

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5624**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e, 674, 675a, 675b, 675c, 675d, and 742 (MCL 257.629e, 257.674, 257.675a, 257.675b, 257.675c, 257.675d, and 257.742), section 629e as amended by 1991 PA 163, section 674 as amended by 2000 PA 76, sections 675a and 675b as amended and section 675c as added by 1980 PA 518, 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
5 highway safety assessment of \$5.00 and a secondary road patrol
6 and training assessment of \$5.00 for each civil infraction

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

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

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1 ~~Laws~~ 1846 RS 14, MCL 51.77, and for grants under section 14 of
2 the ~~Michigan law enforcement officers training council act of~~
3 ~~1965, Act No. 203 of the Public Acts of 1965, being~~
4 ~~section 28.614 of the Michigan Compiled Laws~~ COMMISSION ON LAW
5 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.614. The depart-
6 ment of state police shall report annually to the legislature all
7 revenues received and disbursed under this section.

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

12 (a) On a sidewalk.

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

14 (c) Within an intersection.

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

16 (e) On a crosswalk.

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

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

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

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1 (i) Within 50 feet of the nearest rail of a railroad
2 crossing.

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

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

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

12 (m) Upon a bridge or other elevated highway structure or
13 within a highway tunnel.

14 (n) At a place where an official sign prohibits stopping or
15 parking.

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

19 (p) In front of a theater.

20 (q) In a place or in a manner ~~which~~ THAT blocks immediate
21 egress from an emergency exit conspicuously marked as an emer-
22 gency exit of a building.

23 (r) In a place or in a manner ~~which~~ THAT blocks or hampers
24 the immediate use of an immediate egress from a fire escape con-
25 spicuously marked as a fire escape providing an emergency means
26 of egress from a building.

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1 (s) In a parking space clearly identified by an official
2 sign as being reserved for use by disabled persons ~~which~~ THAT
3 is on public property or private property available for public
4 use, unless the individual is a disabled person as described in
5 section 19a or unless the individual is parking the vehicle for
6 the benefit of a disabled person. In order for the vehicle to be
7 parked in the parking space the vehicle shall display 1 of the
8 following:

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

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

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

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

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

19 (t) In a clearly identified access aisle or access lane
20 immediately adjacent to a space designated for parking by persons
21 with disabilities.

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

25 (v) Within 500 feet of a fire at which fire apparatus is in
26 attendance, if the scene of the fire is outside a city or
27 village. However, volunteer fire fighters responding to the fire

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1 may park within 500 feet of the fire in a manner not to interfere
2 with fire apparatus at the scene. A vehicle parked legally pre-
3 vious to the fire is exempt from this subdivision.

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

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

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

14 (z) In a place or in a manner ~~which~~ THAT blocks the use of
15 an alley.

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

18 (2) A person shall not move a vehicle not owned by the
19 person into a prohibited area or away from a curb a distance
20 ~~which~~ THAT makes the parking unlawful.

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

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1 at such a place if the stopping is specifically prohibited by the
2 responsible local authority, the state transportation department,
3 or the director of the department of state police.

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

6 Sec. 675a. ~~(1)~~ Except as provided in section 675b involving
7 leased vehicles, in a ~~prosecution~~ PROCEEDING for ~~the~~ A violation
8 of a local ordinance or state statute relating to ~~the~~ A standing or
9 ~~parking of a~~ PARKED vehicle, proof that the particular vehicle
10 described in the CITATION, complaint, OR WARRANT was parked in
11 violation of the ordi-
12 nance or state statute, together with proof ~~, by verifying~~
13 ownership of the vehicle with FROM the secretary of state ~~,~~
14 that the defendant named in the CITATION, complaint, OR WARRANT was
15 at the time of the violation the VEHICLE'S registered owner, ~~of the vehicle,~~ cre-
16 ates in evidence a presumption that the VEHICLE'S registered
17 owner ~~of the vehicle~~ was the person who parked or placed the
18 vehicle at the point where ~~,~~ and ~~for~~ AT the time ~~during~~
19 which, THAT the violation occurred.

