

**SUBSTITUTE FOR
HOUSE BILL NO. 5624**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e, 674, 675d, and 742 (MCL 257.629e, 257.674, 257.675d, and 257.742), section 629e as amended by 1991 PA 163, section 674 as amended by 2000 PA 76, 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. 629e. (1) In addition to any fine or cost ordered to
2 be paid under this act, and in addition to any assessment levied
3 under section 907, the judge, district or municipal court refer-
4 ee, or district or municipal court magistrate shall levy a high-
5 way safety assessment of \$5.00 and a secondary road patrol and
6 training assessment of \$5.00 for each civil infraction
7 determination ~~for a moving violation~~ EXCEPT FOR A PARKING

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1 VIOLATION OR A VIOLATION FOR WHICH THE TOTAL FINE AND COSTS
2 IMPOSED ARE \$10.00 OR LESS. Upon payment of the assessments, the
3 clerk of the court shall transmit the assessments levied to the
4 department of treasury. The state treasurer shall deposit the
5 revenue received pursuant to this subsection in the highway
6 safety fund and in the secondary road patrol and training fund,
7 and shall report annually to the legislature all revenues
8 received and disbursed under this section. An assessment levied
9 under this subsection shall not be considered a civil fine for
10 purposes of section 909.

11 (2) A highway safety fund and a secondary road patrol and
12 training fund are created in the department of treasury. The
13 funds shall be administered by the department of state police.
14 Money collected under subsection (1) shall be deposited in the
15 respective funds as provided in subsection (1). The money depos-
16 ited in the highway safety fund shall serve as a supplement to,
17 and not as a replacement for, the funds budgeted for the depart-
18 ment of state police. ~~on the effective date of the amendatory~~
19 ~~act that added this section.~~ The money in the highway safety
20 fund shall be used by the department of state police for the
21 employment of additional state police enlisted personnel to
22 enforce the traffic laws on the highways and freeways of this
23 state. The money in the secondary road patrol and training fund
24 shall be used for secondary road patrol and traffic accident
25 grants pursuant to section 77 of ~~chapter 14 of the revised stat-~~
26 ~~utes of 1846, being section 51.77 of the Michigan Compiled Laws~~
27 1846 RS 14, MCL 51.77, and for grants under section 14 of the

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1 ~~Michigan law enforcement officers training council act of 1965,~~
2 ~~Act No. 203 of the Public Acts of 1965, being section 28.614 of~~
3 ~~the Michigan Compiled Laws~~ COMMISSION ON LAW ENFORCEMENT STAN-
4 DARDS ACT, 1965 PA 203, MCL 28.614. The department of state
5 police shall report annually to the legislature all revenues
6 received and disbursed under this section.

7 Sec. 674. (1) A vehicle shall not be parked, except if nec-
8 essary to avoid conflict with other traffic or in compliance with
9 the law or the directions of a police officer or traffic-control
10 device, in any of the following places:

11 (a) On a sidewalk.

12 (b) In front of a public or private driveway.

13 (c) Within an intersection.

14 (d) Within 15 feet of a fire hydrant.

15 (e) On a crosswalk.

16 (f) Within 20 feet of a crosswalk, or if there is not a
17 crosswalk, then within 15 feet of the intersection of property
18 lines at an intersection of highways.

19 (g) Within 30 feet of the approach to a flashing beacon,
20 stop sign, or traffic-control signal located at the side of a
21 highway.

22 (h) Between a safety zone and the adjacent curb or within 30
23 feet of a point on the curb immediately opposite the end of a
24 safety zone, unless a different length is indicated by an offi-
25 cial sign or marking.

26 (i) Within 50 feet of the nearest rail of a railroad
27 crossing.

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1 (j) Within 20 feet of the driveway entrance to a fire
2 station and on the side of a street opposite the entrance to a
3 fire station within 75 feet of the entrance if properly marked by
4 an official sign.

5 (k) Alongside or opposite a street excavation or obstruc-
6 tion, if the stopping, standing, or parking would obstruct
7 traffic.

8 (l) On the roadway side of a vehicle stopped or parked at
9 the edge or curb of a street.

10 (m) Upon a bridge or other elevated highway structure or
11 within a highway tunnel.

12 (n) At a place where an official sign prohibits stopping or
13 parking.

