

## Chapter 15

### Traffic and Motor Vehicles\*

- Art. I**            **In General, §§ 15-1-15-25**  
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#### Article I. In General

**Secs. 15-1-15-25. Reserved.**

#### Article II Uniform Traffic Code<sup>†</sup>

##### **Sec. 15-26. Adoption.**

The Uniform Traffic Code for cities, townships and villages promulgated by the director of state police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in Quarterly Supplement No.5 to the 1979 edition of the Michigan Administrative Code, in accordance with Act No. 62 of the Public Acts of Michigan of 1956 (MCL 257.951 et seq., MSA 9.2651 et seq.), as amended, is hereby adopted by reference as modified in this article.

##### **Sec. 15-27. Amendments.**

The following sections and subsections of the Uniform Traffic Code for Michigan Cities, Townships, and Villages adopted in this article are hereby amended as set forth and additional sections and subsections are added as indicated. Section numbers shall refer to the like-numbered sections in the Uniform Traffic Code.

*Sec. 1.001a. Ambulance.*

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\* **Cross references**-Nuisances, Ch. 9; police, Ch. 13; offenses, Ch. 10; streets, sidewalks and other public places, Ch. 14.

**State law references**-Michigan Vehicle Code, MCL 257.1 et seq., MSA 9.1801 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610, MSA 9.2305, 9.2306, 9.2310.

<sup>†</sup> **State law reference**-Authority to adopt Uniform Traffic Code, MCL 257.951 et seq., MSA 9.2651 et seq.

"Ambulance" means a privately or publicly owned motor vehicle for highway use which is specially designed or constructed and equipped, which is intended to be used for, and is maintained or operated for, the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to Part 203 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20301 et seq., MSA 14.15(20301) et seq.), as amended.  
**State law reference**-Similar definition, MCL 257.1b, MSA 9.1801(2).

*Sec. 1.002a. Autocycle.*

"Autocycle" means an enclosed motorcycle that is equipped with safety belts, rollbar, windshield, wipers, steering wheel and equipment otherwise required on a motorcycle, and which has not more than three (3) wheels in contact with the roadway at anyone (1) time.  
**State law reference**-Similar definition, MCL 257.25a, MSA 9.1825(1).

*Sec. 1.004. Bus.*

"Bus" means a motor vehicle which is designed to carry sixteen (16) or more passengers, including the driver. Bus does not include a school bus.  
**State law reference**-Similar definition, MCL 257.4b, MSA 9.1804(2).

*Sec. 1.006c. Commercial motor vehicle.*

"Commercial motor vehicle" means a bus, school bus or a motor vehicle, except a motor home, having a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds, a motor vehicle towing a vehicle with a gross vehicle weight rating of more than ten thousand (10,000) pounds, or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.  
**State law reference**-Similar definition, MCL 257.7a, MSA 9.1807(1).

*Sec. 1.007a. Controlled substance.*

"Controlled substance" means a controlled substance as defined by section 7104 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq., MSA 14.15(7101) et seq.), as amended.  
**State law reference**-Similar definition, MCL 257.8b, MSA 9.1808(2).

*Sec. 1.012b. Handicapper.*

"Handicapper" means a person who has one (1) or more of the following physical characteristics:  
(a) Blindness;

- (b) Inability to ambulate more than two hundred (200) feet without having to stop and rest during any time of the year;
- (c) Loss of use of one (1) or both legs or feet;
- (d) Inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces or other device required to aid mobility;
- (e) A lung disease from which the person's expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or from which the person's arterial oxygen tension is less than sixty (60) mm/hg of room air at rest;
- (f) A cardiovascular disease from which the person measures between 3 and 4 on the New York heart classification scale, or from which a marked limitation of physical activity causes fatigue, palpitation, dyspnea, or anginal pain;
- (g) Other diagnosed disease or disorder including, but not limited to, severe arthritis or a neurological or orthopedic impairment that creates a severe mobility limitation.

**State law reference**-Similar definition,MCL257.19a,MSA9.1819(1).

*Sec. 1.012c. Implement of husbandry.*

"Implement of husbandry" means a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products or a vehicle which directly applies fertilizer, spray or seeds to a farm field. .

**State law reference**-Similar definition,MCL257.21,MSA9.1821.

*Sec. 1.016. Moped.*

"Moped" means a two- or three-wheeled vehicle which is equipped with a motor that does not exceed fifty (50) cubic centimeters piston displacement, produces two (2) brake horsepower or less, and cannot propel the vehicle at a speed greater than thirty (30) miles per hour on a level surface. The power drive system shall not require the operator to shift gears.

**State law reference**-Similar definition,MCL257.32b,MSA9.1832(2).

*Sec. 1.018a. Operate or operating.*

"Operate" or "operating" means being in actual physical control of the vehicle regardless of whether or not the person is licensed under the motor vehicle code as an operator or chauffeur.

**State law reference**-Similar definition, MCL 257.35a, MSA 9.1835(1).

*Sec. 1.018b. Operator.*

"Operator" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle on a highway.

**State law reference**-Similar definition,MCL257.36,MSA9.1836.

*Sec. 1.024. Police officer.*

"Police officer" means every sheriff or sheriffs deputy; village or township marshal; officer of the police department of any city, village or township; any officer of the state police; or any peace officer who is trained and certified pursuant to Act No. 203 of the Public Acts of Michigan of 1965 (MCL 28.601 et seq., MSA 4.450(1) et seq.), as amended.

**State law reference**-Similar definition, MCL 257.42, MSA 9.1842.

*Sec. 1.031a. School bus.*

"School bus" means every motor vehicle, except station wagons, with a manufacturer's rated seating capacity of sixteen (16) or more passengers, including the driver, that is owned by a public, private or governmental agency and is operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school. School bus does not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the state transportation department.

**State law reference**-Similar definition,MCL257.57,MSA9.1857.

*Sec. 2.5a. "Abandoned vehicle" defined; taking abandoned vehicles into custody; authority; procedure; public sale.*

- (1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of forty-eight (48) hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.
- (2) If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:
  - (a) Determine if the vehicle has been reported stolen.
  - (b) Affix a written notice to the vehicle. The written notice shall contain the following information:
    - i. The date and time the notice was affixed;
    - ii. The name and address of the police agency taking the action;
    - iii. The name and badge number of the police officer affixing the notice;

- iv. The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed;
  - v. The year, make, and vehicle identification number of the vehicle, if available.
- (3) If vehicle is not removed within forty-eight (48) hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.
- (4) A police agency which has a vehicle taken into custody shall do all of the following:
  - (a) Recheck to determine if the vehicle has been reported stolen;
  - (b) Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network;
  - (c) Within seven (7) days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
    - i. The year, make, and vehicle identification number of the vehicle, if available;
    - ii. The location from which the vehicle was taken into custody;
    - iii. The date on which the vehicle was taken into custody;
    - iv. The name and address of the police agency which had the vehicle taken into custody;
    - v. The business address of the custodian of the vehicle;
    - vi. The procedure to redeem the vehicle;
    - vii. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees;
    - viii. A form petition which the owner may file in person or by mail with a specified court which requests a hearing on the police agency's action;
    - ix. A warning that the failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the sale of the vehicle and the determination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (5) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within twenty (20) days after the date of

the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.7b and 2.7c. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of the vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of paying the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (6) If the owner does not request a hearing, he may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (7) If the owner does not redeem the vehicle or request a hearing within twenty (20) days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle, and the police agency for its accrued costs.
- (8) Not less than twenty (20) days after the disposition of the hearing described in subsection (5), or if a hearing is not requested, not less than twenty (20) days after the date of the notice, the police agency shall offer the vehicle for sale at a public sale pursuant to section 2.7b.
- (9) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined, either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.7b, not less than thirty (30) days after public notice of the sale has been published.

**State law reference**-Similar provisions, MCL 257.252a, MSA 9.1952(1).

*Sec. 2.6. "Abandoned scrap vehicle" defined; taking abandoned scrap vehicles into custody; authority; procedure; scrapping vehicles.*

- (1) As used in this section:
  - a. "Registered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
    - i. Is on public or private property;
    - ii. Is seven (7) or more years old;
    - iii. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe would exceed the fair market value of that vehicle;
    - iv. Is currently registered in the State of Michigan or displays current year registration plates from another state;

- v. Is not removed within forty-eight (48) hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
  - b. "Unregistered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
    - i. Is on public or private property;
    - ii. Is seven (7) or more years old;
    - iii. Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe would exceed the fair market value of that vehicle;
    - iv. Is not currently registered in this state and does not display current year registration plates from another state;
    - v. Is not removed within forty-eight (48) hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
- (2) A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
- a. Determine if the vehicle has been reported stolen;
  - b. Take two (2) photographs of the vehicle;
  - c. Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information:
    - i. The year, make, and vehicle identification number, if available;
    - ii. The date of abandonment;
    - iii. The location of abandonment;
    - iv. A detailed listing of the damage or the missing equipment;
    - v. The reporting officer's name and title;
    - vi. The location where the vehicle is being held;
  - d. Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (3) Within twenty-four (24) hours, excluding Saturday, Sunday and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or the used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of the title or certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or certificate of scrapping.
- (4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification

shall state that the police agency has complied with all of the requirements of subsections (2) (b) and (2)(c).

- (5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than two (2) years. Two (2) photographs taken pursuant to subsection (2)(b) shall be retained by the police agency for not less than two (2) years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.
- (6) A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
  - a. Determine if the vehicle has been stolen;
  - b. Take two (2) photographs of the vehicle;
  - c. Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:
    - i. The year, make and vehicle identification number, if available;
    - ii. The date of abandonment;
    - iii. The location of abandonment;
    - iv. A detailed listing of the damage or the missing equipment;
    - v. The reporting officer's name and title;
    - vi. The location where the vehicle is being held;
    - vii. Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network;
  - d. Within seven (7) days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
    - i. The year, make and vehicle identification number, if available;
    - ii. The location from which the vehicle was taken into custody;
    - iii. The date on which the vehicle was taken into custody;
    - iv. The name and address of the police agency which had the vehicle taken into custody;
    - v. The business address of the custodian of the vehicle;
    - vi. The procedure to redeem the vehicle;
    - vii. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees;
    - viii. A form petition which the owner may file in person or by mail with a specified court which requests a hearing on the police agency's action;
    - ix. A warning that the failure to redeem the vehicle or to request a hearing within twenty (20) days after the notice may result in

the termination of all rights of the owner and the secured party to the vehicle.

- (7) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within twenty (20) days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.7b and 2.7 c. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of the vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (8) If the owner does not request a hearing, he may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (9) If the owner does not redeem the vehicle or request a hearing within twenty (20) days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (10) No less than twenty (20) days after the disposition of the hearing described in subsection (7), or if a hearing is not requested, not less than twenty (20) days after the date of the notice described in subsection (6)(e), the police agency shall follow the procedures established in subsections (3) to (5).

**State law reference**-Similar provisions,MCL257.252b,MSA9.1952(2).

*Sec. 2.7. Notifying local police agency upon removal of a vehicle from private property; police agency duties upon notification; unclaimed vehicle.*

- (1) When a vehicle is removed from private property at the direction of a person other than a registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency in whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
- (2) Upon receipt of the notification described in subsection (1), the police agency immediately shall do all of the following:
  - a. Determine if the vehicle has been reported stolen;
  - b. Enter the vehicle into the law enforcement information network.
- (3) The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.

(4) If the vehicle described in subsection (1) is not claimed by the owner within seven (7) days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle is deemed abandoned and the procedures prescribed in subsections 2.5a(4)(c) and 2.5a(5) through (9) shall apply.

