

CHAPTER 1 - WORDS AND PHRASES DEFINED

R 28.1001. Sec. 1.1. Words and phrases.

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this chapter. Whenever any word or phrase used herein is not defined herein but is defined in Act No. 300 of the Public Acts of 1949, as amended, being § 257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used herein.

Sec. 1.000. Act.

"Act" means Act No. 300 of the Public Acts of 1949, as amended.

Sec. 1.001. Alley.

"Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.

Sec. 1.001a. Ambulance.

"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 section 7 of Act No. 258 of the Public Acts of 1968, as amended, being § 257.1207 of the Michigan Compiled Laws.

Sec. 1.002. Authorized emergency vehicle.

"Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, privately owned motor vehicles of volunteer or paid firemen, or privately owned motor vehicles of volunteer ambulance drivers or licensed ambulance drivers or attendants as are authorized by the department of state police.

Sec. 1.003. Bicycle.

"Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

Sec. 1.003a. Bicycle path.

"Bicycle path" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.

Sec. 1.003b. Bicycle lane.

"Bicycle lane" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.

Sec. 1.004. Bus.

"Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. It does not include a school bus or a bus equipped and used for living or camping purposes.

Sec. 1.005. Bus stand or bus stop.

"Bus stand" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading, or unloading passengers.

Sec. 1.006. Business district.

"Business district" means the territory contiguous to a highway when 50% or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

Sec. 1.006a. Civil infraction.

"Civil infraction" means an act or omission prohibited by law which is not a crime as defined in section 5 of Act No. 328 of the Public Acts of 1931, as amended, being § 750.5 of the Michigan Compiled Laws, and for which sanctions may be ordered.

Sec. 1.006b. Civil infraction determination.

"Civil infraction determination" means a determination that a person is responsible for a civil infraction by 1 of the following:

- (1) An admission of responsibility for the civil infraction.
- (2) An admission of responsibility for the civil infraction, "with explanation".
- (3) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 746 or 747 of the act.
- (4) A default judgment, for failing to appear as directed by a citation or other notice at a scheduled appearance under section 745 (3) (b) or (4) at a scheduled informal hearing under section 746 or at a scheduled formal hearing under section 747 of the act.

Sec. 1.007. Commercial vehicle.

"Commercial vehicle" means all motor vehicles used for the transportation of passengers for hire, or constructed or used for the transportation of goods, wares, or merchandise, and all motor vehicles designed and used for drawing other vehicles, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 1.007a. Controlled substance.

"Controlled substance" means a controlled substance as defined by Act No. 196 of the Public Acts of 1971, as amended, being § 335.301 et seq. of the Michigan Compiled Laws.

Sec. 1.008. Crosswalk.

"Crosswalk" means either of the following:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable highway.

(2) Any portion of a highway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 1.009. Curb loading zone.

"Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Sec. 1.009a. Department.

"Department" means department of state.

Sec. 1.010. Driver.

"Driver" means every person who drives, or is in actual physical control of, a vehicle.

Sec. 1.010a. Explosives.

"Explosives" means any chemical compound or mechanical mixture that is commonly used for or intended to be used for, producing an explosion and which contains any oxidizing and combustive units or other ingredients in those proportions, quantities, or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Sec. 1.010b. Farm tractor.

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 1.010c. Flammable liquid.

"Flammable liquid" means any liquid that has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device.

Sec. 1.011. Freight curb loading zone.

"Freight curb loading zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Sec. 1.012. Governmental unit.

"Governmental unit" means incorporated cities, incorporated villages, and townships.

Sec. 1.012a. Gross weight.

"Gross weight" means the weight of a vehicle without load plus the weight of a load thereon.

Sec. 1.012b. Handicapper.

"Handicapper" means a person who, for the purposes of these rules, has a physical characteristic categorized as a handicap, which limits ambulation or necessitates the use of a wheelchair for mobility. The term also means a person who is blind.

Sec. 1.012c. Implement of husbandry.

"Implement of husbandry" means every vehicle designed for agricultural purposes and used exclusively in agricultural operations. The transportation of seeds, fertilizers, or sprays between a place of storage or supply and farms in a trailer, which materials will be used to plant, fertilize, or spray, is an agricultural operation.

Sec. 1.013. Intersection.

"Intersection" means either of the following:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of the highways shall be regarded as a separate intersection.

Sec. 1.014. Laned roadway.

"Laned roadway" means a roadway that is divided into 6 or more clearly marked lanes for vehicular traffic.

Sec. 1.015. Limited access highway.

"Limited access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons

have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Sec. 1.016. Motorcycle.

"Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excludes tractors.

Sec. 1.016a. Moped.

"Moped" means a 2- or 3- wheeled vehicle with operable pedals which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 1.5 brake horsepower or less, and cannot propel the vehicle at a speed of more than 25 miles per hour on a level surface.

Sec. 1.017. Motor vehicle.

"Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 1.018. Official time standard.

"Official time standard" means whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this governmental unit.

Sec. 1.018a. Operator, operating.

"Operator" or "operating" means a person who drives or is in actual physical control of a vehicle regardless of whether or not the person is licensed under this act as an operator or a chauffeur.

Sec. 1.019. Parking.

"Parking" means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading, except when making necessary repairs.

Sec. 1.020. Parking meter zone.

"Parking meter zone" means an area adjacent to a parking meter set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified thereon.

Sec. 1.021. Passenger curb loading zone.

"Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Sec. 1.022. Pedestrian.

"Pedestrian" means a person afoot.

Sec. 1.023. Person.

"Person" means every natural person, firm, copartnership, association, or corporation and their legal successors.

Sec. 1.024. Police officer.

