

2000 PUBLIC AND LOCAL ACTS

[No. 95]

(HB 4929)

AN ACT to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," (MCL 257.951 to 257.954) by adding section 5.

The People of the State of Michigan enact:

257.955 Operation of commercial vehicle; payment and allocation of civil fine; exception; issuance of more than 1 citation; equipment violations; training requirements as motor carrier enforcement officer; definitions. [M.S.A. 9.2655]

Sec. 5. (1) A civil fine imposed upon a person for a violation of a code or ordinance regulating the operation of a commercial vehicle adopted by a city, township, or village under section 1 shall be paid to the county treasurer and shall be allocated as follows:

- (a) Seventy percent to the city, township, or village in which the citation is issued.
- (b) Thirty percent for library purposes as provided by law.

(2) This section does not apply to a case in which the citation is dismissed pursuant to subsection (3).

(3) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(4) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(5) As used in this section:

(a) "Commercial vehicle" means that term as defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL 257.7.

(b) "Operation" means being in actual physical control of a vehicle regardless of whether or not the person is licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an operator or chauffeur.

(c) "Out of service" means that process established under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

(d) "Person" means every natural person, partnership, association, or corporation and their legal successors.

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Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

- (a) House Bill No. 4927.
- (b) House Bill No. 4928.
- (c) House Bill No. 4930.
- (d) House Bill No. 4931.
- (e) House Bill No. 4932.

This act is ordered to take immediate effect.

Approved May 15, 2000.

Filed with Secretary of State May 15, 2000.

Compiler's note: The bills referred to in enacting section 1 were enacted into law as follows:

House Bill No. 4927 was filed with the Secretary of State May 15, 2000, and became P.A. 2000, No. 93, Imd. Eff. May 15, 2000.

House Bill No. 4928 was filed with the Secretary of State May 15, 2000, and became P.A. 2000, No. 94, Imd. Eff. May 15, 2000.

House Bill No. 4930 was filed with the Secretary of State May 15, 2000, and became P.A. 2000, No. 96, Imd. Eff. May 15, 2000.

House Bill No. 4931 was filed with the Secretary of State May 15, 2000, and became P.A. 2000, No. 97, Imd. Eff. May 15, 2000.

House Bill No. 4932 was filed with the Secretary of State May 15, 2000, and became P.A. 2000, No. 98, Imd. Eff. May 15, 2000.