**State law reference**-Similar provisions,MCL257.252c,MSA9.1952(3).

*Sec. 2.7a. Impounding of vehicles; authority; procedure.*

(1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:

- a. If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public;
- b. If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction to traffic;
- c. If a vehicle is parked in a posted tow away zone;
- d. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen;
- e. If the vehicle must be seized to preserve evidence of a crime, or when there is a reasonable cause to believe that the vehicle was used in the commission of a crime;
- f. If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or manmade disaster or other emergency;
- g. If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle;
- h. When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube or tunnel where the vehicle constitutes an obstruction to traffic;
- i. When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal;
- j. When a vehicle is left unattended on a street and is parked in a manner which constitutes a definite hazard or obstruction to the normal movement of traffic;
- k. When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property;
- l. When a vehicle is left continuously unattended on a street for more than forty-eight (48) hours and may be presumed to be abandoned;
- m. When the driver of a vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street;
- n. When the owner of a vehicle has failed to answer six (6) or more parking violation notices or citations regarding illegal parking issued or served after March 31, 1981;



the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.7d.

- (7) If the ownership of a vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers, or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the public the vehicle at public sale pursuant to section 2.7b, not less than thirty (30) days after public notice of the sale has been published.

**State law reference**-Similar provisions,MCL257.252d,MSA9.1952(4).

*Sec. 2.7b. Venue; fees.*

- (1) The district court shall have jurisdiction to determine if a police agency has acted properly in the processing of a vehicle under this code.
- (2) The court specified in the notice prescribed in section 2.5a, 2.6,2.7 or 2.7a shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8312, MSA 27A.8312), as amended.
- (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle shall be used to pay the towing and storage fees.

**State law reference**-Similar provisions,MCL257.252e,MSA9.1952(5).

*Sec. 2.7c. Hearing; procedure.*

- (1) Upon receipt of a petition prescribed in section 2.5a, 2.6, 2.7, or 2.7a signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
  - a. Schedule a hearing within thirty (30) days for the purpose of determining whether the police agency acted properly;
  - b. Notify the owner and the police agency of the time and place of the hearing.
- (2) At the hearing specified in subsection (1), the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this article in processing the abandoned vehicle or vehicle removed pursuant to section 2.7a.
- (3) After the hearing, the court shall make a decision which shall include one (1) or more of the following:
  - a. A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.7a, and an order providing a period of twenty (20) days after the

decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within twenty (20) days, the police agency shall dispose of the vehicle pursuant to section 2.6 or 2.7d.

- b. A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.7a. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
- c. A finding that the towing and daily storage fees were reasonable.
- d. A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

**State law reference**-Similar provisions,MCL257.252f,MSA9.1952(6).

*Sec. 2.7d. Public sale.*

- (1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.7 or removed under section 2.7a shall be conducted in the following manner:
  - a. It shall be under the control of the police agency or agent of the police agency.
  - b. It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
  - c. Except as provided by sections 2.5a(9) and 2.7a(7), it shall be held not less than five (5) days after public notice of the sale has been published.
  - d. The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date and location of the sale.
- (2) The money received from the public sale of the vehicle shall be applied in the following order of priority:
  - a. Towing and storage charges;
  - b. Expenses incurred by the police agency;
  - c. To the secured party, if any, in the amount of the debt outstanding on the vehicle;
  - d. Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
- (3) If there are no bidders on the vehicle, the police agency may do one (1) of the following:
  - a. Turn the vehicle over to the towing firm to satisfy any charges against the vehicle;

- b. Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
    - i. Paying the towing and storage charges; and
    - ii. Applying for title to the vehicle;
  - c. Hold another public sale pursuant to subsection (1).
- (4) A person who acquires ownership of the vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within fifteen (15) days after obtaining the vehicle.
- (5) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

**State law reference**-Similar provisions,MCL257.252g,MSA9.1952(7).

*Sec. 2.8. "Citation" defined; numbering; form.*

- (1) As used in the following sections, "citation" means a complaint or notice upon which a police officer shall record an occurrence which involves one (1) or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, shall be in a form determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police, and shall consist of the following parts:
- a. The original copy which shall be a complaint or notice to appear issued by the officer and which shall be filed with the court in which the appearance is to be made;
  - b. The first copy which shall be retained by the police department;
  - c. The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor;
  - d. The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.
- (2) With the prior approval of the state officials listed in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of a citation for other than moving violations is optional.
- (3) For purposes of the act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction of a minor offense as defined in section 1 of chapter I of Act No. 175 of the Public Acts of Michigan of 1927 (MCL 761.1, MSA 28.843), as amended, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under sections 2.14 and 5.15 of this code, and if the complaint contains the following statement immediately above the date and signature of the officer: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

**State law reference**-Similar provisions,MCL257.727c,MSA9.2427(3).

*Sec. 2.10. Issuance of citation for misdemeanor.*

- (1) When a person is arrested without a warrant for any violation of the act which is punishable as a misdemeanor, or for a violation of a provision of this code which substantially corresponds to any provision of the act, under conditions not referred to in sections 5.4, 5.4a and 5.15, or sections 617, 619, and 727(1), (2), (3) of the act (MCL 257.617,257.619,257.727(1), (2), (3), MSA 9.2317, 9.2319, 9.2427(1), (2), (3)), the arresting officer shall prepare, as soon as possible and as completely as possible, an original and three (3) copies of a written citation to appear in court which shall contain the name and address of such person, the offense charged and the time and place when and where such person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If such arrested person so demands, rather than being given a citation, the arrested person shall be taken before a magistrate or probate court which has jurisdiction.
- (2) The time to appear in court which is specified in the citation shall be within a reasonable time after the arrest, unless the person arrested demands an earlier hearing.
- (3) The place to appear in court which is specified in the citation shall be before a magistrate who has jurisdiction over the alleged offense charged in the citation.
- (4) When an appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment with the same effect as though the person personally appeared before him. The magistrate, by giving five (5) days' notice of the date of appearance, may require an appearance in person at the time and place designated in the citation.
- (5) When a person who is not a resident of this state is arrested without warrant for a violation of the act that is punishable as a misdemeanor, under conditions not referred to in section 727 of the act (MCL 257.727, MSA 9.2427), the arresting officer, upon demand of the arrested person, immediately shall take the person before a magistrate of the vicinity to answer to the complaint made against the person. If a magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his appearance by leaving with the officer a guaranteed appearance certificate or a sum of money not to exceed one hundred dollars (\$100.00), in which case the following provisions shall apply:
  - a. The officer making the arrest shall give a receipt to the person arrested for the guaranteed appearance certificate or the moneys deposited together with a written citation as provided in subsection (1).
  - b. If the alleged offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail in addition to any other penalty provided in this code.
  - c. The officer taking a certificate or deposit within forty-eight (48) hours thereafter, excluding Sundays, legal holidays and Saturdays when court is closed, shall deliver the certificate or deposit to the magistrate

named in the citation together with a report of the facts relating to the arrest. Failure to make a report and deliver the deposit shall be embezzlement of public money.

- d. "Guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed pursuant to the act, will pay any fine, costs, or bond forfeitures imposed on the person in a total amount not to exceed two hundred dollars (\$200.00).

**State law reference**-Similar provisions, MCL 257.728, MSA 9.2428.

*Sec. 2.1b. Police officer witnessing civil infraction; stop and detention, citation, purpose; pursuit outside jurisdiction.*

- (1) A police officer who witnesses a person violating the act or a local ordinance substantially corresponding to the act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record or vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a written citation, which shall be a notice to appear in court for one (1) or more civil infractions. If a police officer witnesses a person violating the act or a local ordinance substantially corresponding to the act and that violation is a civil infraction, that police officer may pursue, stop and detain the person outside the township for the purpose of exercising the authority and performing the duties prescribed in this section and section 2.10i, as applicable.
- (2) Any police officer, having reason to believe that the load, weight, height, length, or width of a vehicle or load is in violation of section 717, 719, 719a, 722, 724, 725 or 726 of the act which violation is a civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 of the act, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections.
- (3) A police officer may issue a citation to person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable cause to believe that the person is responsible for a civil infraction in connection with the accident. A police officer may issue a citation to a person who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the person violating the act or a local ordinance substantially

corresponding to the act, which violation is a civil infraction, the officer has reasonable cause to believe that the person is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation.

- (4) The form of a citation issued under subsection (1), (2) or (3) shall be as prescribed in sections 2.8 and 2.10c.
- (5) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.
- (6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation need not be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle.
- (7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 2.10 and a copy of the citation may be served by first class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the village to issue such a notice. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 2.8 and 2.10c but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation.
- (8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (1) or (3).
- (9) As used in subsection (7):
  - a. "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the township to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.
  - b. "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the Revised Judicature Act of 1961, Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.8395, MSA 27A.8395), as amended.

**State law reference**-Similar provisions,MCL257.742,MSA9.2442.

*Sec. 2.10c. Contents of citation.*

- (1) A citation issued pursuant to section 2.10b shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made and the additional information required by this section.
- (2) The citation shall inform the defendant to the effect that he, at or by the time specified for appearance, may:
  - a. Admit responsibility for the civil infraction in person, by representation or by mail;
  - b. Admit responsibility for the civil infraction "with explanation" in person, by representation or by mail;
  - c. Deny responsibility for the civil infraction by doing either of the following:
    - i. Appearing in person for an informal hearing before a district court magistrate, a referee of the recorder's court of the City of Detroit-traffic and ordinance division, or a judge, without the opportunity of being represented by an attorney;
    - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.
- (4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance.
- (5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction.

**State law reference**-Similar provisions, MCL257.743, MSA 9.2443.

*Sec. 2.10g. Civil infraction; formal hearings; procedure; fees; counsel; judgment.*

- (1) A formal hearing shall be conducted only by a judge of a court which has jurisdiction over civil infraction actions under section 2.10a.
- (2) In a formal hearing, the person cited may be represented by an attorney, but is not entitled to appointed counsel at public expense.
- (3) Notice of a formal hearing shall be given to the prosecuting attorney or township attorney who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of a formal hearing.
- (4) There shall not be a jury trial in a formal hearing.
- (5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section 907 of the act (MCL 257.907, MSA 9.2607). Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

**State law reference**-Similar provisions,MCL257.747,MSA9.2447.

*Sec. 2.10i. Compelling person to appear; additional costs.*

- (1) When a person who is not a resident of this state is stopped for a civil infraction pursuant to section 2.10b of this code, the police officer making the stop shall take that person's driver's license as security for the nonresident's appearance in court and satisfaction of any order which may be issued under section 907 of the act and shall issue to that person a citation as provided in sections 2.8 and 2.10b. At or before the completion of his tour of duty a police officer taking the driver's license shall deliver the driver's license either to the court named in the citation or to the police chief or person authorized by the police chief to receive citations and drivers' licenses. The police chief or person authorized shall deposit the driver's license and citation with the court in the same manner as prescribed for citations in section 2.15 of this code. Failure to deliver the license shall be considered contempt of court. If the person does not have a license in immediate possession in violation of section 301 of the act or a license or the receipt described in section 311a of the act in violation of section 311 of the act, the officer shall arrest that person pursuant to section 727(4) of the act.
- (2) In lieu of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed one hundred dollars (\$100.00).

- (3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate- or a sum of money not to exceed one hundred dollars (\$100.00) as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 2.10g of this code but the defendant's license shall be retained by the court until final resolution of the matter unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.
- (4) The officer receiving a guaranteed appearance certificate or deposit of money under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation required under subsection (1).
- (5) At or before the completion of his tour of duty a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation, or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized shall deposit the certificate or the money deposited and the citation with the court in the same manner as prescribed for citations in section 2.15 of this code. Failure to deliver the money deposited shall be embezzlement of public money.
- (6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered pursuant to section 907 of the act.
- (7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed pursuant to section 907 of the act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed two hundred dollars (\$200.00).