"Police officer" means a sheriff or his deputies, village marshal, or an officer of the police department of cities, villages, townships, and officers of the Michigan state police.

Sec. 1.025. Private driveway or road.

(1) "Private driveway" means a piece of privately owned and maintained property which is used for vehicular traffic, but not opened or normally used by the public.

(2) "Private road" means a privately owned and maintained road, allowing access to more than 1 residence or place of business which is normally open to the public and upon which persons other than the owners located thereon may also travel.

Sec. 1.026. Railroad.

"Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Sec. 1.027. Railroad train.

"Railroad train" means a steam engine, or electric or other motor with or without cars coupled thereto which is operated upon rails, except street cars.

Sec. 1.028. Residence district.

"Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

Sec. 1.029. Right-of-way.

"Right-of-way" means the privilege of the immediate use of the highway.

Sec. 1.030. Roadway.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes 2 or more separate roadways, the term "roadway", as used herein, shall refer to a roadway separately, but not to all such roadways collectively.

Sec. 1.031. Safety zone.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 1.031a. School bus.

"School bus" means every motor vehicle, except station wagons, with a manufacturer's rated seating capacity of 8 or more children, owned by a public, private, or governmental agency, and operated for the transportation of children to or from school. The term also means every motor vehicle, except station wagons, that is privately owned and operated for compensation for the transportation of children to or from school. The term does not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the public service commission.

Sec. 1.031b. School crossing.

"School crossing" means a crosswalk designated by the department of transportation, a county road commission, or a local authority as a place to be used by school children for crossing a street or highway.

Sec. 1.031c. School-crossing guard.

"School-crossing guard" means a person 18 years of age or older authorized to supervise children using a school crossing as provided in section 613c of the act.

Sec. 1.031d. Semitrailer.

"Semitrailer" means every vehicle, with or without motive power, other than a pole-trailer, designed for carrying persons or property, designed for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

Sec. 1.032. Sidewalk.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Sec. 1.033. Stand or standing.

"Stand" or "standing" means the halting of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

Sec. 1.034. Stop.

"Stop", when required, means complete cessation from movement.

Sec. 1.035. Stop or stopping.

"Stop" or "stopping", when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 1.036. Street or highway.

"Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 1.037. Taxicab.

"Taxicab" means a licensed public motor vehicle for hire which is designated and constructed to seat not more than 10 persons and which is operated as a common carrier on call or demand.

Sec. 1.038. Taxicab stand.

"Taxicab stand" means a fixed area in the roadway set aside for taxicabs to stand or wait for passengers.

Sec. 1.039. Through highway.

"Through highway" means every state trunkline highway or any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.

Sec. 1.040. Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using a highway for purposes of travel.

Sec. 1.041. Traffic-control devices.

"Traffic-control" devices means signs, signals, markings, and devices not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Sec. 1.041a. Traffic control order.

"Traffic control order" means an order officially establishing the location of traffic control devices and traffic control signals on the highways of this state by the authority having jurisdiction over such highways which is filed with the county clerk of the county traversed by such highways. A certified copy thereof shall be prima facie evidence in all courts of the issuance of such order.

Sec. 1.042. Traffic-control signal.

"Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Sec. 1.043. Traffic division.

"Traffic division" means the traffic division of the police department of cities, villages, and townships, or, in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department of the cities, villages, or townships.

Sec. 1.043a. Trailer.

"Trailer" means every vehicle, with or without motive power, other than a pole-trailer, designed for carrying property or persons, designed for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 1.043b. Trailer coach.

"Trailer coach" means every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

Sec. 1.044. Vehicle.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976, as amended, being § 125.1102 of the Michigan Compiled Laws.

CHAPTER 2 - TRAFFIC ADMINISTRATION AND AUTHORITY

R 28.1101. Sec. 2.1. Police department-traffic duties.

It shall be the duty of the chief of police and the officers of the police department to enforce the street traffic regulations of this governmental unit and all the state vehicle laws applicable to street traffic in this governmental unit, to make arrests for certain traffic violations, to issue citations for civil infractions, to investigate accidents, to cooperate with the city traffic engineer and other officials of this governmental unit in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this ordinance and other traffic ordinances of this governmental unit.

R 28.1104. Sec. 2.4. Authority of police to inspect vehicle.

A police officer is authorized, on reasonable grounds shown, to stop any motor vehicle and inspect the vehicle; and if any defects in equipment are found, the officer is authorized to cite the driver in the manner provided in this ordinance. In case of an accident, a police officer may make an inspection of the vehicle involved in the accident.

Sec. 2.8. Citations; definition; numbering, form.

(1) As used in the following sections a "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in such form as 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 which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made.
- (b) The first copy which shall be retained by the local traffic enforcement agency.
- (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 prior approval of the state officials enumerated 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 this citation for other than moving violations is optional.

R 28.1110. Sec. 2.10. Issuance of citation for misdemeanor.

(1) Whenever a person is arrested without a warrant for any violation of the act, punishable as a misdemeanor, or of a provision of this ordinance substantially corresponding to any provision of the act, under conditions not referred to in sections 5.4, 5.4a, 5.15, and 5.16 of this ordinance

and sections 617 and 619 and subdivisions 1, 2, and 3 of section 727 of the act, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing 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 third 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 having jurisdiction.

(2) The time specified in the citation to appear shall be within a reasonable time after the arrest, unless the person arrested shall demand an earlier hearing.

(3) The place specified in the citation to appear shall be before a magistrate having jurisdiction over the alleged offense charged in the citation.

(4) Appearance may be made in person, by representation, or by mail. When appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purpose of arraignment, with the same effect as though the person personally appeared before him. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

R 28.1110a. Sec. 2.10a. Civil infraction; plaintiff; jurisdiction; time and place of appearance; minors.