14 (o) Within 500 feet of an accident at which a police officer
15 is in attendance, if the scene of the accident is outside of a
16 city or village.

17 (p) In front of a theater.

18 (q) In a place or in a manner which blocks immediate egress
19 from an emergency exit conspicuously marked as an emergency exit
20 of a building.

21 (r) In a place or in a manner which blocks or hampers the
22 immediate use of an immediate egress from a fire escape conspicu-
23 ously marked as a fire escape providing an emergency means of
24 egress from a building.

25 (s) In a parking space clearly identified by an official
26 sign as being reserved for use by disabled persons which is on
27 public property or private property available for public use,

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1 unless the individual is a disabled person as described in
2 section 19a or unless the individual is parking the vehicle for
3 the benefit of a disabled person. In order for the vehicle to be
4 parked in the parking space the vehicle shall display 1 of the
5 following:

6 (i) A certificate of identification or windshield placard
7 issued under section 675 to a disabled person.

8 (ii) A special registration plate issued under section 803d
9 to a disabled person.

10 (iii) A similar certificate of identification or windshield
11 placard issued by another state to a disabled person.

12 (iv) A similar special registration plate issued by another
13 state to a disabled person.

14 (v) A special registration plate to which a tab for persons
15 with disabilities is attached issued under this act.

16 (t) In a clearly identified access aisle or access lane
17 immediately adjacent to a space designated for parking by persons
18 with disabilities.

19 (u) On a street or other area open to the parking of vehi-
20 cles that results in the vehicle interfering with the use of a
21 curb-cut or ramp by persons with disabilities.

22 (v) Within 500 feet of a fire at which fire apparatus is in
23 attendance, if the scene of the fire is outside a city or
24 village. However, volunteer fire fighters responding to the fire
25 may park within 500 feet of the fire in a manner not to interfere
26 with fire apparatus at the scene. A vehicle parked legally
27 previous to the fire is exempt from this subdivision.

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1 (w) In violation of an official sign restricting the period
2 of time for or manner of parking.

3 (x) In a space controlled or regulated by a meter on a
4 public highway or in a publicly owned parking area or structure,
5 if the allowable time for parking indicated on the meter has
6 expired, unless the vehicle properly displays 1 or more of the
7 items listed in section 675(8).

8 (y) On a street or highway in such a way as to obstruct the
9 delivery of mail to a rural mailbox by a carrier of the United
10 States postal service.

11 (z) In a place or in a manner which blocks the use of an
12 alley.

13 (AA) IN A PLACE OR IN A MANNER THAT BLOCKS ACCESS TO A SPACE
14 CLEARLY DESIGNATED AS A FIRE LANE.

15 (2) A person shall not move a vehicle not owned by the
16 person into a prohibited area or away from a curb a distance
17 which makes the parking unlawful.

18 (3) A bus, for the purpose of taking on or discharging pas-
19 sengers, may be stopped at a place described in subsection
20 (1)(b), (d), or (f) or on the roadway side of a vehicle illegally
21 parked in a legally designated bus loading zone. A bus, for the
22 purpose of taking on or discharging a passenger, may be stopped
23 at a place described in subsection (1)(n) if the place is posted
24 by an appropriate bus stop sign, except that a bus shall not stop
25 at such a place if the stopping is specifically prohibited by the
26 responsible local authority, the state transportation department,
27 or the director of the department of state police.

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1 (4) A person who violates this section is responsible for a
2 civil infraction.

3 Sec. 675d. (1)[A law enforcement agency
4]or a local unit of government may implement and administer
5 a program to authorize and utilize persons other than police
6 officers as volunteers to issue citations as described in sec-
7 tions 742 and 743 for THE violations ~~of~~ DESCRIBED IN section
8 674(1)(s) OR 674(1)(AA) or a local ordinance substantially corre-
9 sponding to section 674(1)(s) OR 674(1)(AA). Before authorizing
10 and utilizing persons other than police officers to issue
11 citations, the law enforcement agency or local unit of government
12 shall implement a program to train the persons to properly issue
13 citations as provided in this section. A person who successfully
14 completes a program of training implemented pursuant to this sec-
15 tion may issue citations as provided in this section as autho-
16 rized by the law enforcement agency or local unit of government. [A
LAW ENFORCEMENT AGENCY OF A LOCAL UNIT OF GOVERNMENT SHALL NOT
IMPLEMENT OR ADMINISTER A PROGRAM UNDER THIS SECTION WITHOUT THE
SPECIFIC AUTHORIZATION OF THE GOVERNING BODY OF THAT LOCAL UNIT OF
GOVERNMENT.]