**State law reference**-Similar provisions, MCL 257.749, MSA 9.2449.

*Sec. 2.12. Fees.*

An officer making an arrest under this code for a misdemeanor without a warrant shall not be entitled to any fees for making the arrest or the issuance of a citation.

**State law reference**-Similar provisions,MCL257.728(6), MSA9.2428(6).

*Sec. 2.15. Citations; disposition of copies.*

- (1) At or before the completion of his tour of duty a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to his police chief or to a person duly authorized by the police chief to receive citations all copies of such citation duly signed. The police chief or a person duly authorized by the police chief shall deposit the original of the citation with the court having jurisdiction over the offense not later than three (3) days after the date of the citation, excluding Saturdays, Sundays and legal holidays.
- (2) The citation shall be considered to have been deposited with the court as required under subsection (1) if the original of the citation is mailed not later than two (2) days after the date of the citation as specified under this subsection. Mailing shall be accomplished by enclosing the original of the citation in a sealed envelope with first class postage fully prepaid, addressed to the court, and depositing the envelope and contents in the United States government mail.
- (3) If a citation is spoiled, mutilated or voided, it shall be endorsed with a full explanation thereof by the police officer voiding the citation, and shall be accounted for to the police officer's police chief or an authorized designee of the police chief.
- (4) Nothing in the act shall prevent a person other than a police officer from applying for a criminal complaint for a vehicle law violation which is not a civil infraction, and that person need not show that the alleged offender has been issued a citation in connection with the offense.

**State law reference**-Similar provisions, MCL 257.728a, MSA 9.2428(1).

*Sec. 2.17a. Falsification or illegal disposition of citations; penalties.*

Whoever knowingly falsifies a citation, copies of a citation or a record of the issuance of a citation; disposes of a citation, copy or record in a manner other than as required in this code; attempts to falsify or dispose of a citation, copy or record; or attempts to incite or procure another to falsify or dispose of a citation, copy or record shall be guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL257.728d,MSA9.2428(4).

*Sec. 2.17c. Procedure upon arrest for certain offenses.*

When a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be taken before a magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the

code of criminal procedure, Act No. 175 of the Public Acts of Michigan of 1927 (MCL 764.13, MSA 28.871(1)), or, if a minor, taken before the probate court:

- (1) When the person is arrested under section 5.15.
- (2) When a person is arrested under section 5.14. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed in such cases as provided by section 2.10.
- (3) When a person arrested does not have in his immediate possession a valid operator's or chauffeur's license or the receipt described in section 3Ua of the act (MCL 257.311a, MSA 9.2011(1)). If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension in the event of the person's failure to voluntarily appear before a designated magistrate or probate court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 2.10.

**State law reference**-Similar provisions,MCL257.727,MSA9.2427.

*Sec. 2.35a. Parking in a clear vision area; violation as civil infraction.*

- (1) A vehicle shall not be parked in an area purchased, acquired or used as a clear vision area adjacent to or on a highway right-of-way. A person shall not conduct vending or other commercial enterprises in a clear vision area.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 2.35b. Standing on a highway; violation as civil infraction.*

- (1) A vehicle shall not be allowed to stand on a highway unattended without the brakes being set and the motor of the vehicle being stopped. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 2.36. No stopping, standing, or parking zones.*

The traffic engineer may determine and designate zones where stopping, standing or parking is prohibited due to hazardous conditions which may exist or where conditions exist which would cause undue delay to traffic. Such zones shall be designated by posting signs at such locations. The distance between any two (2) such signs shall be that distance determined by the traffic engineer as an appropriate distance. Such zones shall be designated by posting signs reading "Tow-Away Zone." Such signs shall be posted independently or as an extra panel attached below the posted sign prohibiting stopping, standing or parking at the location. The distance between any two (2) such signs shall be that distance determined by the traffic engineer as an appropriate distance.

*Sec. 2.59. Current regulations.*

All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking; one-way streets, roadways and alleys; crosswalks, restricted turns; through streets; play streets, annual parking zones; all night parking restrictions; curb loading zones; public carrier stands; parking meter zones and spaces; weight restrictions; no passing zones; speed limits and traffic-control devices heretofore established shall be deemed established hereunder and shall remain effective until rescinded or modified as herein provided.

*Sec. 3.2b. False police report; violation as misdemeanor.*

(1) It shall be unlawful for any person to willfully and knowingly make to any police officer a fictitious report giving false information relating to a traffic accident or violation of a village traffic or code violation, knowing the same to be false.

(2) A person who violates this section is guilty of a misdemeanor.

**State law reference**-False swearing, MCL 257.903, MSA 9.2603.

*Sec. 4.6. Traffic-control signal placement and legend.*

(1) When traffic is controlled by traffic-control signals, not less than one (1) signal shall be located over the traveled portion of the roadway so as to give drivers a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively one (1) at a time, or with arrows. The following colors shall be used and the terms and lights shall indicate and apply to drivers of vehicles as follows:

- a. Green indication: Vehicular traffic facing the signal, except when prohibited under section 664, may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.
- b. Steady yellow indication: Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
- c. Steady red indication:
  - i. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if none, then before entering the intersection, and shall remain standing until a green indication is shown, except as provided in subparagraph
  - ii. Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if none, then before entering the intersection, shall be privileged to make a right turn from a one-way or two-way street into a two-way street or into a one-way

street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way roadway carrying traffic in the direction of the left turn unless prohibited by sign, signal, marking, light or other traffic-control device. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- d. Steady green arrow indications: Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or other movement permitted by other indications shown at the same time. Vehicle traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- e. If a traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature cannot have application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but, in the absence of a sign or marking, the stop shall be made at the signal.

(2) A person who violates subsection (1) is responsible for a civil infraction.

(3) A driver of a vehicle who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take such precautions as may be necessary to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL257.612,MSA9.2312.

*Sec. 5.4. Repealed.*

*Sec. 5.15. Operating under influence; penalty.*

- (1) A person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state. A peace officer may, without a warrant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state while in violation of this subsection or of subsection (2), a local ordinance, or a law of this state substantially corresponding to this subsection or subsection (2).

- (2) A person, whether licensed or not, whose blood contains 0.10 percent or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state.
- (3) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles, within the state by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.
- (4) Except as otherwise provided in this section, a person who is convicted of a violation of subsection (1), (2) or (3) is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both, together with costs of the prosecution. As part of the sentence for a violation of subsection (1) or (2), the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than six (6) months nor more than two (2) years. The court may order the secretary of state to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The court may also order that the restricted license include the requirement that a person shall not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects two-tenths (0.02) percent or more by weight of alcohol in the blood of the person who offers a breath sample. The court may order installation of a certified ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted. The court shall not order the secretary of state to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:
  - a. The specific place or places of employment;

- b. The territory or territories regularly visited by the person in pursuance of the person's occupation.
- (5) A person who violates subsection (1) or (2), a local ordinance or a law of this state substantially corresponding to subsection (1) or (2) within seven (7) years of a prior conviction may be sentenced to imprisonment for not more than one (1) year, or a fine of not more than one thousand dollars (\$1,000.00), or both. As part of the sentence, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person. For purposes of this section, "prior conviction" means a conviction under subsection (1) or (2), a local ordinance or a law of this state substantially corresponding to subsection (1) or (2), or a law of another state substantially corresponding to subsection (1) or (2).
- (6) A person who violates subsection (1) or (2), a local ordinance or a law of this state substantially corresponding to subsection (1) or (2) within ten (10) years of two (2) or more prior convictions, as defined in subsection (5), is guilty of a felony. As part of the sentence, the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person.
- (7) As part of the sentence for a violation of subsection (1) or (2), a local ordinance or a law of this state substantially corresponding to subsection (1) or (2), the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed twelve (12) days. The person shall reimburse the state or appropriate local units of government for the costs of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.
- (8) Before imposing sentence for a violation of subsection (1) or (2), a local ordinance or a law of this state substantially corresponding to subsection (1) or (2), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete one (1) or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment and rehabilitative services.
- (9) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.
- (10) The operator's or chauffeur's license of a person found guilty of violating subsection (1) or (2), a local ordinance or a law of this state substantially

corresponding to subsection (1) or (2), shall be surrendered to the court in which the person was convicted, and the court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of conviction, the secretary of state shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, that court may, ex parte, order the secretary of state to rescind the suspension, revocation or restricted license issued pursuant to this section.

**State law reference**-Similar provisions, MCL 257.625, MSA 9.2325.

*Sec. 5. 15a. Motor vehicles: driving under influence of intoxicating liquor; test, evidence.*

- (1) The amount of alcohol or presence of a controlled substance or both in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine or breath shall be admissible into evidence in a criminal prosecution for any of the following:
  - a. A violation of section 5.15(1), (2) or (3), or 5.15b, a local ordinance, or a law of this state substantially corresponding to sections 5.15(1), (2), or 5.15b.
  - b. Felonious driving, negligent homicide or manslaughter resulting from the operation of a motor vehicle while the driver is alleged to have been impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or to have had a blood alcohol content of 0.10 percent or more by weight of alcohol.
- (2) If a test is given, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the report at least two (2) days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal proceeding. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.
- (3) Except in a prosecution relating solely to a violation of section 5.15(2), the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood; urine or breath shall give rise to the following presumptions:
  - a. If there was at the time 0.07 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
  - b. If there was at the time in excess of 0.07 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, it shall be presumed that the

defendant's ability to operate a vehicle was impaired within the provisions of section 5.15b due to the consumption of intoxicating liquor.

- c. If there was at the time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

- (4) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in the act. Liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with the act unless the withdrawal is performed in a negligent manner.
- (5) The tests shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in subsection (1). A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his own choosing administer one (1) of the chemical tests described in this section within a reasonable time after his detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample. The person charged shall be informed that he has the right to demand that a person of his choosing administer one (1) of the tests provided for in subsection (1), that the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.
- (6) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a court order. The person charged shall also be advised that the person's refusal of the request of a peace officer to take a test described in this section shall result in the suspension of his or her operator's or chauffeur's license or operating privilege, and in the addition of six (6) points to his driver record.
- (7) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the person was impaired by or under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or

whether the person had a blood alcohol content of 0.10 percent or more by weight of alcohol.

- (8) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

"Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."

- (9) If after an accident the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in a criminal prosecution for a crime described in subsection (1) to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the result for use in a criminal prosecution as provided in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

- (10) If after a highway accident the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining blood alcohol content or presence of a controlled substance or both.

**State law reference**-Similar provisions,MCL257.625a,MSA9.2325(1).

*Sec. 5.15b. Impaired driving.*

- (1) A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the state when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person has visibly impaired his ability to operate the vehicle. If a person is charged with violating section 5.15(1) or (2), a finding of guilty is permissible under this section.
- (2) Except as otherwise provided in this section, a person convicted of a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than three hundred dollars (\$300.00), or both, together with costs of the prosecution. As part of the sentence, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than ninety (90) days nor more than one (1)

year. The court may order the secretary of state to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by the court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The court may also order that the restricted license include the requirement that a person shall not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects two-tenths (0.02) percent or more by weight of alcohol in the blood of the person who offers a breath sample. The court may order installation of a certified ignition interlock device on any motor vehicle that the person owns or operates, the costs of which shall be borne by the person whose license is restricted. The court shall not order the secretary of state to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this subsection, "work location" includes, as applicable, either or both of the following:

- a. The specific place or places of employment;
- b. The territory or territories regularly visited by the person in pursuance of the person's occupation.