(1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 2.10b of these rules. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of these rules, or shall be a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of these rules.

(2) The following courts shall have jurisdiction over civil infraction actions:

- (a) The district court.
- (b) The recorder's court of the city of Detroit, traffic and ordinance division.
- (c) Any municipal court.

(3) The time specified in the citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742 of the act.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being § 600.8312 of the Michigan Compiled Laws.

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner as if that individual were an adult.

R 28.1110b. Sec. 2.10b. Civil infraction; temporary detention; accident citation; citation form and procedure.

(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 3 copies of a written citation which shall be a notice to appear in court for 1 or more civil infractions.

(2) A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person is responsible for a civil infraction in connection with the accident.

(3) The form of a citation issued under subsection (1) or (2) shall be as prescribed in sections 727c and 743 of the act.

(4) 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.

(5) 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. A city may also authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle.

(6) 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 in compliance with section 2.10 (4) 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, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 of the act, but shall consist of a sworn complaint containing the allegation stated in the parking violation notice and shall inform the defendant how to respond to the citation.

(7) A citation issued under subsection (5) or (6) 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 (2).

(8) As used in subsection (6):

- (a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and 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 Act No. 236 of the Public Acts of 1961, as amended, being § 600.8395 of the Michigan Compiled Laws, the violation bureau established within the traffic and ordinance division of the recorder's court of the city of Detroit, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

R 28.1110c. Sec. 2.10c. Civil infraction; citation; contents.

(1) A citation issued pursuant to section 2.10b of these rules shall contain all of the following information:

- (a) The name of the state or political subdivision acting as plaintiff.
- (b) The name and address of the person to whom the citation is issued.
- (c) Each civil infraction alleged.
- (d) The place where the person shall appear in court.
- (e) The telephone number of the court.
- (f) The time period during which the appearance shall be made.
- (g) Additional information required by this rule.

(2) The citation shall contain a notice in boldface type that the person, within the time period specified for appearance, may do any of the following:

- (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 contain a notice in boldface type that if the person desires to admit responsibility "with explanation" other than by mail or desires to have an informal hearing or a formal hearing, the person shall 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.

(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 formal hearing or informal hearing 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 constitutes a timely appearance.

R 28.1110d. Sec. 2.10d. Civil infraction; sworn complaints.

If an officer issues a citation under section 742 for a civil infraction or if a citation is issued under section 742 for a parking or standing violation, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, there shall be no further proceedings until a sworn complaint is filed with the court. A warrant for arrest under section 321a of the act for failure to appear on the civil infraction citation shall not be issued until a sworn complaint relative to the civil infraction is filed with the court.

R 28.1110e. Sec. 2.10e. Appearance, responsibility, denial, hearing.

(1) A person to whom a citation is issued under section 2.10b shall appear within the time specified in the citation and may respond to the allegations in the citation as provided in this section.

(2) If the person wishes to admit responsibility for the civil infraction, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 907 of the act.

(3) If the person wishes to admit responsibility for the civil infraction "with explanation", the person may do so in either of the following ways:

- (a) By appearing by mail.
- (b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear, at which time the person shall appear in person or by representation.

(4) If a person admits responsibility for a civil infraction "with explanation" under subsection (3), the court shall accept the admission as though the person has admitted responsibility under subsection (2) and may consider the person's explanation by way of mitigating any sanction which the court may order under section 907 of the act. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court, but the court may request the person to provide a further explanation.

(5) If the person wishes to deny responsibility for a civil infraction, the person shall do so by contacting the court in person, by representation, by mail, or by telephone, and obtaining a scheduled date and

time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to section 2.10f and a formal hearing shall be conducted pursuant to section 2.10g.

R 28.1110f. Sec. 2.10f. Informal and formal hearings, witnesses.

(1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district, by a referee of the recorder's court of the city of Detroit, traffic and ordinance division, or by a judge of a court listed in section 2.10a(2). A referee or district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge, referee, or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness.

(4) If the judge, referee, or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, referee, or magistrate shall enter an order against the person as provided in section 907 of the act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the form of a scheduled formal hearing as follows:

- (a) The appeal from a judge of the district court or recorder's court of the city of Detroit, traffic and ordinance division, shall be heard by a different judge of the district or of the traffic and ordinance division.
- (b) The appeal from a district court magistrate shall be heard by a judge of the district.

- (c) The appeal from a referee shall be heard by a judge of the recorder's court of the city of Detroit, traffic and ordinance division.

R 28.1110g. Sec. 2.10g. Fees; counsel; judgment.

(1) A formal hearing shall be conducted only by a judge of a court having 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 attorney for the political subdivision 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 in advance to a witness.

(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. Otherwise a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

R 28.1110h. Sec. 2.10h. Civil infraction; failure to appear.

If the person to whom a citation is issued for a civil infraction fails to appear, as directed by the citation or other notice, at a scheduled appearance under section 2.10e (3) (b) or (4) of these rules, at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against that person and the person's license shall be suspended pursuant to section 321a of the act until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

R 28.1110i. Sec. 2.10i. Civil infraction; stopping a nonresident; procedure.

(1) When a person who is not a resident of this state is stopped for a civil infraction pursuant to section 2.10b of these rules, the police officer making the stop shall take the 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 of these rules. The officer taking the driver's license, within 48 hours after the taking, excluding Sundays, legal holidays, and Saturdays when court is closed, shall deliver the driver's license to the court named in the citation, together with a report of the facts relating to the civil infraction. Failure to make a report and deliver the license shall be considered contempt of court. If the person does not have a license in his or her immediate possession, in violation of section 301 or 311 of the act, the officer shall arrest that person pursuant to section 727(4) of the act.

