

HOUSE BILL No. 6263

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

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) Whether or not authorized by the village charter, the
5 village council may adopt an ordinance that designates a viola-
6 tion of the ordinance as a municipal civil infraction and pro-
7 vides a civil fine for that violation. An ordinance may not des-
8 ignate a violation as a municipal civil infraction if that viola-
9 tion may be designated as a civil infraction under
10 subsection (1). A statute may provide that a violation of a spe-
11 cific type of ordinance is a municipal civil infraction whether
12 or not the ordinance designates the violation as a municipal
13 civil infraction.

14 (3) An ordinance shall not make an act or omission a munici-
15 pal civil infraction if that act or omission constitutes a crime
16 under any of the following:

17 (a) Article 7 or section 17766a of the public health code,
18 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
19 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws 1978 PA~~
20 ~~368, MCL 333.7101 TO 333.7545 AND 333.17766A.~~

21 (b) The Michigan penal code, ~~Act No. 328 of the Public Acts~~
22 ~~of 1931, being sections 750.1 to 750.568 of the Michigan Compiled~~
23 ~~Laws 1931 PA 328, MCL 750.1 TO 750.568.~~

24 (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~
25 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN
26 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

(d) ~~The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws~~ THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

(e) Part 801 ~~(marine safety)~~ of the natural resources and environmental protection act, ~~Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199.

(f) The aeronautics code of the state of Michigan, ~~Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO 259.208.

(g) Part 821 ~~(snowmobiles)~~ of ~~Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws~~ OF THE NATIONAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

(h) Part 811 ~~(off-road recreation vehicles)~~ of ~~Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws~~ OF THE NATIONAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.3401 TO 324.81150.

(i) Sections 351 to 365 of the railroad code of 1993, ~~Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws~~ 1993 PA 354, MCL 462.351 TO 462.365.

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