(3) A person who violates this section, a local ordinance or a law of this state substantially corresponding to this section, within seven (7) years of a prior conviction may be sentenced to imprisonment for not more than one (1) year, or a fine of not more than one thousand dollars (\$1,000.00), or both. As a part of the sentence, the court shall order the secretary of state to suspend the operator's or chauffeur's license of the person for a period of not less than six (6) months nor more than eighteen (18) months. The court may order the secretary of state to issue to the person a restricted license as provided in subsection (2), except that a restricted license shall not be issued during the first sixty (60) days of the suspension period. For purposes of this section, "prior conviction" means a conviction under this section, section 5.15(1) or (2), a local ordinance or a law of this state substantially corresponding to this section or section 5.15(1) or (2), or a law of another state substantially corresponding to this section or section 5.15(1) or (2).

(4) A person who violates this section, a local ordinance or a law of this state substantially corresponding to this section, within ten (10) years of two (2) or

more prior convictions, as defined in subsection (3), may be sentenced as provided in subsection (3), except that as part of the sentence the court shall order the secretary of state to revoke the operator's or chauffeur's license of the person.

- (5) As part of the sentence for a violation of this section, a local ordinance or a law of this state substantially corresponding to this section, the court may order the person to perform service to the community, as designated by the court, without compensation, for a period not to exceed twelve (12) days. The person shall reimburse the state or appropriate local unit of government for the cost of insurance incurred by the state or local unit of government as a result of the person's activities under this subsection.
- (6) Before imposing sentence for a violation of this section, a local ordinance or a law of this state substantially corresponding to this section, the court shall order the person to undergo screening and assessment by a person or agency designated by the Office of Substance Abuse Services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete one (1) or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment and rehabilitative services.
- (7) Before accepting a plea of guilty under this section, the court shall advise the accused of the statutory consequences possible as a result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.
- (8) The operator's or chauffeur's license of a person found guilty of violating this section, a local ordinance or a law of this state substantially corresponding to this section, shall be surrendered to the court in which the person was convicted. The court shall immediately forward the surrendered license and an abstract of conviction to the secretary of state. The abstract of conviction shall indicate the sentence imposed. Upon receipt of and pursuant to the abstract of conviction, the secretary of state shall suspend or revoke the person's license and if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the license is not forwarded to the secretary of state, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to circuit court, that court may, ex parte, order the secretary of state to rescind the suspension, revocation or restricted license issued pursuant to this section.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time the act takes effect are saved and may be consummated according to the law in force when they are commenced. The act shall not be construed to affect any prosecution pending or initiated before the effective date of the act, or

initiated after the effective date of the act for an offense committed before the effective date.

**State law reference**-Similar provisions, MCL 257.625b, MSA 9.2325(2).

*Sec. 5.15c. Implied consent; blood sample from killed driver.*

(1) A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state is considered to have given consent to chemical tests of his or her blood, breath or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his blood if:

- a. The person is arrested for a violation of section 5.15(1) or (2) or 5.15b, a local ordinance or law of this state substantially corresponding to section 5.15(1) or (2) or 5.15b.
- b. The person is arrested for felonious driving, negligent homicide or manslaughter resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe that the person was operating the vehicle while impaired by or under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance, or while having a blood alcohol content of 0.10 percent or more by weight of alcohol.

(2) A person who is afflicted with hemophilia, diabetes or a condition requiring the use of an anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in section 5.15a.

**State law reference**-Similar provisions, MCL 257.625c, MSA 9.2325(3).

*Sec. 5.15d. Right to refuse chemical test.*

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 5.15a, a test shall not be given without a court order. A written report shall be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 5.15c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

**State law reference**-Similar provisions, MCL 257.625d, MSA 9.2325(4).

*Sec. 5.15e. Mail notice.*

(1) Upon receipt of the report made pursuant to section 5.15d, the secretary of state shall immediately notify the person in writing, mailed to his last known address, that the report has been received and that within fourteen (14) days of the date of the notice the person may request a hearing as provided in section 5.15f.

- (2) The notice shall specifically state that failure to request a hearing within fourteen (14) days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

**State law reference**-Similar provisions,MCL257.625e,MSA9.2325(5).

*Sec. 5.15f Suspend or revoke; hearing.*

- (1) If the person who refuses to submit to a chemical test pursuant to section 5.15d does not request a hearing within fourteen (14) days of the date of notice pursuant to section 5.15e, the secretary of state shall suspend the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for a period of six (6) months, or for a second or subsequent refusal within a period of seven (7) years, for one (1) year. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary shall deny to the person the issuance of a license or permit for a period of six (6) months, or, for a second or subsequent refusal within a period of seven (7) years, for one (1) year.
- (2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same condition as provided in section 322 of the act (MCL 257.322, MSA 9.2022). At least ten (10) days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 5.15d, and, if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer shall be authorized to administer oaths, issue subpoenas for the attendance of necessary witnesses, and may grant a reasonable request for an adjournment. The hearing shall cover only the following issues:
  - a. Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 5.15c(1).
  - b. Whether the person was placed under arrest for a crime described in section 5.15c(1).
  - c. Whether the person reasonably refused to submit to the test upon the request of the officer.
  - d. Whether the person was advised of the rights under sections 5.15a and 5.15c.
- (3) The hearing officer shall make a record of proceedings held pursuant to subsection (2). The record shall be prepared and transcribed in accordance with section 86 of the Administrative Procedures Act of 1969, Act No. 306 of the Public Acts of Michigan 1969 (MCL24.286, MSA 3.560(186)), as amended. Upon notification of the filing of a petition for judicial review pursuant to section 323 of the act (MCL 257.323, MSA 9.2023), the hearing officer shall transmit to the court in which the petition was filed, not less than ten (10) days before the matter is set for review, the original or a certified copy of the official record of the

proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether or not the court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

- (4) After the hearing, the secretary of state may suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the persons involved for a period of six (6) months, or, for a second or subsequent refusal within seven (7) years, for one (1) year. If the person involved is a resident without a license or permit to operate a vehicle in the state, the secretary of state may deny to the person the issuance of a license or permit for a period of six (6) months, or, for a second or subsequent refusal within seven (7) years, for one (1) year. The person involved may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323 of the act (MCL 257.323, MSA 9.2023).
- (5) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle.

**State law reference**-Similar provisions,MCL257.625f,MSA9.2325(6).

*Sec. 5.15g. Uniform standards.*

The department of state police may promulgate uniform rules for the administration of chemical tests for the purposes of the act.

**State law reference**-Similar provisions,MCL257.625g,MSA9.2325(7).

*Sec. 5.15h. Preliminary chemical breath analysis.*

- (1) A police officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis.
- (2) A police officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.
- (3) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in section 5.15a(1) or in an administrative hearing under section 5.15f, solely to assist the court or hearing

officer in determining a challenge to the validity of an arrest. This subsection does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(4) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of sections 5.15a, 5.15c, 5.15d, 5.15e, and 5.15f for the purposes of chemical tests described in those sections.

(5) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a police officer is responsible for a civil infraction.

(6) Section 5.15g shall apply to a preliminary chemical breath analysis.

**State law reference**-Similar provisions, MCL 257.625h, MSA 9.2325(8).

*Sec. 5.15i. Annual drunk driving audit.*

(1) The department of state police shall prepare an annual report which shall be designated the Michigan Annual Drunk Driving Audit. The report shall contain for each county in the state all of the following information applicable to the immediately preceding calendar year:

- a. The number of alcohol-related motor vehicle accidents resulting in bodily injury, including a breakdown of the number of those injuries occurring per capita of population and per road mile in the county;
- b. The number of alcohol-related motor vehicle accidents resulting in death, including the breakdown described in subdivision (a);
- c. The number of alcohol-related motor vehicle accidents, other than those described in subdivisions (a) and (b), including the breakdown described in subdivision (a);
- d. The number of arrests made for a violation of section 5.15(1) or (2), a local ordinance or a law of this state substantially corresponding to section 5.15(1) or (2);
- e. The number of arrests made for a violation of section 5.15b, a local ordinance or a law of this state substantially corresponding to section 5.15b;
- f. The number of operator's or chauffeur's licenses suspended pursuant to section 5.15f for refusal to submit to a chemical test;
- g. The number of convictions of crimes enumerated in subdivisions (d) and (e);
- h. The number of licenses suspended or revoked as a result of convictions of crimes enumerated in subdivisions (d) and (e);
- i. The number of restricted licenses issued as a result of convictions of crimes enumerated in subdivisions (d) and (e);
- j. The average fine, length of imprisonment and period of license suspension imposed as part of the sentence for each crime enumerated in subdivisions (d) and (e).

- (2) The secretary of state and the circuit courts, district courts and local units of government in the state shall cooperate with the department of state police to provide information necessary for the preparation of the report.
- (3) A copy of the report required under this section shall be submitted to the Governor, to the Secretary of the Senate, and to the Clerk of the House of Representatives on June 1 of each year.

**State law reference**-Similar provisions,MOL257.625i,MSA9.2325(9).

*Sec. 5.17. Driving on right side of roadway; exceptions.*

- (1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon the right half of the roadway, except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.
  - b. When the right half of a roadway is closed to traffic while under construction or repair; or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway.
  - c. When a vehicle operated by a state agency or a local authority or an agent of a state agency or local authority is engaged in work on the roadway.
  - d. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable on the roadway.
  - e. On a roadway designated and signposted for one-way traffic.
- (2) Upon a roadway having two (2) or more lanes for travel in one (1) direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.
- (3) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having three (3) or more lanes for travel in the same direction. However, the village may not enact an ordinance which regulates the same subject matter as any provision of this subsection. The driver of a truck with a gross weight of more than ten thousand (10,000) pounds, a truck tractor or a combination of a vehicle and trailer or semi trailer shall drive the vehicle or combination of vehicles only in either of the two (2) lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons.

(4) A person who violates this section is responsible for a civil infraction.  
**State law reference**-Similar provisions, MCL 257.634, MSA 9.2334.

*Sec. 5.26a. Driving in a left turn only lane; violation as civil infraction.*

- (1) On streets where a center lane is clearly indicated by signs as being reserved for the exclusive use of vehicles desiring to turn left, it shall be unlawful to make such a left turn movement from any other lane, and it shall be further unlawful for any vehicle to enter such lane except to make such a left turn movement and then only within the block immediately preceding the intersection at which the turn is made; provided, that this section shall not prohibit a left turn movement from this lane to a driveway, when such turn can be made in safety and without interfering with the vehicles lawfully in such lane to make an intersection turn; provided, further, that such vehicles shall enter the left turn lane only in the block in which the left turn is to be made.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 5.31a. Required position and method of turning from a roadway at other than an intersection; violation as civil infraction.*

- (1) Turns from a roadway at other than an intersection, where lawful, shall be made in the same manner and from the same lane as specified in section 5.31 for turns at an intersection.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 5.40c: Certain vehicles to stop at grade crossings.*

- (1) Except as provided in subsections (2), (3) and (4), the driver of a motor vehicle carrying passengers for hire or a school bus before crossing a railroad track at grade, shall stop the vehicle within fifty (50) feet but not less than ten (10) feet or not less than fifteen (15) feet in the case of a vehicle carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. 171 parts 100 to 199, from the nearest rail and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.
- (2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:

- i. The track has been abandoned pursuant to Act No. 56 of the Public Acts of Michigan of 1919, being sections 469.241 to 469.246 of the Michigan Compiled Laws; section 14 of Act No. 300 of the Public Acts of Michigan of 1909, as amended, being section 462.14 of the Michigan Compiled Laws; or federal law.
- ii. The track has been covered or removed.
- iii. All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad track grade crossing on a freeway or limited-access highway where the crossing is protected by a clearly visible signal, crossing gate or barrier at a time when the signal, crossing gate, or barrier is not activated.

