

SENATE BILL No. 307

March 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4/ (MCL 117.4/), as amended by 1996 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4/. (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 257.955 of the Michigan Compiled Laws 1956~~
3 PA 62, MCL 257.951 TO 257.955.

4 (2) CONSISTENT WITH PART 801 OF THE NATURAL RESOURCES AND
5 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO
6 324.80199H, THE LEGISLATIVE BODY OF A CITY MAY ADOPT AN ORDINANCE
7 THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL
8 INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR
9 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~~
14 SHALL not designate a violation as a municipal civil infraction
15 if that 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~~ MICHIGAN LIQUOR CONTROL
10 CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

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 324.80199H.

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 324.82160.

23 (h) Part 811 ~~(off-road recreation vehicles)~~ of ~~Act~~
24 ~~No. 451 of the Public Acts of 1994, being sections 324.81101 to~~
25 ~~324.81150 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES
26 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
27 324.81150.

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 91st Legislature
9 are enacted into law:

10 (a) Senate Bill No. 299.

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12 (b) Senate Bill No. 300.

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14 (c) Senate Bill No. 301.

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16 (d) Senate Bill No. 302.

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18 (e) Senate Bill No. 303.

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20 (f) Senate Bill No. 304.

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22 (g) Senate Bill No. 305.

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24 (h) Senate Bill No. 306.

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