(2) In place 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 or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the non-resident 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 \$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 these rules, 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 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) The officer taking a certificate or deposit shall, within 48 hours after the taking, excluding Sundays, legal holidays, and Saturdays when court is closed, deliver the certificate or deposit to the court named in the citation, together with a report of the facts relating to the citation. Failure to make a report and deliver the deposit 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 deposit 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 \$200.00.

R 28.1111. Rescinded.

R 28.1114. Sec. 2.14. Citations to drivers in accidents.

A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that

the person has committed an offense under this ordinance in connection with the accident. The officer shall prepare an original and 3 copies of the citation, setting forth the name and address of such person, the offense that may be charged against him and the time and place of the appearance of such person in court. The citation shall inform such person of the office, bureau, or department to which requests for a change or adjournment of the court date shall be made.

R 28.1115. Sec. 2.15. Disposition of citations.

(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 the person authorized by the police chief the original and all remaining copies of the citation duly signed. The police chief or person authorized by the police chief shall deposit the original of the citation, together with the copy designated for the department of state's motor vehicles record, with the court having jurisdiction over the offense not later than 2 days after the date of the citation, Sundays and legal holidays excepted.

(2) If a police officer arrests any person without a warrant for any vehicle law violation, the arrest shall be noted on the citation.

(3) If a citation is spoiled, mutilated, or voided, the citation shall be endorsed with a full explanation thereof by the police officer voiding the citation, and shall be duly accounted for to his police chief or the police chief's authorized designee.

(4) Nothing in this ordinance shall prevent a person, other than a police officer, from applying for a criminal complaint, civil citation, for a vehicle law violation, and such person need not show that the alleged offender has been issued a citation in connection with such offense.

R 28.1117d. Sec. 2.17d. Sworn complaints.

When under the provisions of sections 2.8 to 2.17c of this ordinance an officer issues a citation, a magistrate may accept a plea of guilty/responsible or not guilty/not responsible or responsible with explanation upon the citation, without the necessity of a sworn complaint but the officer shall sign the complaint before the magistrate makes his docket return thereon. If the alleged offender pleads not guilty/not responsible, no further proceedings may be had until a sworn complaint is filed with the magistrate. A warrant for arrest shall not be issued for an offense under this ordinance until a sworn complaint is filed with the magistrate.

R 28.1136b. Sec. 2.36b. Traffic-control devices on private property.

(1) With the consent or at the request of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians, and the parking of vehicles, needed for the safety and convenience of the public and users of the property. The traffic engineer shall place and maintain whatever traffic-control devices are necessary to give notice of those determinations.

(2) A person who violates the directions of the traffic-control devices is guilty of a civil infraction.

CHAPTER 3 - OBEDIENCE TO TRAFFIC REGULATIONS

R 28.1208. Sec. 3.8. Signal required.

The privileges granted to an authorized emergency vehicle in sections 3.6 and 3.7 of this ordinance shall apply only when the driver of the vehicle in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. Only authorized emergency vehicles shall be equipped with a flashing, oscillating, or rotating red or blue light which, when activated, shall be visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except when deemed advisable not to equip such authorized emergency vehicle operating as a police vehicle with a flashing, oscillating, or rotating light. A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run where silence is required.

CHAPTER 4 - TRAFFIC CONTROL DEVICES

R 28.1306. Sec. 4.6. Traffic-control signal placement and legend.

Whenever traffic is controlled by traffic-control signals, at least 1 signal shall be located over the traveled portion of the roadway 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 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.

- (i) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But 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 such signal is exhibited.

(b) Steady yellow indication.

- (i) Vehicular traffic facing the signal stop before entering the nearest crosswalk at the intersection or at a limit line, when marked, but if such 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 b.
- (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, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn; or a left turn from a 1-way or 2-way street into a 1-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) Arrow indications.

- (i) Green arrow (steady): 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 such arrow, or such other movement as is 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.

- (ii) Red arrow (flashing): When a red arrow is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line, when marked, or, if none, then before entering the intersection and may then make the movement indicated if no interference is offered pedestrians or vehicles lawfully on the highway.

R 28.1318. Sec. 4.18. School-crossing guards; selection; training; supervision.

(1) School-crossing guards shall be the responsibility of the local law enforcement agency having immediate jurisdiction of the crossing.

(2) A person shall receive not less than 4 hours' instruction before performing the duties of a school crossing guard. Two hours of additional instruction shall be given annually to a school-crossing guard before the beginning of each school year. The courses of instruction shall be approved by the department of education and the department of state police and shall be conducted by the local law enforcement agency having jurisdiction or its designee.

CHAPTER 5 - RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1410. Sec. 5.10. Business and residence districts and parks; designated work areas; decrease in prima facie speed limits.

(1) Subject to the provisions of section 5.9 and except in those instances where a different speed is lawfully established and posted, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding 25 miles an hour on all streets in business and residence districts and parks, but in any case when such speed would be unsafe it shall not be lawful.

(2) A person who operates a vehicle on the highway shall not exceed a speed of 45 miles per hour when entering and passing through a designated work area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities. The department of transportation, county road commission, or local authority shall identify a designated work area with traffic control devices which are in conformance with the Michigan manual of uniform traffic control devices on streets and highways under its jurisdiction. A person shall not exceed the foregoing speed limitation or those established pursuant to section 628 or 629 of the act.

(3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles an hour on each street or highway under their jurisdiction which is adjacent to a city owned park or playground. A decrease in the prima facie speed limits shall be binding when adequate signs are duly posted giving notice of the reduced speeds.

R 28.1414. Sec. 5.14. Reckless driving.