(5) A person who violates this section on or after August 1, 1979, is responsible for a civil infraction.

**State law reference**-Similar provisions,MCL257.669,MSA9.2369.

*Sec. 5.44. Funeral procession; flags; right-ofway.*

(1) A motor vehicle forming part of a funeral procession when going to a place of burial shall have the right-of-way over all other vehicles except fire apparatus, ambulances and police patrol vehicles at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which shall be fluorescent orange in color, and upon which shall be printed, stamped or stained a black cross, the star of David, or the crescent and star. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flags shall not contain a name embossed or printed on the flag, except the word "funeral."

(2) A person passing through a funeral procession of motor vehicles, designated pursuant to subsection (1), with a vehicle of any kind, is responsible for a civil infraction.

**State law reference**-Similar provisions,MCL257.654,MSA9.2354.

*Sec. 5.51. Boarding or alighting from vehicles; hitching to vehicles; violation as civil infraction.*

(1) No person shall board or alight from any vehicle while such vehicle is in motion. No person shall climb onto or hitch on any moving vehicle with or without operator's consent and no operator shall knowingly permit such action.

(2) A person who violates this section is responsible for a civil infraction.

*Sec. 5.54. Splashing prohibited; violation as civil infraction.*

(1) No driver of a motor vehicle shall operate his vehicle in such manner as to splash snow, water, mud, dirt or debris on any person lawfully upon the street or highway nor to operate his vehicle in such manner as to splash or throw mud, dirt, gravel or debris upon any other automobile.

(2) A person who violates this section is responsible for a civil infraction.

*Sec. 5.55a. Throwing objects at or into paths of vehicles prohibited.*

(1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street.

(2) A person who violates this section is guilty of a misdemeanor.

**State law reference**-Similar provisions,MCL752.1a,MSA28.603(la).

*Sec. 5.57a. Vehicle operation causing litter; violation as misdemeanor.*

(1) It shall be unlawful for any person to drive or move any vehicle or truck within the village, the wheels or tires of which are carrying onto or depositing in any street, alley or public place mud, dirt, clay, sticky substances, litter or foreign matter of any kind, unless such person violating this section shall remove such material immediately from the street, alley or other public place.

(2) The violation of this section is punishable as a misdemeanor.

*Sec. 5.60a. Riding outside of confines of a moving vehicle; violation as civil infraction.*

(1) No person shall ride in or operate any motor vehicle unless all portions of such person's body are entirely within that portion of the vehicle designed for the carrying of passengers or merchandise or as otherwise permitted by this Code; provided, however, that this section does not apply to any person whose employment makes it necessary to ride otherwise.

(2) It shall be unlawful for the operator of a vehicle to allow any person to ride in the same motor vehicle unless all portions of such person's body are entirely within that portion of the vehicle designed for the carrying of passengers or merchandise; provided, however, that this section does not apply to the operator of a motor vehicle whose business makes it necessary to ride otherwise.

(3) A person who violates this section is responsible for a civil infraction.

*Sec. 5.63. Possession and display of license; violation as misdemeanor.*

(1) Every driver shall have his operator's or chauffeur's license, or the receipt described in section 311a of the act (MCL 257.311a, MSA 9.2011(1)), in his immediate possession at all times when operating a motor vehicle and shall

display the license on demand of any police officer, who shall identify himself as such.

(2) The violation of this section is punishable as a misdemeanor.

**State law reference**-Similar provisions,MCL257.311,MSA9.2011.

*Sec. 5.70b. Production of proof of insurance; violations as civil infraction or misdemeanor.*

- (1) The owner of a motor vehicle who operates or permits the operation of a motor vehicle upon the highways of this state or the operator of a motor vehicle shall produce, pursuant to subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under Chapter 31 of Act No. 218 of the Public Acts of Michigan of 1956 (MCL 500.3101 et seq., MSA 24.13101 et seq.), as amended. An owner or operator of a motor vehicle who fails to produce evidence under this subsection when requested to produce evidence, is responsible for a civil infraction.
- (2) A certificate of insurance, as issued by an insurance company, which certificate states that security which meets the requirements of sections 3101 and 3102 of Act No. 218 of the Public Acts of Michigan of 1956 (MCL 500.3101, 500.3102, MSA 24.13101, 24.13102), as amended is in force, shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described on the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, shall state the name of each person named on the policy, policy declaration or declaration certificate, whose operation of the vehicle would cause liability coverage of that insurance to become void.
- (3) If an owner of a motor vehicle is determined to be responsible for a violation of subsection (1), the court may require the person to surrender his or her operator's or chauffeur's license unless evidence that the vehicle has insurance meeting the requirements of section 3102 of Act No. 218 of the Public Acts of Michigan of 1956 (MCL 500.3102, MSA 24.13102), as amended, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license and shall forward the surrendered license and a certificate of civil infraction to the secretary of state. Upon receipt of the certificate of civil infraction and the surrendered license, the secretary of state shall suspend the person's license beginning on the date on which the person is determined to be responsible for the civil infraction for a period of thirty (30) days or until proof of insurance which meets the requirements of section 3102 of Act No. 218 of the Public Acts of Michigan of 1956 (MCL 500.3102, MSA24.13102), as amended, is submitted to the secretary of state, whichever occurs later. If the license is not forwarded, an explanation of the reason why it is not forwarded shall be attached.

- (4) The owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor.
- (5) Points shall not be entered on a driver's record for a violation of this section.
- (6) This section does not apply to the owner or operator of a motor vehicle that is registered in, a state other than this state, or a foreign country, or province.
- (7) If a person has received a civil infraction citation pursuant to this section for failure to produce evidence that a motor vehicle is insured under Chapter 31 of Act No. 218 of the Public Acts of Michigan of 1956 (MCL 500.3101 et seq., MSA 24.13101 et seq.), as amended, the court shall waive a civil fine and costs upon receipt of certification by a law enforcement agency that the defendant, before the appearance date on the citation, has produced evidence that the vehicle was insured on the date of issuance of the citation as required.

**State law reference**-Similar provisions, MCL 257.328, MSA 9.2028.

*Sec. 5.76. Cowl or fender lamps; running board, courtesy lamps; backing lights; lamps or reflectors; flashing, rotating or oscillating lights; warning lamps; violation as civil infraction or misdemeanor.*

- (1) A motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.
- (2) A motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side which shall emit a white or amber light without glare.
- (3) Backing lights of red, amber or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of a driver of a vehicle approaching from the rear.
- (4) A lamp or reflector on a vehicle, other than those expressly required or permitted by this code, if visible from the front, shall display or reflect a white or amber light; if visible from either side, shall display or reflect an amber or red light; and if visible from the rear, shall display or reflect a red light, except as otherwise provided by law.
- (5) The use or possession of flashing, oscillating or rotating red, blue or amber lights is prohibited except under the following circumstances:
  - a. A police vehicle shall be equipped with flashing, rotating or oscillating red or blue lights, for use in the performance of police duties.
  - b. A fire vehicle or ambulance available for public use or for use of the United States, the state, or any unit of the state, whether publicly or

privately owned, shall be equipped with flashing, rotating or oscillating red lights and used as required for safety.

- c. A school bus shall be equipped with flashing red lights which shall be actuated by the driver only when the school bus is stopped or stopping on a highway pursuant to section 682 of the act (MCL 257.682, MSA 9.2382). A school bus may also be equipped with a flashing, oscillating or rotating light mounted on the roof of the bus approximately six (6) feet from the rear of the vehicle which displays a white light to the front, side and rear of the bus, which light may be actuated by the driver for use only in inclement weather such as fog, rain or snow, or when the school bus is stopped or stopping on a highway pursuant to section 682 (MCL 257.682, MSA 9.2382), or where conditions hinder the visibility of the school bus.
- d. If authorized by the department of state police, a private motor vehicle owned by a volunteer or paid firefighter, a volunteer ambulance driver, or a licensed ambulance driver or attendant, or an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization may be equipped with flashing, rotating or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets and are clearly visible in a three-hundred-sixty degree arc from a distance of five hundred (500) feet when in use. A person operating lights under this subdivision, at any time other than when responding to an emergency call, is guilty of a misdemeanor.
- e. Flashing, rotating or oscillating amber lights, placed in a position as to be visible throughout an arc of three hundred sixty (360) degrees, shall be used by a state, county or municipal vehicle engaged in the removal of ice, snow or other material from the highway and in other operations designed to control ice and snow.
- f. A vehicle used to perform public utility service, an automobile service car or wrecker, a vehicle engaged in authorized highway repair or maintenance, a vehicle of a police officer, a vehicle operated by a rural letter carrier, a vehicle utilized for snow removal, a private security guard vehicle as authorized in subsection (7), or a farm tractor may be equipped with flashing, rotating or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating or oscillating red lights which shall be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating or oscillating amber lights shall not be activated except in those circumstances that the warning produced by the lights is required for public safety.
- g. A police vehicle, an ambulance or a fire vehicle may display a flashing, rotating or oscillating white light in conjunction with an authorized emergency light as prescribed in this section.



(9) A person who violates subsection (1), (2), (3) or (4) is responsible for a civil infraction.

**State law reference**-Similar provisions, MCL 257.698, MSA 9.2398.

*Sec. 5.81. Windshields and windows; obstructions.*

(1) A person shall not drive a motor vehicle with any of the following:

- a. A sign, poster, nontransparent material, window application, reflective film or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than four (4) inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.
- b. A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of thirty-five (35) percent or more in the visible light range, including a silver or gold reflective film.
- c. A dangling ornament or other suspended object except as authorized by law which obstructs the vision of the driver of the vehicle.

(2) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with two (2) rearview mirrors, one (1) on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(3) This section shall not apply to:

- a. The use of draperies, louvers or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with two (2) outside rearview mirrors, one (1) on each side, adjusted so that the driver has a clear view of the highway behind the vehicle.
- b. The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver.
- c. The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway.
- d. A vehicle registered in another state, territory, commonwealth of the United States, or another country or province.
- e. A special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light-sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating the

need for the special window treatment or application as a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

- (4) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order.
- (5) A truck with a gross weight over ten thousand (10,000) pounds, truck tractor, bus or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. 171 parts 100 to 199 having a windshield shall be equipped with not less than two (2) automatically operating windshield wiper blades, one (1) on each side of the centerline of the windshield, for cleaning rain, snow or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless one (1) blade is so arranged as to clean an area of the windshield extending to within one (1) inch of the limit of vision through the windshield at each side. However, in drive away – tow away operations, this subsection shall apply only to the driven vehicle. In addition, one (1) windshield wiper blade suffices under this subsection when the driven vehicle in a drive away - tow away operation constitutes part or all of the property being transported and has no provision for two (2) blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.
- (6) A truck with a gross weight over ten thousand (10,000) pounds, truck tractor, bus or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. 171 parts 100 to 199 shall not be operated on the highways at any time unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other scientific method that is devised so long as the windshield is heated and maintained in operable condition at all times.
- (7) A licensed motor vehicle which is manufactured after January 1, 1956, shall not be operated on the highways unless it is equipped with a windshield washer maintained in operable condition at all times and capable of cleaning the windshield so as to leave the driver with a clear view of the highway or an intersecting highway.
- (8) As used in this section:

- a. "Physician" means a person licensed by the state to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws.
- b. "Optometrist" means a person licensed by the state to engage in the practice of optometry under article 15 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978.

