



# HOUSE BILL No. 5294

October 25, 1995, Introduced by Rep. Hill and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 41 of Act No. 279 of the Public Acts of 1909, entitled as amended "The home rule city act," as added by Act No. 17 of the Public Acts of 1994, being section 117.41 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 41 of Act No. 279 of the Public Acts of  
2 1909, as added by Act No. 17 of the Public Acts of 1994, being  
3 section 117.41 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

1 (a) The Michigan vehicle code, Act No. 300 of the Public  
2 Acts of 1949, being sections 257.1 to 257.923 of the Michigan  
3 Compiled Laws.

4 (b) Act No. 235 of the Public Acts of 1969, being  
5 sections 257.941 to 257.943 of the Michigan Compiled Laws.

6 (c) Act No. 62 of the Public Acts of 1956, being  
7 sections 257.951 to 257.954 of the Michigan Compiled Laws.

8 ~~(2) Consistent with the marine safety act, Act No. 303 of~~  
9 ~~the Public Acts of 1967, being sections 281.1001 to 281.1199 of~~  
10 ~~the Michigan Compiled Laws, and whether or not authorized by the~~  
11 ~~city charter, the legislative body of a city may adopt an ordi-~~  
12 ~~nance that designates a violation of the ordinance as a marine~~  
13 ~~law civil infraction and provides a civil fine for that~~  
14 ~~violation. This subsection does not apply unless House Bill~~  
15 ~~No. 4639 of the 87th Legislature is enacted into law.~~

16 (2) ~~(3)~~ Whether or not authorized by the city charter, the  
17 legislative body of a city may adopt an ordinance that designates  
18 a violation of the ordinance as a municipal civil infraction and  
19 provides a civil fine for that violation. An ordinance may not  
20 designate a violation as a municipal civil infraction if that  
21 violation may be designated as a civil infraction under  
22 subsection (1). ~~or as a marine law civil infraction under~~  
23 ~~subsection (2).~~ A statute may provide that a violation of a spe-  
24 cific type of ordinance is a municipal civil infraction whether  
25 or not the ordinance designates the violation as a municipal  
26 civil infraction.

1 (3) ~~-(4)-~~ An ordinance shall not make an act or omission a  
2 municipal civil infraction if that act or omission constitutes a  
3 crime under any of the following:

4 (a) Article 7 or section 17766a of the public health code,  
5 Act No. 368 of the Public Acts of 1978, being sections 333.7101  
6 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

7 (b) The Michigan penal code, Act No. 328 of the Public Acts  
8 of 1931, being sections 750.1 to 750.568 of the Michigan Compiled  
9 Laws.

10 (c) ~~The Michigan vehicle code,~~ Act No. 300 of the Public  
11 Acts of 1949, being sections 257.1 to 257.923 of the Michigan  
12 Compiled Laws.

13 (d) The Michigan liquor control act, Act No. 8 of the Public  
14 Acts of the Extra Session of 1933, being sections 436.1 to 436.58  
15 of the Michigan Compiled Laws.

16 (e) ~~The marine safety act, Act No. 303 of the Public Acts~~  
17 ~~of 1967, being sections 281.1001 to 281.1199 of the Michigan~~  
18 ~~Compiled Laws.~~ PART 801 (MARINE SAFETY) OF THE NATURAL RESOURCES  
19 AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS  
20 OF 1994, BEING SECTIONS 324.80101 TO 324.80199 OF THE MICHIGAN  
21 COMPILED LAWS.

22 (f) The aeronautics code of the state of Michigan, Act  
23 No. 327 of the Public Acts of 1945, being sections 259.1 to  
24 259.208 of the Michigan Compiled Laws.

25 (g) ~~Act No. 74 of the Public Acts of 1968, being~~  
26 ~~sections 257.1501 to 257.1518 of the Michigan Compiled Laws.~~  
27 PART 821 (SNOWMOBILES) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994,

1 BEING SECTIONS 324.82101 TO 324.82159 OF THE MICHIGAN COMPILED  
2 LAWS.

3 (h) ~~Act No. 319 of the Public Acts of 1975, being~~  
4 ~~sections 257.1601 to 257.1626 of the Michigan Compiled Laws.~~  
5 PART 811 (OFF-ROAD RECREATION VEHICLES) OF ACT NO. 451 OF THE  
6 PUBLIC ACTS OF 1994, BEING SECTIONS 324.81101 TO 324.81150 OF THE  
7 MICHIGAN COMPILED LAWS.

8 (i) ~~Act No. 4 of the Public Acts of 1986, being~~  
9 ~~sections 470.201 to 470.210 of the Michigan Compiled Laws.~~  
10 SECTIONS 351 TO 365 OF THE RAILROAD CODE OF 1993, ACT NO. 354 OF  
11 THE PUBLIC ACTS OF 1993, BEING SECTIONS 462.351 TO 462.365 OF THE  
12 MICHIGAN COMPILED LAWS.

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