A person who drives any vehicle upon a highway or a frozen public lake, stream, pond or other place open to the general public, including any area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property, is guilty of reckless driving, which, upon conviction, is punishable as a misdemeanor.

R 28.1414a. Sec. 5.14a. Careless driving.

Any person who operates a vehicle upon a highway or a frozen public lake, stream, pond or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, shall be punished, upon conviction, by a fine of not more than \$100.00.

R 28.1414b. Sec. 5.14b. Drag races prohibited.

(1) A person shall not operate a vehicle upon any highway or any other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise, over a measured or unmeasured distance, or in a drag race as defined in subsection (2).

(2) "Drag racing" means the operation of 2 or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful and shall be punished, upon conviction, as a misdemeanor.

R 28.1415. Sec. 5.15. Driving under influence of intoxicating liquor or a controlled substance.

(1) It shall be unlawful and punishable as provided in subsections (3) and (4) for a person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination thereof, to drive a vehicle upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles, within this 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 motor vehicle involved in the accident and was driving the vehicle upon a public highway of this state while under the influence of intoxicating liquor or a controlled substance.

(2) It shall be unlawful and punishable as provided in subsections (3) and (4) for the owner of a motor vehicle, or a person in charge or in control of a motor vehicle, to authorize or knowingly permit the vehicle to be driven or operated upon a highway or any other place open to the general public, including an area designated for the parking of motor vehicles, within this state by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination thereof.

(3) A person who is convicted of a violation of subsection (1) or (2) is punishable by imprisonment for not more than 90 days or by a fine of not less than \$50.00 nor more than \$100.00, or both, together with costs of the prosecution.

On a second conviction under this section or a local ordinance substantially corresponding to this section, a person shall be guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, and, in the discretion of the court, a fine of not more than \$1,000.00.

On a third or subsequent conviction, within a period of 10 years, under this section or a local ordinance substantially corresponding to this section, a person shall be guilty of a felony.

(4) Upon conviction of a person under this section or a local ordinance substantially corresponding to this section, the court, in addition to the penalty imposed under subsection (3) and as part of the sentence, shall order the operator's or chauffeur's license of that person to be suspended by the secretary of state for a period of not more than 2 years and may order the secretary of state to issue to that person a restricted license permitting that person during all or any specified portion of the period of suspension to drive only to and from the person's residence and

place of employment, in the course of employment, to and from an alcohol training program ordered by the court, or in accordance with a combination of those restrictions. The court shall not order the secretary of state to issue a restricted chauffeur's license which permits a person to drive a truck or truck tractor, including trailers, which hauls a hazardous material.

(5) The court, before accepting a plea of guilty under this section, shall advise the accused of the statutory consequences possible as the result of a plea of guilty in respect to suspension of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.

(6) The operator's or chauffeur's license of a person found guilty of violating this section or a local ordinance substantially corresponding to this section shall be surrendered to the court in which the conviction shall be had, and that court shall immediately forward the surrendered license and a certificate of conviction to the secretary of state. The certificate of conviction shall indicate the sentence imposed pursuant to subsections (3) and (4). Upon receipt of, and pursuant to, the certificate of conviction, the secretary of state shall suspend the person's license and, where applicable, issue to the person a restricted license stating the limited driving privileges indicated on the certificate. If the license is not forwarded, an explanation of the reason it 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 or restricted license issued pursuant to this section.

R 28.1415a. Sec. 5.15a. Criminal prosecutions for driving under influence of intoxicating liquor; tests; admissibility; presumption; liability for withdrawing blood; refusal to take test; other evidence; option to demand breath test only.

(1) In a criminal prosecution for driving a vehicle while under the influence of intoxicating liquor, or in a criminal prosecution arising from death or injury of another, including homicide pursuant to sections 316, 317, 321, 324, or 325 of Act No. 328 of the Public Acts of 1931, as amended, being § 750.316, 750.317, 750.321, 750.324, and 750.325 of the Michigan Compiled Laws, and assault pursuant to sections 81 to 89 of Act No. 328 of the Public Acts of 1931, as amended, being § 750.81 to 750.89 of the Michigan Compiled Laws, or for any other felony committed with an automobile, while the driver is under the influence of intoxicating liquor, the amount of alcohol in the driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or saliva, shall be admissible into evidence and shall give rise to the following presumptions. 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, and the prosecution shall furnish the report not less than 2 days before the day of the trial and 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:

- (a) If there was at that time 0.07% 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% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired within the provisions of 5.15b due to the consumption of intoxicating liquor.
- (c) If there was at that time 0.10% 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.

(2) A sample or specimen of urine, breath, or saliva shall be taken and collected in a reasonable manner. Only a duly licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and duly qualified to withdraw blood acting in a medical environment, at the request of a police officer, may withdraw blood for the purpose of determining the alcoholic content of the blood under this 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 this act unless the withdrawal is performed in a negligent manner.

(3) A person charged with a crime enumerated in subsection (1) who takes a chemical test administered at the request of a police officer, as provided in subsections (1) and (2), shall be informed that he or she will be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests as provided in this section within a reasonable time after his or her 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. A person charged with a crime enumerated in subsection (1) shall be informed that he or she has the right to demand that 1 of the tests provided for in subsection (1) shall be given to him or her, 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.

(4) The person charged shall be advised that the person's refusal to take a test as provided in this section shall result in the suspension or revocation of his or her operator's or chauffeur's license or his or her operating privilege.

(5) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

(6) Notwithstanding any other provision of these rules, a person requested to take this test shall be advised that he or she has the option to demand that only a breath test shall be given, in which case his or her refusal to submit to another test shall not constitute a refusal for the purpose of sections 5.15d and 5.15f of the act.

R 28.1415b. Sec. 5.15b. Impaired driving.

