1945, being sections 259.1 to 259.208 of the~~
7 ~~Michigan Compiled Laws.~~

8 ~~—— (g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts~~
9 ~~of 1994, being sections 324.82101 to 324.82159 of the Michigan~~
10 ~~Compiled Laws.~~

11 ~~—— (h) Part 811 (off-road recreation vehicles) of Act No. 451 of~~
12 ~~the Public Acts of 1994, being sections 324.81101 to 324.81150 of~~
13 ~~the Michigan Compiled Laws.~~

14 ~~—— (i) Sections 351 to 365 of the railroad code of 1993, Act No.~~
15 ~~354 of the Public Acts of 1993, being sections 462.351 to 462.365~~
16 ~~of the Michigan Compiled Laws.~~

17 ~~—— (j) Any law of this state under which the act or omission is~~
18 ~~punishable by imprisonment for more than 90 days.~~