

HOUSE BILL No. 4489

A bill to amend 1909 PA 278, entitled  
"The home rule village act,"  
by amending section 25a (MCL 78.25a), as amended by 1996 PA 42.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 25a. (1) Consistent with any of the following statutes  
2 and whether or not authorized by the village charter, the village  
3 council may adopt an ordinance that designates a violation of the  
4 ordinance as a civil infraction and provides a civil fine for  
5 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 VILLAGE COUNCIL MAY ADOPT AN ORDI-  
7 NANCE THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE  
8 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 village charter,  
11 the village council may adopt an ordinance that designates a vio-  
12 lation of the ordinance as a municipal civil infraction and pro-  
13 vides a civil fine for that violation. An ordinance may not des-  
14 ignate a violation as a municipal civil infraction if that viola-  
15 tion may be designated as a civil infraction under subsection (1)  
16 OR A STATE CIVIL INFRACTION UNDER SUBSECTION (2). A statute may  
17 provide that a violation of a specific type of ordinance is a  
18 municipal civil infraction whether or not the ordinance desig-  
19 nates the violation as a municipal civil infraction.

20       (4) ~~—(3)—~~ An ordinance shall not make an act or omission a  
21 municipal civil infraction if that act or omission constitutes a  
22 crime under any of the following:

23       (a) Article 7 or section 17766a of the public health code,  
24 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~  
25 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA  
26 368, 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 sections~~  
5 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN  
6 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 into law:

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

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

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

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

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

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

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

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