**State law reference**-Similar provisions,MOL257.709,MSA9.2409.

*Sec. 5.82. Mandatory child restraints; violation or civil infraction.*

- (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(101) et seq.), as amended, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:
  - a. Any child less than one (1) year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213;
  - b. Any child one (1) year of age or more but less than four (4) years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213;
  - c. Any child one (1) year of age or more but less than four (4) years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle.
- (2) This section does not apply to a nonresident driver transporting a child in this state or to any child being nursed.
- (3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under section 710b of the act (MCL 257. 710b, MSA 9.2410(2)) or federal law or regulations.
- (4) A person who violates this section is responsible for a civil infraction.
- (5) Points shall not be assessed for a violation of this section.
- (6) The secretary of state may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of Michigan of 1969 (MCL 24.201 et seq., MSA 3.560(101) et seq.), as amended, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

**State law reference**-Similar provisions, MCL 257.710d, MSA 9.2410(4).

*Sec. 5.83. Safety belts; exceptions; requirements.*

- (1) This section shall not apply to a driver or passenger of:
  - a. A motor vehicle manufactured before January 1, 1965;
  - b. A bus;
  - c. A motorcycle;
  - d. A moped;
  - e. A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons;
  - f. A motor vehicle which is not required to be equipped with safety belts under federal law;
  - g. A commercial or United States Postal Service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services;
  - h. A motor vehicle operated by a rural carrier of the United States Postal Service while serving his rural postal route.
- (2) This section shall not apply to a passenger of a school bus.
- (3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this village shall wear a properly adjusted and fastened seat belt, except that a child less than four (4) years of age shall be protected as required in section 5.82. Each driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt.
- (4) Enforcement of this section by law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of the act.
- (5) A person who violates this section is responsible for a civil infraction.
- (6) Points shall not be assessed for a violation of this section.

**State law reference**-Similar provisions, MCL 257.710e, MSA 9.2410(5).

*Sec. 5.87a. Bumpers required, standards.*

- (1) A person shall not operate a passenger vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function.
- (2) A person shall not modify a passenger vehicle or operate upon a public highway or street of this state a passenger vehicle, except a four-wheel drive vehicle, which has been modified if the resultant operational altitude of a bumper of the vehicle

is less than fourteen (14) inches or greater than twenty-two (22) inches, as measured from the ground to a load bearing member of the horizontal bumper bar. The suspension system of a passenger vehicle shall not be modified to defeat safe operation of the system.

- (3) No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground or expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation and that no part of the original suspension system be disconnected to defeat the safe operation of the suspension system; provided, that nothing contained in this section shall prevent the installation of heavy duty equipment to include shock absorbers and overload springs; and provided, further, that nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle.
- (4) This section does not apply to a commercial vehicle other than one carrying passengers for hire, a vehicle having a design which intrinsically precludes conformance with this act, or to a vehicle which has an unaltered and undamaged stock bumper or energy absorption system with an analogous function of the type supplied by the vehicle manufacturer.
- (5) Installation of a shock absorber or overload spring as heavy-duty equipment is not prohibited by this section.
- (6) This section shall not be construed to establish standards higher than those formulated by the United States Department of Transportation for bumpers on a passenger motor vehicle sold within the United States.
- (7) For purposes of this section "passenger vehicle" means a vehicle displaying registration plates issued pursuant to section 801(1)(a).

**State law reference**-Similar provisions, MCL 257.710c, MSA 9.2410(3).

*Sec. 5.97. School buses; signs; overtaking, meeting or passing; violation as misdemeanor; discharge of passengers; signal lights; mirror; evidence of violation; violation as civil infraction.*

- (1) A school bus shall be painted and shall contain signs on the back and front of the school bus, as approved by the state transportation department and the superintendent of public instruction.
- (2) The driver of a vehicle that overtakes or meets a school bus which has stopped and which is displaying two (2) alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than ten (10) feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed,

- and shall, when resuming motion, proceed in a manner that will allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.
- (3) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus.
  - (4) At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, but not more than ten (10) miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus.
  - (5) This section shall be enforceable if signs giving notice of the local traffic regulation are posted on or at the entrance to the area, or part of the area, affected as may be most appropriate or sufficiently legible as to be seen by an ordinarily observant person.
  - (6) The driver of a vehicle who fails to stop for a school bus as required by subsections (2) to (5), who passes a school bus in violation of subsections (2) to (5) is guilty of a misdemeanor.
  - (7) A school bus driver shall not stop the bus for the purpose of receiving or discharging passengers unless the bus is completely visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of at least four hundred (400) feet.
  - (8) The driver of a vehicle on a highway that has been divided into two (2) roadways by leaving an intervening space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.
  - (9) A school bus, in addition to other equipment and distinctive marking required by law, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable. The lamps shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of not less than five hundred (500) feet in normal sunlight and shall be actuated by the driver of the school bus when, but only when, the vehicle is stopped and for a distance of not less than two hundred (200) feet in advance of a stop for the purpose of receiving or discharging schoolchildren.

- (10) A school bus shall be equipped with a mirror, convex in shape, which is not less than seven and one-half (7 1/2) inches in diameter and which is firmly mounted at hood or fender top height in front of the bus. The mirror shall be located on either the left or right side of the bus in a manner so that the seated driver may observe the road from the front bumper forward to the point where direct observation is possible.
- (11) In a proceeding for a violation of subsection (2), proof that the particular vehicle described in the citation, complaint or warrant was in violation of subsection (2), together with proof that the defendant named in the citation, complaint or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- (12) Except as otherwise provided in subsection (2), a person who violates this section is responsible for a civil infraction. A violation of subsection (2) is a misdemeanor.

**State law reference**-Similar provisions,MCL257.682,MSA9.2382.

*Sec. 5.100. Freeways, entry, use, stopping restricted; violation as civil infraction.*

- (1) No person shall stop a vehicle on the paved road of an expressway or on the paved portions of any ramp connecting such expressway to any other street or highway, for the purpose of boarding or discharging passengers or pedestrians.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 6.10. Riding on the roadways and bicycle paths; violation as civil infraction.*

- (1) Every person operating a bicycle, motorcycle, or motor driven cycle upon a roadway shall ride as near to the right hand side of the roadway as practical, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (2) All motorcycles are entitled to a full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of the lane.
- (3) No person operating a motor-driven cycle, a motorcycle or bicycle shall pass between lanes of traffic, but may pass on the left of traffic moving in his direction in the case of a two-way street, or on the left or right of traffic in the case of a one-way street, in an unoccupied lane.
- (4) This section shall not apply to police officers in the performance of their official duties.

- (5) A person who violates this section is responsible for a civil infraction.

**State law reference**-Similar provisions,MCL257.660(1)M, SA9.2360(1)(4).

*Sec. 6.10a. Pedaled bicycle with help of motor; limitation on age of operator; violation as civil infraction*

- (1) A pedaled bicycle with help of a motor rated less than one (1) brake horsepower transmitted by friction and not by gear or chain, which produces only ordinary pedaling speeds up to a maximum of twenty (20) m.p.h. shall not be operated by a person under fifteen (15) years of age.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 6.10b. Traveling on pedestrian/bicycle paths; violation as civil infraction.*

- (1) Lanes, trails and paths designed and/or designated for the use of pedestrians and/or bicycles shall be used exclusively by pedestrians, bicycles and other forms of human-powered transportation.
- (2) Motorized vehicles, including but not limited to automobiles, motorcycles, mopeds and motor-driven cycles, but excepting motorized wheel chairs, are expressly prohibited on all such pedestrian / bicycle lanes, trails and paths.
- (3) Livestock and livestock-propelled vehicles, including but not limited to horses, horse-drawn carriages, and ox carts, are also expressly prohibited on all such pedestrian / bicycle lanes, paths and trails.
- (4) A person who violates this section is responsible for a civil infraction.

*Sec. 6.23. Motorcycles; protective helmet required; violation as civil infraction.*

- (1) A person operating or riding on a motorcycle, and any person less than nineteen (19) years of age operating a moped on a public thoroughfare shall wear a crash helmet on his head. Crash helmets shall be approved by the department of state police. This section does not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof which meets or exceeds standards for a crash helmet.
- (2) A person who violates this section is responsible for a civil infraction.

**State law reference**-Similar provisions, MCL 257.658(4), MSA 9.2358(4).

*Sec. 8.10. Parking prohibited in specified places.*

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
  - a. On a sidewalk;
  - b. In front of a public or private driveway;
  - c. Within an intersection;
  - d. Within fifteen (15) feet of a fire hydrant;

- e. On a crosswalk;
- f. Within twenty (20) feet of a crosswalk, or if there is not a crosswalk, then within fifteen (15) feet of the intersection of property lines at an intersection of highways;
- g. Within thirty (30) feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway;
- h. Between a safety zone and the adjacent curb or within thirty (30) feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking;
- i. Within fifty (50) feet of the nearest rail of a railroad crossing;
- j. Within twenty (20) feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within seventy-five (75) feet of the entrance if properly marked by an official sign;
- k. Alongside or opposite a street excavation or obstruction, if the stopping, standing or parking would obstruct traffic;
- l. On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- m. Upon a bridge or other elevated highway structure or within a highway tunnel;
- n. At a place where an official sign prohibits stopping or parking;
- o. Within two hundred (200) feet of an accident at which a police officer is in attendance;
- p. In front of a theater;
- q. In a place or in a manner which blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building;
- r. In a place or in a manner which blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building;
- s. In a parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property or private property available for public use, unless the person is a handicapper as described in section 1.012b of this code or unless the person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space the vehicle shall display one (1) of the following:
  - i. A certificate of identification issued under section 675(5) of the act (MCL 257.675(5), MSA 9.2375(5)) to a handicapper on the lower left corner of the front windshield;
  - ii. A special registration plate issued under section 803d of the act (MCL 257.803d, MSA 9.2503(4)) to a handicapper;
  - iii. A similar certificate of identification issued by another state to a handicapper;
  - iv. A similar special registration plate issued by another state to a handicapper;
- t. In violation of an official sign restricting the period of time for or manner of parking;

- u. In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired;
- v. On a street in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States Postal Service.

(2) A person who violates this section is responsible for a civil infraction.

**State law reference**-Similar provisions,MCL257.674(1),MSA9.2374(1).

*Sec. 8.25. Parking on private property; violation as civil infraction.*

- (1) No person shall park any motor vehicle on any private property in this governmental unit without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
- (2) A person who violates this section is responsible for a civil infraction.

*Sec. 9.3. Penalties, civil infraction and misdemeanor.*

- (1) It is a misdemeanor for a person to violate this code unless that violation is, by this code or other law of this state, declared to be a felony or a civil infraction.
- (2) Unless another penalty is provided in this code or by the laws of this state, a person convicted of a misdemeanor for the violation of this code shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or both.
- (3) A violation of this code which is designated a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.
- (4) If a person is determined pursuant to this code to be responsible or responsible "with explanation" for a civil infraction under this code, the judge or district court magistrate may order the person to pay a civil fine of not more than one hundred dollars (\$100.00) and costs as provided in subsection (5). Permission may be granted for payment of a civil fine and costs to be made within the specified period of time, or in specified installments, but in the absence of permission being included in the order or judgment, the civil fine and costs shall be payable immediately.
- (5) If a civil fine is ordered paid under subsection (4), the judge, referee or magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct or indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Except in a civil infraction for parking violation, costs of not less than five dollars (\$5.00) shall be ordered. Costs shall

- not be ordered in excess of one hundred dollars (\$100.00). Except as otherwise provided by law, costs shall be payable to the general fund of the plaintiff.
- (6) In addition to any civil fine and costs ordered under subsection (4), the judge, referee or magistrate may order the person to attend and complete a program of treatment, education or rehabilitation.
  - (7) A district court magistrate shall impose the sanctions permitted under subsections (4) and (6) only to the extent expressly authorized by the chief judge, presiding judge or only judge of the district court district.
  - (8) When a person has received a civil infraction citation for defective safety equipment on a vehicle, the court shall waive any civil fine or costs, upon receipt of certification by a law enforcement agency that repair of the defective equipment was made before the appearance date on a citation.
  - (9) A default in the payment of a civil fine or costs ordered under subsection (4) or an installment thereof may be corrected by any means authorized for the enforcement of the judgment under Chapter 40 of Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.4001 et seq., MSA 27A.4001 et seq.), as amended, or under Chapter 60 of Act No. 236 of the Public Acts of Michigan of 1961 (MCL 600.6001 et seq., MSA 27A.6001 et seq.), as amended.
  - (10) If a person fails to comply with an order or judgment issued pursuant to this section, within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a of the act (MCL 257.321a, MSA 9.2021(1)), until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 9.3a.