(1) A person shall not operate a vehicle upon a highway or any other place open to the general public, including an area designated for the parking of motor vehicles, within this state when, due to consumption of

intoxicating liquor or a controlled substance, or a combination thereof, the person has visibly impaired his ability to operate the vehicle. Where a person is charged with violating section 5.15 finding of guilt is permissible under this section.

(2) A person convicted of a violation of this section may be imprisoned for not more than 90 days or fined not more than \$100.00, or both, together with costs of the prosecution. On a second and subsequent conviction under this section or a local ordinance substantially corresponding thereto, the person may be imprisoned for not more than 1 year or fined not more than \$1,000.00, or both. The secretary of state, within 10 days after the receipt of a properly prepared abstract, shall record 4 points for each conviction under this section.

Sec. 5.15c. Implied consent.

(1) A person who operates a vehicle upon the public highways of this state is deemed to have given consent to chemical tests of his blood, breath, urine, or other bodily substances for the purpose of determining the alcoholic content of his blood, if he is arrested for driving a vehicle while under the influence of intoxicating liquor, or while his ability to operate a vehicle has been impaired due to the consumption of intoxicating liquor. Any person who is afflicted with hemophilia, diabetes or any condition requiring the use of an anticoagulant under the direction of a physician shall not be deemed to have given consent to the withdrawal of blood.

(2) The tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was driving a vehicle upon the public highways of this state while under the influence of intoxicating liquor.

R 28.1415d. Sec. 5.15d. Right to refuse chemical tests.

A person under arrest shall be advised of his right to refuse to submit to chemical tests; and if he refuses the request of a law enforcement officer to submit to chemical tests, no test shall be given. A sworn statement shall be forwarded to the department by the law enforcement officer stating that he had reasonable grounds to believe that the person had been driving a motor vehicle on the public highways of the state while under the influence of intoxicating liquor or that he had been driving a vehicle while his ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer and had been advised of the consequences of such refusal. The form of the statement shall be prescribed and furnished by the department of state.

R 28.1415e. Sec. 5.15e. Mail notice.

(1) Upon receipt of the sworn statement, the department shall immediately notify the person in writing, mailed to his last known address, that the sworn statement has been received and that within 14 days of the date of the notice he may request a hearing as provided in section 322 of the act.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that the person is not required to retain counsel for the hearing, although counsel may represent the person at the hearing.

R 28.1415f. Sec. 5.15f. Hearing; failure to request; suspension; revocation; or denial of license, permit, or operating privilege.

(1) If the person does not request a hearing within 14 days of the date of such notice, the secretary of state shall suspend or revoke the person's operator's or chauffeur's license or permit to drive, or any nonresident operating privilege, for a period of not less than 90 days but not more than 2 years. If the person is a resident without a license or permit to operate a vehicle in this state, the secretary of state shall deny to that person the issuance of a license or permit for a period of not less than 3 months but not more than 2 years.

(2) If a hearing is requested, the department shall hold the hearing within 30 days of receipt of the request in the same manner and under the same conditions as provided in section 322 of the act. Not less than 10 days' notice of the hearing shall be mailed to the person requesting the hearing, to the law enforcement officer who filed the sworn statement, and 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 reasonable requests for adjournment. Such hearing shall cover only the following issues:

- (a) Whether the law enforcement officer had reasonable grounds to believe that the person had been driving a motor vehicle upon the highways of this state while under the influence of an intoxicating liquor or while his ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor.
- (b) Whether the person was placed under arrest for driving a motor vehicle upon the highways of this state while under the influence of an intoxicating liquor or while his ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor.
- (c) Whether the person reasonably refused to submit to the test upon the request of the officer.
- (d) Whether the person was advised of his rights as set forth in this section.

(3) After the hearing, the secretary of state may suspend, revoke, or deny issuance of a license or driving permit or any nonresident operating privilege of the person involved for a period of not less than 90 days but not more than 2 years. If the person involved is a resident without a license or permit to operate a motor vehicle in this state, the secretary of state may deny to that person the issuance of a license or permit for a period of not less than 3 months but not more than 24 months. The person involved may file a petition in the circuit court of the county in which the arrest was made to review the suspension, revocation, or denial in the same manner and under the same conditions as provided in section 323 of the act. All hearings in circuit court shall be de novo and shall be

limited to those issues enumerated in subsection (2).

(4) When it has been finally determined that a nonresident's privilege to operate a vehicle in this state has been suspended or revoked, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state in which the nonresident has his residence and of any state in which the nonresident has a license to operate a motor vehicle.

R 28.1416b. Sec. 5.16b. Consumption of alcoholic liquor on highways or on property open to public.

(1) Alcoholic liquor shall not be consumed on a highway, street, or alley, or on any public or private property which is open to the general public and is not licensed to sell alcoholic liquor for consumption on the premises.

(2) A person shall not transport or possess alcoholic liquor in a container which is open or uncapped, or on which the seal is broken, within the passenger compartment of a vehicle that is on the streets or highways of this governmental unit. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped, or on which the seal is broken, shall be encased or enclosed. This section shall not apply to a chartered passenger vehicle licensed by the Michigan public service commission. The violation of this section is punishable as a misdemeanor, upon conviction.

R 28.1422. Sec. 5.22. Left of center operation; prohibition.

(1) A vehicle shall not be driven to the left side of the roadway at any time under the following conditions:

- (a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle approaches from the opposite direction.
- (b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) The foregoing limitations set forth in subsection (1) (a) and (b) do not apply when a vehicle is driven upon a 1-way roadway.

R 28.1426. Sec. 5.26. Driving on roadways laned for traffic.