20 ~~(2) This section does not apply to a violation which~~
21 ~~is a civil infraction.~~

22 Sec. 675b. (1) ~~In a prosecution~~ THE LESSEE OR RENTER OF A
23 MOTOR VEHICLE AND NOT THE LEASED VEHICLE OWNER IS LIABLE for a
24 violation of ~~section 675a~~ A LOCAL ORDINANCE OR STATE STATUTE
25 RELATING TO A STANDING OR PARKED VEHICLE involving ~~a leased~~ THE
26 motor vehicle ~~,~~ IF THE LEASED vehicle owner furnishes proof
27 that the ~~particular~~ vehicle described in the citation,
28 complaint, ~~or warrant,~~ OR NOTICE was ~~used in the violation,~~
29 together with

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1 ~~proof that the defendant named in the citation, complaint, or~~
2 ~~warrant was~~ IN THE POSSESSION OF, CUSTODY OF, OR WAS BEING OPER-
3 ATED OR USED BY the lessee OR RENTER of the vehicle at the time
4 of the violation. ~~, constitutes in evidence a presumption that~~
5 ~~the lessee of the vehicle, not the registered owner, was the~~
6 ~~person who parked or placed the vehicle at the point, and for the~~
7 ~~time during which, the violation occurred.~~

8 (2) ~~This section does not apply to a violation which is a~~
9 ~~civil infraction.~~ IF A LEASED VEHICLE IS LEASED OR RENTED FOR
10 30 DAYS OR LESS, THE LEASED VEHICLE OWNER MAY AVOID LIABILITY FOR
11 A VIOLATION DESCRIBED IN SUBSECTION (1) IF THE LEASED VEHICLE
12 OWNER PROVIDES ALL OF THE FOLLOWING INFORMATION TO THE CLERK OF
13 THE COURT OR PARKING VIOLATIONS BUREAU ISSUING THE VIOLATION NOT
14 LATER THAN 30 DAYS AFTER THE
15 LEASED VEHICLE OWNER HAS RECEIVED NOTICE OF THE VIOLATION:

16 (A) THE LESSEE'S OR RENTER'S NAME, ADDRESS, AND OPERATOR'S
17 OR CHAUFFEUR'S LICENSE NUMBER.

18 (B) A COPY OF THE SIGNED RENTAL OR LEASE AGREEMENT OR AN
19 EXPEDITED RENTAL AGREEMENT WITHOUT SIGNATURE AS PART OF A MASTER
20 RENTAL AGREEMENT, INCLUD-
21 ING PROOF OF THE DATE AND TIME THE POSSESSION OF THE VEHICLE WAS
22 GIVEN TO THE LESSEE OR RENTER AND THE DATE AND TIME THE VEHICLE
23 WAS RETURNED TO THE LEASED VEHICLE OWNER OR THE LEASED VEHICLE
24 OWNER'S AUTHORIZED AGENT UNDER THE AGREEMENT.

25 (3) IF A LEASED VEHICLE IS LEASED OR RENTED FOR 30 DAYS OR
LESS, THE LEASED VEHICLE OWNER IS LIABLE FOR A VIOLATION OF A
LOCAL ORDINANCE OR STATE STATUTE RELATING TO A STANDING OR PARKED
VEHICLE IF 1 OR MORE OF THE FOLLOWING OCCUR:

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1 (A) THE LEASED VEHICLE OWNER DOES NOT PROVIDE THE
2 INFORMATION DESCRIBED IN SUBSECTION (2) WITHIN THE 30-DAY PERIOD
3 SPECIFIED IN THAT SUBSECTION.

4 (B) THE COURT OR PARKING VIOLATIONS BUREAU ISSUING THE
5 VIOLATION PROCEEDS AGAINST THE LESSEE
6 OR RENTER OF THE VEHICLE AND THE LESSEE OR RENTER OF THE VEHICLE IS
7 NOT CONVICTED OF OR FOUND RESPONSIBLE FOR THE VIOLATION.

8 (4) AS USED IN THIS SECTION:

9 (A) "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY
10 THROUGH 1 OR MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR
11 IS UNDER COMMON CONTROL WITH ANOTHER PERSON.

12 (B) "LEASED VEHICLE OWNER" MEANS A PERSON IN THE BUSINESS OF
13 RENTING OR LEASING LEASED VEHICLES OR AN AFFILIATE OF THE PERSON,
14 IF THE PERSON OR THE AFFILIATE IS THE REGISTERED OWNER OF A
15 STANDING OR PARKED LEASED VEHICLE INVOLVED IN A VIOLATION OF A
16 LOCAL ORDINANCE OR STATE STATUTE.

17 Sec. 675c. (1) ~~if~~ EXCEPT AS PROVIDED IN SECTION 675B, IF
18 a vehicle is stopped, standing, or parked in violation of
19 ~~sections~~ SECTION 672, 674, 674a, 675, OR 676, or other state
20 statute, or a local ordinance prohibiting or restricting the
21 stopping, standing, or parking of a vehicle and the violation is
22 a civil infraction, the person in whose name that vehicle is reg-
23 istered in this state or another state at the time of the viola-

24 (2) The owner of a vehicle cited for a stopping, standing,
25 or parking violation pursuant to subsection (1) may assert as an
26 affirmative defense that the vehicle in question, at the time of

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1 the violation, was in the possession of a person whom the owner
2 had not knowingly permitted to operate the vehicle.