*Sec. 9.3a. Default in payment.*

- (1) If a defendant defaults in the payment of a civil fine, costs, or both, or any installment, as ordered pursuant to section 9.3(4), the court, upon the motion of the plaintiff, or upon its own motion, may require the defendant to show cause why the default should not be treated as a civil contempt and may issue a summons or order to show cause and a bench warrant for the arrest of the defendant.
- (2) When a corporation or association is ordered to pay a civil fine or costs, the person authorized to make disbursement shall pay the fine or costs, and the failure to do so shall be civil contempt unless they make the showing required in this section.
- (3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or failure on his part to make a good faith effort to obtain the funds required for payment, the court shall find that the default

- constitutes a civil contempt and may order the defendant committed until the civil fine, costs, or both, or specified part thereof is paid.
- (4) If it appears that the default in the payment of a civil fine or costs does not constitute civil contempt, the court may enter an order allowing the defendants additional time for payment, reducing the amount of payment, or of each installment, or revoking the fine or costs or the unpaid portion thereof in whole or in part.
- (5) The term of imprisonment on civil contempt for nonpayment of a civil fine or costs shall be specified in the order of commitment, and shall not exceed one (1) day for each ten dollars (\$10.00) of the fine and costs. A person committed for nonpayment of a civil fine or costs shall be given credit towards payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of ten dollars (\$10.00) per day.
- (6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine or costs shall not be discharged from custody until one (1) of the following occurs:
- a. The defendant has been credited with the amount due pursuant to subsection (5).
  - b. The amount due has actually been collected through execution of process or otherwise.
  - c. The amount due has been satisfied pursuant to a combination of subdivisions (a), (b).
- (7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6).

*Sec. 10.14. Operation of snowmobile registered in another state or Canada. Repealed.*

*Sec. 10.32. Time and conditions of operation.*

A person shall not operate a snowmobile:

- a. To hunt, pursue, worry or kill a wild bird or animal.
- b. In any forest, nursery, planting area or public lands posted or reasonably identifiable as the area of forest reproduction, or in a natural dedicated area when growing stock may be damaged.
- c. On the frozen surface of public waters within one hundred (100) feet of a person, including but not limited to a skater, not in or upon a snowmobile, or within one hundred (100) feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile, or on an area which has been cleared of snow for skating purposes, unless the area is necessary for access to the public water.

- d. In or upon private property without written permission of the landowner, when required by the Recreational Trespass Act.
- e. While transporting thereon a bow, unless unstrung, or a firearm, unless securely encased or equipped with or made inoperative by a manufactured key lock trigger closing mechanism.
- f. Within one hundred (100) feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area for medical emergencies.
- g. On a railroad or railroad right-of-way, except railroad, public utility or law enforcement personnel while in the performance of their duties.

*Sec. 10.32a. Restricted areas and times of operation.*

The village council may by resolution restrict certain areas, except on frozen surface of public waters or on land owned by or under the control of the snowmobilers, and in the event such area or a time is restricted and posted, the use and operation of snowmobiles in said restricted area and/or during said restricted time periods shall be deemed a violation of this code.

*Sec. 10.34a. Arrest without warrant.*

If a police officer has reasonable cause to believe that a person was, at the time of an accident, the driver of a snowmobile involved in an accident and was driving the snowmobile under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the police officer may arrest the alleged driver of the snowmobile without a warrant.

*Sec. 10.39. Operation on roadway prohibited; exceptions.*

Section 10.39 amended in part to add new subparagraphs (d), (e) and (f) as follows:

- d. A person may operate a snowmobile when it is otherwise impossible to gain immediate access to an area adjacent to a public highway, and the right-of-way adjacent and parallel to the roadway for the sole purpose of gaining access to and from the area of operation by the most direct route. Loading or unloading of the snowmobile shall be accomplished with due regard to safety at the nearest possible point to the area of operation.
- e. A person may operate a snowmobile across a public highway, other than a limited-access highway, at right angles to the highway, for the purpose of getting from one (1) area to the other when the operation can be done in safety and another vehicle is not crossing the highway at the same time and in the same general area. Such person shall bring his snowmobile to a complete stop before proceeding across a public highway and shall yield the right-of-way to all oncoming traffic.
- f. A person may operate a snowmobile on a highway in a county road system, which is not normally snowplowed for vehicular traffic, and on any snowplowed

highway in the county road system which is designated and marked for snowmobile use by the county road commission having jurisdiction.

*Sec. 10.41. Operation by persons twelve to sixteen years of age.*

Section 10.41 is amended to add new paragraph (d) as follows:

- d. Any person who operates a snowmobile who is less than sixteen (16) years of age in violation of this code shall, upon reporting of such violation of the director of natural resources of the state by any judge of a juvenile court after trial or acceptance by plea of guilty, has his snowmobile safety certificate forthwith suspended by said director. No owner of a snowmobile or parent or legal guardian of a person under the age of sixteen (16) shall permit the use of a snowmobile by such person in violation of this code.

*Sec. 10.41a. Operation by persons twelve to sixteen years of age, crossing roadways.*

Notwithstanding section 10.39(1)(b), an operator who is at least twelve (12) years of age but less than sixteen (16) years of age may cross a highway or street only if he has a valid snowmobile safety certificate in his immediate possession.

**Secs. 15-28-15-45. Reserved.**

**Article III. Parking, Stopping and Standing\***

Division 1. Generally

**Sec. 15-46. Offenses not requiring signs for enforcement; schedule of fines.**

Parking offenses for which prohibited parking signs are unnecessary are as follows:

<i>Offense</i>	<i>Fine</i>
1. On sidewalk. . . . .	\$10.00
2. In front of drive. . . . .	\$10.00
3. Within intersection. . . . .	\$10.00
4. Within 15 feet of hydrant. . . . .	\$25.00
5. On crosswalk. . . . .	\$15.00
6. Within 20 feet of crosswalk or 15 feet of corner lot lines. . . . .	\$10.00
7. Within 30 feet of street side, traffic sign or signal. . . . .	\$10.00
8. Within 50 feet of railroad crossing. . . . .	\$10.00
9. Within 20 feet of fire station entrance. . . . .	\$25.00
10. Within 75 feet of fire station entrance on opposite side of street (signs required) . . . . .	\$15.00
11. Beside street excavation when traffic obstructed . . . . .	\$15.00

\* **State law reference**-Authority to establish parking violations bureau, MCL 600.8395,MSA27A.8395.

- 12. Double parking. . . . . \$15.00
  - 13. On bridge. . . . . \$15.00
  - 14. Within 200 feet of accident with police in attendance. . . . . \$20.00
  - 15. Blocking emergency exit. . . . . \$25.00
  - 16. Blocking fire escape. . . . . \$25.00
  - 17. Parking prohibited during the hours of 2:00a.m. & 6:00a.m. of any day. . \$15.00
  - 18. In prohibited zone (signs required). . . . . \$15.00
  - 19. In alley. . . . . \$10.00
  - 20. Parking for prohibited purpose:
    - a. Displaying vehicle for sale. . . . . \$10.00
    - b. Working or repairing vehicle. . . . . \$10.00
    - c. Displaying advertising. . . . . \$10.00
    - d. Selling merchandise. . . . . \$10.00
    - e. Storage over 48 hours. . . . . \$10.00
  - 21. Against flow of traffic. . . . . \$15.00
  - 22. Loading zone violation. . . . . \$15.00
  - 23. Towaway zone (does not include wrecker charge) . . . . . \$25.00
  - 24. Handicap parking zone (approved sign required). . . . . \$50.00
  - 25. Overtime parking (sign required). . . . . \$10.00
- (Ord. No. 29A, § 7, 5-5-86; Ord. No. 29B, 7-20-92)

**Sec. 15-47. Handicapper spaces in private parking lots.**

All private parking lots shall provide parking spaces specifically designated for handicappers in numbers to conform with the requirements of Section 2 of Act No.1 of the Public Acts of Michigan of 1966 (MCL 125.1352, MSA 3.447(122)», as amended. Each reserved parking space shall be not less than twelve (12) feet wide. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. All spaces shall be properly signed. The required number of handicapper spaces shall be as follows:

<i>Total parking in lot</i>	<i>Required number of spaces</i>
Up to 25	1
26-50	2
51-75	3
76-100	4
101-150	5

(Ord. No. 47, 5-4-81)

**Sec. 15-48. Issuance of traffic ticket, notice of violation.**

The issuance of a traffic ticket or notice of violation by a police officer of the village shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the

address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited. (Ord. No. 29, § 6, 1-6-69)

**Secs. 15-49-15.65. Reserved.**

Division 2. Parking Violations Bureau

**Sec. 15-66. Established; supervision.**

Pursuant to Section 8395 of the Revised Judicature Act, as added by Act No. 154 of the Public Acts of Michigan of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the village, is hereby established. The parking violations bureau shall be under the supervision and control of the village clerk. (Ord. No. 29, § 2, 1-6-69)

**Sec. 15-67. Location; employees; operation.**

The village clerk shall, subject to the approval of the village council, establish a convenient location for the parking violations bureau, appoint qualified village employees to administer the bureau and adopt rules and regulations for the operation thereof. (Ord. No. 29, § 3, 1-6-69)

**Sec. 15-68. Disposal of violations.**

- (a) No violation not scheduled in section 5-46 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of the bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
- (b) No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in

any way diminish the rights, privileges and protection accorded to him by law.

(Ord. No. 29, §§ 4, 5, 1-6-69)

**Secs. 15-69-15.85. Reserved.**

Article IV. Operation of Vehicles  
Division 1. Generally

**Secs. 15.86-15.100. Reserved.**

Division 2. School Property\*

**Sec. 15-101. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Motor vehicle* means every vehicle which is self-propelled.

*School* means the Millington Community School District, Tuscola and Genesee Counties.

*School property* means all real property owned or leased by the Millington Community School District, Tuscola and Genesee Counties, situated within the village.

*Streets and roadways* means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, located upon the real property of the Millington Community School District, Tuscola and Genesee Counties, situated within the village.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, specifically including every device propelled by human power.

(Ord. No. 51, § 2, 5-5-86)

**Cross reference**-Definitions and rules of construction generally, § 1-2.

**Sec. 15.102. Purpose.**

The purpose of this division is to regulate the operation of all vehicles of every description while upon property owned or leased by the Millington Community School District, Tuscola and Genesee Counties, situated within the village, and to authorize the village police to issue traffic citations or arrest warrants for violation, pursuant to a resolution dated February 17, 1986, from the school district requesting this division.

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\* **State law reference**-Operation of motor vehicles on school district property in municipalities, MCL 257,961, MSA 9.2660.