When a roadway is divided into 2 or more clearly marked lanes for traffic, the following rules, in addition to all other rules consistent herewith, apply:

(a) A vehicle shall be driven, as nearly as practicable, entirely within a single lane and shall not be moved from the lane until the driver has first made sure that the movement can be made with safety. On a roadway with 4 or more lanes, which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane except when overtaking and passing, but shall not cross the center line of the roadway except when making a left turn.

(b) On a roadway which is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction, when the center lane is clear of traffic within a safe distance, in preparation for a left turn, or when the center lane is at the time allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway. Drivers of vehicles shall obey the direction of those devices.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the direction of the devices.

(e) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. A city, village, township, or county shall not enact an ordinance which regulates the same subject matter as any provision of this subsection.

R 28.1428a. Sec. 5.28a. Limited access highway; pedestrians and certain vehicles prohibited.

A person shall not operate a moped or motorcycle with less than a 125 cubic centimeter engine, a farm tractor, or other self-propelled farm implement, nor shall any pedestrian, bicycle, or other nonmotorized traffic be permitted on any limited access highway in this state.

R 28.1444. Sec. 5.44. Funeral procession; right-of-way.

(1) A motor vehicle that is part of a funeral procession going to a place of burial has 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 is fluorescent orange in color. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. A flag shall not contain a name embossed or printed on it, but may contain 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.

R 28.1454. Sec. 5.54. Splashing.

A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his vehicle in such manner as to splash snow, rain, water, mud, dirt, or debris on any person then upon a sidewalk, crosswalk, or safety zone. The violation of this section is punishable as a misdemeanor.

R 28.1455. Sec. 5.55. Deposit of litter on streets.

(1) A person shall not, without the consent of the public authority having supervision of a street, deposit, place, dump, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving, of any destructive or injurious material, of any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris upon any street.

(2) A person who throws or drops or permits to be thrown or dropped upon a street any of the material or matter listed in subsection (1) shall immediately remove it or cause it to be removed. The violation of this section is punishable as a misdemeanor.

R 28.1455a. Sec. 5.55a. Throwing objects at or into paths of vehicles.

A person shall not knowingly cause any litter or any objects to fall or to be thrown into the path of or to hit a vehicle traveling upon a street. The violation of this section is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both.

R 28.1455b. Sec. 5.55b. Vision obstruction; deposit of snow, ice, or slush.

(1) As used in this section:

- (a) "Person" shall not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.
- (b) "Safety vision" means an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway in a safe manner.

(2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.

(3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.

(4) A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.

R 28.1456. Sec. 5.56. Wrecked or damaged vehicles.

A person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from the vehicle. The violation of this section is punishable as a misdemeanor.

R 28.1457. Sec. 5.57. Spilling loads on streets prohibited.

A vehicle shall not be driven or moved on any street unless the vehicle is constructed or loaded to prevent its contents from dropping, shifting, leaking, or otherwise escaping therefrom. The violation of this section is punishable as a misdemeanor.

R 28.1462. Sec. 5.62. Driver's license required; motorcycle endorsement; change of residence.

(1) A person who is not licensed as an operator or chauffeur, as required by the act, shall not operate a motor vehicle on the streets or highways of this governmental unit.

(2) A person who operates a motorcycle shall have a motorcycle endorsement on his operator's or chauffeur's license.

(3) An operator or chauffeur who changes his residence before the expiration of his license shall immediately take the license to the local examining board or to the secretary of state, where the new address and the date of the changes shall be entered on the back of the license.

(4) A person, before operating a moped upon a highway, shall procure a special restricted license to operate a moped unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person 15 years of age or older if the person satisfies the secretary of state that he is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.

R 28.1462a. Sec. 5.62a. Penalties.

(1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of the act of the suspension or revocation, or whose application for license has been denied, as provided in this act, or who has never applied for a license, and who drives a motor vehicle upon the highways of this state or who knowingly permits a motor vehicle owned by the person to be operated by another upon a highway, except as permitted under this act, while the license or registration certificate is suspended or revoked, or whose application for license has been denied, as provided in this act, is guilty of a misdemeanor, and upon conviction shall, except as provided in subsection (2), be punished by imprisonment for a period of not less than 3 days but not more than 90 days, and there may be imposed, in addition, a fine of not more than \$100.00. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

(2) A person whose operator's or chauffeur's license has been suspended under section 321a of the act because the person failed to answer a citation and who drives a motor vehicle upon a highway may be punished by imprisonment for not more than 90 days, or a fine of not more than \$100.00, or both.

(3) A person convicted of a second or subsequent violation of this section is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 5 days but not more than 1 year, and there may be imposed, in addition, a fine of not more than \$500.00. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

(4) The department, upon receiving a record of the conviction of a person upon a charge of unlawful operation of a motor vehicle while the

license of the person is suspended, revoked, or denied, or of the conviction of a person for violation of the motor vehicle laws of this state while the license of the person is suspended, revoked, or denied, shall immediately extend the period of the first suspension or revocation for an additional like period, or if no period has been determined, then for not less than 30 days, but not more than 1 year.

(5) Before the plea of the person is accepted under this section, the arresting officer shall check with the department to determine the record and status of the person according to the department files and so inform the court. The violation of this section is punishable as a misdemeanor.

R 28.1463. Sec. 5.63. Possession and display of license.

Every driver shall have his operator's or chauffeur's license in his immediate possession at all times when driving a motor vehicle, and shall display the same upon demand of any police officer. The violation of this section is punishable as a misdemeanor.

R 28.1463a. Sec. 5.63a. License restrictions.

A person shall not drive a motor vehicle in violation of the restrictions imposed on his license by the secretary of state. The violation of this section is punishable as a misdemeanor.

R 28.1464. Sec. 5.64. Unlawful use of license.