17 (2) As used in this section:

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

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

24 Sec. 742. (1) A police officer who witnesses a person vio-
25 lating this act or a local ordinance substantially corresponding
26 to this act, which violation is a civil infraction, may stop the
27 person, detain the person temporarily for purposes of making a

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1 record of vehicle check, and prepare and subscribe, as soon as
2 possible and as completely as possible, an original and 3 copies
3 of a written citation, which shall be a notice to appear in court
4 for 1 or more civil infractions. If a police officer of a vil-
5 lage, city, township, or county, or a police officer who is an
6 authorized agent of a county road commission, witnesses a person
7 violating this act or a local ordinance substantially correspond-
8 ing to this act within that village, city, township, or county
9 and that violation is a civil infraction, that police officer may
10 pursue, stop, and detain the person outside the village, city,
11 township, or county where the violation occurred for the purpose
12 of exercising the authority and performing the duties prescribed
13 in this section and section 749, as applicable.

14 (2) Any police officer, having reason to believe that the
15 load, weight, height, length, or width of a vehicle or load are
16 in violation of section 717, 719, 719a, 722, 724, 725, or 726
17 which violation is a civil infraction, may require the driver of
18 the vehicle to stop, and the officer may investigate, weigh, or
19 measure the vehicle or load. If, after personally investigating,
20 weighing, or measuring the vehicle or load, the officer deter-
21 mines that the load, weight, height, length, or width of the
22 vehicle or load are in violation of section 717, 719, 719a, 722,
23 724, 725, or 726, the officer may temporarily detain the driver
24 of the vehicle for purposes of making a record or vehicle check
25 and issue a citation to the driver or owner of the vehicle as
26 provided in those sections.

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

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

16 (5) The officer shall inform the person of the alleged civil
17 infraction or infractions and shall deliver the third copy of the
18 citation to the alleged offender.

19 (6) In a civil infraction action involving the parking or
20 standing of a motor vehicle, a copy of the citation need not be
21 served personally upon the defendant but may be served upon the
22 registered owner by attaching the copy to the vehicle. A city
23 may authorize personnel other than a police officer to issue and
24 serve a citation for a violation of its ordinance involving the
25 parking or standing of a motor vehicle. A city may authorize a
26 person other than personnel or a police officer to issue and
27 serve a citation for a violation of an ordinance pertaining to

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1 parking for persons with disabilities OR FOR CERTAIN OTHER
2 VIOLATIONS INVOLVING THE PARKING OR STANDING OF A MOTOR VEHICLE
3 DESCRIBED IN SECTION 675D if the city has complied with the
4 requirements of section 675d. State security personnel receiving
5 authorization under section 6c of 1935 PA 59, MCL 28.6c, may
6 issue and serve citations for violations involving the parking or
7 standing of vehicles on land owned by the state or land of which
8 the state is the lessee when authorized to do so by the director
9 of the department of state police.

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

26 (8) A citation issued under subsection (6) or (7) for a
27 parking or standing violation shall be processed in the same

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1 manner as a citation issued personally to a defendant pursuant to
2 subsection (1) or (3).

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

4 (a) "Parking violation notice" means a notice, other than a
5 citation, directing a person to appear at a parking violations
6 bureau in the city, village, or township in which, or of the col-
7 lege or university for which, the notice is issued and to pay the
8 fine and costs, if any, prescribed by ordinance for the parking
9 or standing of a motor vehicle in violation of the ordinance.

10 (b) "Parking violations bureau" means a parking violations
11 bureau established pursuant to section 8395 of the revised judi-
12 cature act of 1961, 1961 PA 236, MCL 600.8395, the violations
13 bureau established within the traffic and ordinance division of
14 the recorder's court of the city of Detroit, or a comparable
15 parking violations bureau established in a city or village served
16 by a municipal court or established pursuant to law by the gov-
17 erning board of a state university or college.

18 Enacting section 1. (1) Except as provided in subsection
19 (2), this amendatory act takes effect October 1, 2000.

20 (2) Section 629e of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.629e, as amended by this amendatory act, takes effect on
22 the date of enactment of this amendatory act.