(Ord. No. 51, § 1, 5-5-86)

**Sec. 15-103. Motor vehicle operation.**

- a. It shall be unlawful for a person to operate a motor vehicle upon any school property, except upon streets and roadways properly designated for vehicular traffic.
- b. No person shall operate an unlicensed motor vehicle upon any school property.
- c. All persons operating a motor vehicle shall drive within a careful and prudent speed not greater than nor less than a speed which is reasonable and proper, and in no event shall such speed exceed twenty-five (25) miles per hour on all roadways and streets maintained by the school.
- d. It shall be prima facie unlawful for any person to violate or exceed any of the foregoing limitations.

(Ord. No. 51, § 3, 5-5-86)

**Sec. 15-104. Stopping, standing and parking.**

- a. It shall be unlawful for a person to stand, stop or park a motor vehicle on school property, whether occupied or unoccupied, in violation of the following provisions:
  1. No person shall park a vehicle in any place reserved by the school for handicapped persons which displays a sign or is marked with the official international wheelchair symbol or a reasonable facsimile, or otherwise unless the vehicle displays a valid state handicap permit or handicap license plate or a valid temporary disability permit issued by the school.
  2. No person shall park a vehicle within any parking space, parking lot or parking ramp which is designated by a sign restricting parking to vehicles of faculty, staff, employees or students of the school, or visitors or holders of a valid parking permit for that space, lot or ramp unless the vehicle displays a valid permit issued by the school which authorizes the vehicle to park in the space, lot or ramp.
  3. No person shall stand, stop or park a vehicle in an area posted as a no-parking area, within any traffic lane, entrance or exit, nor upon any other pedestrian access. All areas upon which vehicles of every description may lawfully be parked shall be specifically indicated in Schedule I as noted in section 5-109.
- b. It shall be unlawful for any person to stop, stand or park a vehicle, whether occupied or unoccupied, in an area designated as a fire lane. Members of the police department are hereby authorized to remove or cause to be removed any such vehicle, trailer or other object to a garage or other place designated or

maintained by the police department when such vehicle is illegally left in any fire lane in violation of this section, provided such fire lanes are clearly discernable as such and are specifically indicated on Schedule I as noted in section 5-109.

(Ord. No. 51, § 4, 5-5-86)

**Sec. 15-105. Traffic and parking signs.**

Whenever by this division any traffic regulation is imposed or specified, or parking is prohibited, it shall be the duty of the Board of Education of Millington Community School District, Tuscola and Genesee Counties, to determine the proper placement of and cause to be erected, all necessary and appropriate regulatory signs, the content of which shall provide notice of the applicable traffic or parking regulation. No traffic regulation or prohibition as provided in this division shall be effective unless such signs are erected and in place at the time of any alleged offense, in compliance with section 5-109.

(Ord. No. 51, § 5, 5.5-86)

**Sec. 15-106. Parking violations.**

It shall be the duty of the police department, whenever any vehicle is found parked in violation of this division, to note the location of the parked vehicle, the state of vehicle registration, the vehicle license number, and any other information displayed which may identify the driver of the vehicle and to thereafter issue a parking violation ticket which shall be conspicuously affixed to the illegally parked vehicle, on a form provided by the village controller. The form ticket shall notify the driver of the vehicle of the need to answer the parking violation charge against him within ten (10) days during certain hours and at a place specified in the ticket. Under circumstances where the owner of the vehicle does not make an appearance or answer to the charge, and fails or refuses to pay a prescribed parking violation fee within ten (10) days after its issuance, inclusive of Saturdays, Sundays and holidays, the police department shall notify the office of the village attorney and a final notice shall be sent to the owner of the vehicle informing him of the violation and warning that if the notice is disregarded a complaint will be filed and a warrant of arrest issued.

(Ord. No. 51, § 6, 5-5-86)

**Sec. 15-107. Presumption in reference to illegal parking.**

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that any registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred, or authorized same.

(Ord. No. 51, § 7, 5-5-86)

**Sec. 15-108. Traffic violations.**

It shall be the duty of the police department to enforce all street traffic laws contained herein, and to issue a traffic violation ticket, whenever any vehicle is observed in violation of this division. It shall be the duty of the officer issuing the ticket to note the location of the offense, the state of the vehicle registration, the vehicle license number and any other information displayed which may identify the driver, his demeanor, and manner of operation of the vehicle for purposes of issuing a traffic violation ticket. In all cases a copy of the traffic violation ticket shall be directly given to the operator of the vehicle. Under circumstances where the owner of the vehicle does not appear, fails or refuses to pay a prescribed traffic violation fee, within fourteen (14) days after or answer to the charge, or issuance of the ticket, inclusive of Saturdays, Sundays and holidays, the police department shall notify the office of the village attorney and a final notice shall be sent to the owner of the vehicle informing him of the violation and warning that if the notice is disregarded a complaint will be filed and a warrant of arrest issued.  
(Ord. No. 51, § 8, 5-5-86)

**Sec. 15-109. Parking diagram, Schedule I, adopted by reference.**

Whenever by this division any traffic regulation is imposed or specified or parking is prohibited, it shall be the duty of the Board of Education of Millington Community School District to maintain a traffic and parking diagram on file in the office of the village clerk, which diagram shall reflect the location of all prohibitions on parking and limitations on traffic movement as contained in this division. This diagram has been referred to herein as Schedule I and shall be specifically adopted by the Board of Education of Millington Community School District in order that this division may be properly enforced. No traffic regulation or prohibition as provided in this division shall be effective unless this diagram shall first be on file in the office of the village clerk. All amendments to the original diagram and the original diagram shall remain as a permanent file with the village clerk.  
(Ord. No. 51, § 10, 5-5-86)

**Secs. 15-110-15.125. Reserved.**

**Article V. Bicycles<sup>\*</sup>**

**Sec. 15-126. License-Required.**

No person who resides within the corporate limits of the village shall ride or propel a bicycle upon any of the streets, alleys or public grounds in the village unless the bicycle has been licensed as provided in this article.  
(Ord. No. 28, § 1, 7-1-68)

**Sec. 15.127. Same-Issuance; fee.**

The owner of any bicycle who desires to ride or propel the bicycle upon any of the streets, alleys or public grounds in the village shall first procure a license for the bicycle

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<sup>\*</sup> **State law reference**-Authority to regulate bicycles, MCL 257.606(1)(i), MSA 9.2306(1)(i).

from the village, to be issued by the chief of police, and shall pay a license fee in the amount of one dollar (\$1.00).

(Ord. No. 28, § 2, 7-1-68; Ord. No. 28A, § 2, 4-5-71)

**Sec. 15-128. Same-Expiration; transfer.**

All bicycle licenses issued under the provisions of this article shall expire on June 1. Licenses shall be valid for two (2) years. If any licensed bicycle is sold the licensee shall promptly notify the chief of police of the name of the new owner, but no new license shall be required for the owner until the expiration date of the present license.

(Ord. No. 28, § 3, 7-1-68; Ord. No. 28A, § 3, 4-5-71)

**Sec. 15-129. Same-Denial for cause.**

The chief of police is hereby empowered to refuse to grant a license for any bicycle that does not meet the requirements of the laws of the state governing equipment for bicycles.

(Ord. No. 28, § 4, 7-1-68)

**Sec. 15-130. Licensing of rental bicycles.**

No rental agency shall offer any bicycle for rent to be used upon the streets, alleys or public grounds in the village unless the bicycle is licensed as required by this article.

(Ord. No. 28, § 5, 7-1-68)

**Sec. 15-131. Riding without consent of owner.**

No person shall ride or propel a bicycle upon any of the streets, alleys or public grounds in the village which he does not own without the express consent of the owner of the bicycle.

(Ord. No. 28, § 6, 7-1-68)

**Sec. 15-132. Safety check stickers.**

Each bicycle must have a valid safety check sticker. Check stickers shall expire June 1 each year.

(Ord. No. 28, § 7, 7-1-68)

**Sec. 15-133. Required equipment.**

All bicycles used within the village limits shall, during the period from one-half hour after sunset, display a headlight on the front of the bicycle with illuminating power equal to that produced by a 125-100 volt electric battery and bulb, shall be equipped with a red glass reflector no smaller than one and one-half (1 1/2) inches in diameter, or luminous tape no smaller than two (2) inches in width and six (6) inches in length, placed on the bicycle to be equipped with a suitable horn or bell. The use of sirens on bicycles shall be unlawful.

(Ord. No. 28, § 8, 7-1-68)

**Sec. 15-134. Parking.**

It shall be unlawful to park a bicycle on a sidewalk within the business district or in any prohibited area.

(Ord. No. 28, § 9, 7-1-68)

**Sec. 15-135. Riding on sidewalks.**

It shall be unlawful for any person to ride or operate a bicycle on the sidewalks in the business district of the village. Pedestrians upon sidewalks shall have the right-of-way at all times over persons riding bicycles.

(Ord. No. 28, § 10, 7-1-68)

**Sec. 15-136. Following fire truck; hooking onto or towing other vehicles.**

Persons riding bicycles shall not follow fire trucks at any time, nor shall they hook into or be towed or tow any other vehicle.

(Ord. No. 28, § 12(a), 7-1-68)

**Sec. 15-137. Carrying passengers.**

Extra passengers shall not be carried upon any bicycle at any time.

(Ord. No. 28, § 12(b), 7-1-68)

**Sec. 15-138. Manner of traveling upon streets.**

Bicyclists traveling upon any street shall not ride more than two (2) abreast and on any sidewalk shall ride only in single file. Bicyclists shall at all times ride as near the right curb as possible.

(Ord. No. 28, § 12(c), 7-1-68)

**Sec. 15-139. Reserved.**

**Editor's note**-Ord. No. 68, § 2, amended the Code by repealing § 15-139 in its entirety. Former § 15-139 pertained to municipal civil infractions and derived from Ord. No. 28, § 11, adopted July 1, 1968, and Ord. No. 62, § 5, adopted August 12, 1996.

**Secs. 15-140-15-150. Reserved.**

**Article VI. Expenses of Response To OUIL.-OWI Incident**

**Sec. 15-151. Duty to pay of persons convicted.**

A person convicted of a violation of this article shall, in addition to any other penalty authorized by law, be liable to the village for the expense of the incident from which the conviction arose.

(Ord. No. 55, § 1,8-3-92)

**Sec. 15-152. Response to an incident.**

A response to an incident occurs whenever police of the village, used as a result of a traffic stop or accident in which the operator of the motor vehicle stopped or, at least, one operator of a motor vehicle involved in the accident, is arrested *for* operating a motor vehicle while impaired by or under the influence of an alcoholic beverage and/or controlled substance.

(Ord. No. 55, § 1,8-3-92)

**Sec. 15-153. Expenses for which a person is liable.**

The expenses *for* which a person is liable under this section include the following:

1. The salaries or wages, including overtime pay, of law enforcement personnel *for* the time spent in relation to the incident from which the conviction arose, including the arrest of the person convicted, processing the person after arrest, preparing reports on the incident, investigating the incident, and all costs of collecting and analyzing evidence, including determining blood alcohol content and determining the presence of and identifying controlled substances in the blood.
2. For a conviction of a violation of this article, a person is liable of one hundred (100) percent of the expenses.

(Ord. No. 55, § 1, 8-3-92)

**Sec. 15-154. Billing.**

Following conviction" the village shall submit a bill for the expenses of the response to the person convicted by registered mail, return receipt requested. The bill shall require full payment within thirty (30) days from the date of service.

(Ord. No. 55, § 1,,8-3-92)

**Sec. 15-155. Failure to pay.**

Any failure by the person convicted to pay the bill for the expenses within thirty (30) days of service shall be considered a default. In case of default, the village may commence civil suit to recover such expenses plus any costs allowed by law.

(Ord. No. 55, § 1,8-3-92)