3 (3) The registered owner of a vehicle who is found to be
4 responsible for a civil infraction as the result of subsection
5 (1) OR A LEASED VEHICLE OWNER AS DEFINED IN SECTION 675B THAT IS
6 FOUND TO BE RESPONSIBLE FOR A CIVIL INFRACTION DESCRIBED IN SEC-
7 TION 675B has the right to recover in a civil action against the
8 person who parked, stopped, or left standing the vehicle in ques-
9 tion damages ~~in~~ INCLUDING, BUT NOT LIMITED TO, the amount of
10 any civil fine or costs, or both, imposed pursuant to section
11 907. The registered owner of a vehicle OR THE LEASED VEHICLE
12 OWNER may provide in a written agreement that the person who
13 parked, stopped, or left standing the vehicle in violation of a
14 state statute or local ordinance, when the violation is a civil
15 infraction, shall indemnify the registered owner OR THE LEASED
16 VEHICLE OWNER for THE DAMAGES INCURRED INCLUDING, BUT NOT LIMITED
17 TO, any civil fine and costs imposed upon the registered owner
18 for that civil infraction. WITH REGARD TO A LEASED VEHICLE. THIS
SUBSECTION DOES NOT APPLY IF THE COURT OR PARKING VIOLATIONS BUREAU
ISSUING THE VIOLATION FINDS THAT THE LESSEE OR RENTER OF THE VEHICLE
IS NOT RESPONSIBLE FOR THE VIOLATION AND IT IS DETERMINED THAT THE
LESSEE OR RENTER DID NOT VIOLATE THE TERMS OF THE RENTAL CONTRACT OR
LEASE AGREEMENT.

19 (4) A police officer who issues a citation for a vehicle
20 that is stopped, standing, or parked in violation of a state
21 statute or a local ordinance prohibiting or restricting the stop-
22 ping, standing, or parking of a vehicle may issue the citation
23 for the violation to the operator of the vehicle if the operator
24 is present at the time of the violation.

25 Sec. 675d. (1) A law enforcement agency or a local unit of
26 government may implement and administer a program to authorize
27 and utilize persons other than police officers as volunteers to

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1 issue citations as described in sections 742 and 743 for THE
2 violations ~~of~~ DESCRIBED IN section 674(1)(s) OR 674(1)(AA) or a
3 local ordinance substantially corresponding to section 674(1)(s)
4 OR 674(1)(AA). Before authorizing and utilizing persons other
5 than police officers to issue citations, the law enforcement
6 agency or local unit of government shall implement a program to
7 train the persons to properly issue citations as provided in this
8 section. A person who successfully completes a program of train-
9 ing implemented pursuant to this section may issue citations as
10 provided in this section as authorized by the law enforcement
11 agency or local unit of government. A LAW ENFORCEMENT AGENCY OF
12 A LOCAL UNIT OF GOVERNMENT SHALL NOT IMPLEMENT OR ADMINISTER A
13 PROGRAM UNDER THIS SECTION WITHOUT THE SPECIFIC AUTHORIZATION OF
14 THE GOVERNING BODY OF THAT LOCAL UNIT OF GOVERNMENT.

15 (2) As used in this section:

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

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

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

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

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

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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 authorize personnel other than a police officer to issue and
21 serve a citation for a violation of its ordinance involving the
22 parking or standing of a motor vehicle. A city may authorize a
23 person other than personnel or a police officer to issue and
24 serve a citation for a violation of an ordinance pertaining to
25 parking for persons with disabilities OR FOR CERTAIN OTHER VIOLA-
26 TIONS INVOLVING THE PARKING OR STANDING OF A MOTOR VEHICLE
27 DESCRIBED IN SECTION 675D if the city has complied with the

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1 requirements of section 675d. State security personnel receiving
2 authorization under section 6c of 1935 PA 59, MCL 28.6c, may
3 issue and serve citations for violations involving the parking or
4 standing of vehicles on land owned by the state or land of which
5 the state is the lessee when authorized to do so by the director
6 of the department of state 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 described in
12 section 741(4) and a copy of the citation may be served by
13 first-class mail upon the registered owner of the vehicle at the
14 owner's last known address. A parking violation notice may be
15 issued by a police officer, including a limited duty officer, or
16 other personnel duly authorized by the city, village, township,
17 college, or university to issue such a notice under its
18 ordinance. The citation filed with the court pursuant to this
19 subsection need not comply in all particulars with sections 727c
20 and 743 but shall consist of a sworn complaint containing the
21 allegations stated in the parking violation notice and shall
22 fairly inform the defendant how to respond to the citation.

23 (8) A citation issued under subsection (6) or (7) for a
24 parking or standing violation shall be processed in the same
25 manner as a citation issued personally to a defendant pursuant to
26 subsection (1) or (3).

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

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

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

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

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