

HOUSE BILL No. 4491

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 41 (MCL 117.41), as amended by 1996 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 41. (1) Consistent with any of the following statutes
2 and whether or not authorized by the city charter, the legisla-
3 tive body of a city may adopt an ordinance that designates a vio-
4 lation of the ordinance as a civil infraction and provides a
5 civil fine for that violation:

6 (a) The Michigan vehicle code, ~~Act No. 300 of the Public~~
7 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
8 ~~Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

9 (b) ~~Act No. 235 of the Public Acts of 1969, being~~
10 ~~sections 257.941 to 257.943 of the Michigan Compiled Laws~~ 1969
11 PA 235, MCL 257.941 TO 257.943.

1 (c) ~~Act No. 62 of the Public Acts of 1956, being~~
2 ~~sections 257.951 to 257.954 of the Michigan Compiled Laws~~ 1956
3 PA 62, MCL 257.951 TO 257.954.

4 (2) CONSISTENT WITH PART 801 (MARINE SAFETY) OF THE NATURAL
5 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
6 324.80101 TO 324.80199, THE LEGISLATIVE BODY OF A CITY MAY ADOPT
7 AN ORDINANCE THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A
8 STATE CIVIL INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN
9 \$100.00 FOR THAT VIOLATION.

10 (3) ~~—(2)—~~ Whether or not authorized by the city charter, the
11 legislative body of a city may adopt an ordinance that designates
12 a violation of the ordinance as a municipal civil infraction and
13 provides a civil fine for that violation. An ordinance may not
14 designate a violation as a municipal civil infraction if that
15 violation may be designated as a civil infraction under
16 subsection (1) OR A STATE CIVIL INFRACTION UNDER SUBSECTION (2).
17 A statute may provide that a violation of a specific type of
18 ordinance is a municipal civil infraction whether or not the
19 ordinance designates the violation as a municipal civil
20 infraction.

21 (4) ~~—(3)—~~ An ordinance shall not make an act or omission a
22 municipal civil infraction if that act or omission constitutes a
23 crime under any of the following:

24 (a) Article 7 or section 17766a of the public health code,
25 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
26 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA
27 368, MCL 333.7101 TO 333.7545 AND 333.17766A.

1 (b) The Michigan penal code, ~~Act No. 328 of the Public Acts~~
2 ~~of 1931, being sections 750.1 to 750.568 of the Michigan Compiled~~
3 ~~Laws~~ 1931 PA 328, MCL 750.1 TO 750.568.

4 (c) ~~Act No. 300 of the Public Acts of 1949, being~~
5 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws~~ THE
6 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

7 (d) The Michigan liquor control act, ~~Act No. 8 of the~~
8 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~
9 ~~436.58 of the Michigan Compiled Laws~~ 1933 (EX SESS) PA 8, MCL
10 436.1 TO 436.58.

11 (e) Part 801 (marine safety) of the natural resources and
12 environmental protection act, ~~Act No. 451 of the Public Acts of~~
13 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
14 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199.

15 (f) The aeronautics code of the state of Michigan, ~~Act~~
16 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~
17 ~~259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO
18 259.208.

19 (g) Part 821 (snowmobiles) of ~~Act No. 451 of the Public~~
20 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
21 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
22 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

23 (h) Part 811 (off-road recreation vehicles) of ~~Act No. 451~~
24 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~
25 ~~of the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRON-
26 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO 324.81150.

1 (i) Sections 351 to 365 of the railroad code of 1993, ~~Act~~
2 ~~No. 354 of the Public Acts of 1993, being sections 462.351 to~~
3 ~~462.365 of the Michigan Compiled Laws~~ 1993 PA 354, MCL 462.351
4 TO 462.365.

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

7 Enacting section 1. This amendatory act does not take
8 effect unless all of the following bills of the 89th Legislature
9 are enacted in to law:

10 (a) Senate Bill No. _____ or House Bill No. _____
11 (request no. 00685'97 **).

12 (b) Senate Bill No. _____ or House Bill No. _____
13 (request no. 00685'97 a **).

14 (c) Senate Bill No. _____ or House Bill No. _____
15 (request no. 00685'97 b ***).

16 (d) Senate Bill No. _____ or House Bill No. _____
17 (request no. 00685'97 c **).

18 (e) Senate Bill No. _____ or House Bill No. _____
19 (request no. 00685'97 d **).

20 (f) Senate Bill No. _____ or House Bill No. _____
21 (request no. 00685'97 e **).

22 (g) Senate Bill No. _____ or House Bill No. _____
23 (request no. 00685'97 f **).

24 (h) Senate Bill No. _____ or House Bill No. _____
25 (request no. 00685'97 g **).