

SENATE BILL No. 138

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1956 PA 62, entitled

"An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code,"

by amending sections 1 and 3 (MCL 257.951 and 257.953), section 1 as amended by 1998 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A city, township, or village may adopt by ref-

2 erence a code or ordinance for the regulation of traffic within

3 cities, townships, and villages that has been promulgated by the

4 director of the department of state police. The director of the

5 department of state police may promulgate a uniform traffic code

6 pursuant to the administrative procedures act of 1969, 1969

7 PA 306, MCL 24.201 to 24.328.

1 (2) A city, township, or village, with the consent of, or at
2 the request of, a person who is in charge of a private road or
3 parking lot, whether or not that road or parking lot is open to
4 the general public, may contract with that person for the city,
5 township, or village to enforce provisions of the uniform traffic
6 code or ordinance adopted under this section on that private road
7 or parking lot. As used in this subsection, "person" means an
8 individual, corporation, association, partnership, or other legal
9 entity.

10 (3) A uniform traffic code promulgated by the director of
11 the department of state police under this section shall specify
12 whether a person who violates a particular provision of the code
13 is guilty of a misdemeanor or is responsible for a civil
14 infraction. The director may establish civil sanctions for civil
15 infractions, except that a civil sanction in excess of that pre-
16 scribed in the vehicle code is in conflict with that act and is
17 void to the extent of the conflict. The uniform traffic code
18 shall not impose a criminal penalty for an act or omission that
19 is a civil infraction under the vehicle code.

20 (4) Violation of a provision designated a civil infraction
21 in the uniform traffic code shall be processed in the same manner
22 as a civil infraction under the vehicle code.

23 (5) Notwithstanding the requirements of the uniform traffic
24 code, a sign designating a parking space for persons with dis-
25 abilities shall be 12 inches by 18 inches or larger, and shall be
26 either blue or white and at a minimum contain the international

1 handicapped symbol in contrasting colors of either blue or white
2 in the center of the sign.

3 (6) The provisions of the uniform traffic code promulgated
4 pursuant to this act that relate to driving while under the
5 influence of an alcoholic beverage or driving with impaired abil-
6 ity shall be identical to the provisions of sections 625 to
7 ~~625m~~ 625N of the Michigan vehicle code, 1949 PA 300,
8 MCL 257.625 to ~~257.625m~~ 257.625N.

9 (7) For purposes of this section, "vehicle code" means the
10 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

11 Sec. 3. If the ~~commissioner~~ DIRECTOR of the DEPARTMENT OF
12 state police ~~shall thereafter amend such~~ AMENDS THE code, ~~any~~
13 A city, township, or village ~~which~~ THAT has adopted ~~such~~ THE
14 code by reference may adopt ~~such~~ THE amendment by reference by
15 the same procedure as required for the adoption of the original
16 code ~~, or such amendment may be adopted~~ OR by enacting an ordi-
17 nance setting forth the entire text of ~~such~~ THE amendment.
18 HOWEVER, IF THE ORDINANCE ADOPTING THE ORIGINAL CODE EXPLICITLY
19 PROVIDES OR IS AMENDED TO PROVIDE THAT FUTURE AMENDMENTS TO THE
20 CODE ARE INCORPORATED BY REFERENCE WHEN, OR A SPECIFIED PERIOD OF
21 TIME AFTER, THE AMENDMENTS TO THE CODE ARE PROMULGATED AND EFFEC-
22 TIVE, THE AMENDMENTS TO THE CODE ARE AUTOMATICALLY INCORPORATED
23 IN THE ORDINANCE.