It is unlawful for any person to display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered. The violation of this section is punishable as a misdemeanor.

R 28.1465. Sec. 5.65. Lending or permitting.

It is unlawful for any person to lend to or knowingly permit use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof. The violation of this section is punishable as a misdemeanor.

R 28.1466. Sec. 5.66. Unlawful display or representation.

It is unlawful for any person to display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying the same. The violation of this section is punishable as a misdemeanor.

R 28.1467. Sec. 5.67. Instruction permit.

It is unlawful for an operator holding an instruction permit to operate a motor vehicle unless accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver. The violation of this section is punishable as a misdemeanor.

R 28.1468. Sec. 5.68. Unlicensed driver; owner's permission.

A person shall not knowingly authorize or permit a motor vehicle

owned by him or under his control to be driven by any person who is unlicensed to drive such vehicle. The violation of this section is punishable as a misdemeanor.

R 28.1469. Sec. 5.69. License plates required.

A person shall not operate or park on the streets of this governmental unit any vehicle which is required to be registered pursuant to the act, unless the vehicle bears valid registration plates issued for it. The violation of this section is punishable as a misdemeanor.

R 28.1470. Sec. 5.70. Registration certificate.

The certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer. The violation of this section is punishable as a misdemeanor.

R 28.1474. Sec. 5.74. Spot lamps; fog lamps.

(1) A motor vehicle may be equipped with not more than 2 spot lamps, except that a motorcycle shall not be equipped with more than 1 spot lamp. Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam is directed into the eyes of the approaching driver. Spot lamps shall not emit other than either a white or amber light.

(2) A motor vehicle may be equipped with not more than 2 fog lamps mounted on the front at a height of not less than 12 inches but not more than 30 inches above the level surface upon which the vehicle stands. The fog lamps shall be aimed so that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle, at a distance of 25 feet ahead, projects higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection may be used with lower head-lamp beams.

R 28.1475. Sec. 5.75. Flashing lights prohibited.

No vehicles, except those authorized by this ordinance or by the act, shall display any flashing, oscillating, or rotating light. The violation of this section is punishable as a misdemeanor.

R 28.1476. Sec. 5.76. Running board courtesy lamps; cowl or fender lamps; backing lights; additional lamps or reflectors; flashing, rotating, or oscillating lights; warning lamps.

(1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps that emit an amber or white light without glare.

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side that emits 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

it may be turned on only when the vehicle is in reverse gear. When unlighted, the backing lights shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear.

(4) Lamps or reflectors on a vehicle other than those expressly required or permitted by the provisions of this chapter shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber or red light; and if visible from the rear, display or reflect a red light, except as otherwise provided by law. The use or possession of flashing, oscillating, or rotating red, blue, or amber lights is prohibited except under the following circumstances:

- (a) Publicly owned police vehicles shall be equipped with flashing, rotating, or oscillating red or blue lights, for use in the performance of police duties.
- (b) Publicly owned fire vehicles and ambulances available for public use or for use of the United States, the state or any unit thereof whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and used as required for safety.
- (c) School buses 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 in accordance with section 682 of the act.
- (d) When authorized by the department of state police, private motor vehicles owned by volunteer or paid firemen, volunteer ambulance drivers, or licensed ambulance drivers or attendants 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 360 degree arc from a distance of 500 feet when in use. A person operating lights under this subsection, 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 such a position as to be visible throughout an arc of 360 degrees, shall be used by state, county, or municipal vehicles engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow.
- (f) Vehicles used to perform public utility services, automobile service cars and wreckers, vehicles engaged in authorized highway repair or maintenance, vehicles of peace officers, vehicles operated by rural letter carriers, vehicles utilized for snow removal, and farm tractors may be equipped with flashing, rotating, or oscillating amber lights. However, wreckers may be equipped with flashing, rotating, or oscillating red lights, which shall be activated only when a wrecker is engaged in removing or assisting vehicles 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 light is required for public safety.

- (g) Any lights or reflectors on a vehicle, except when otherwise authorized by this ordinance or Michigan state law, shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber light; and if visible from the rear, display or reflect a red light.
- (h) Police vehicles, ambulances, and fire vehicles may display a flashing, rotating, or oscillating white light in conjunction with an authorized emergency light as prescribed in this section.
- (i) A private motor vehicle of a physician responding to an emergency call may be equipped with and the physician may use flashing, rotating, or oscillating red lights mounted on the roof section of the vehicle either as a permanent installation or by means of magnets or suction cups and clearly visible in a 360 degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county sheriff.
- (j) A person engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess such lights for purposes of their employment, but shall not activate them upon the highway unless authorized to do so under the provisions of subsection (5).

(5) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to any person except a duly constituted police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fireman, volunteer ambulance driver, or licensed ambulance driver or attendant of the state, or a county or municipality within the state, or a person engaged in the business of operating an ambulance or wrecker service. This subsection does not prohibit an authorized vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than as described in this section, if the person receives authorization to operate the emergency vehicle from a policeman, sheriff, deputy sheriff, volunteer or paid fireman, volunteer ambulance driver, licensed ambulance driver or attendant, authorized physician, or person operating an ambulance or wrecker service, except that the authorization shall not permit the person to operate lights as described in subsection (4) (a), (b), (d), (g), or (h) or to exercise the privileges described in section 603 of the act. A person who operates an authorized emergency vehicle in violation of the terms of such authorization is guilty of a misdemeanor.

(6) This section shall not be construed to prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a and 698a of the act.

(7) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing, and when so equipped may display such warning in addition to any other warning signals required by law. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall

be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

R 28.1477. Sec. 5.77. Slow moving vehicle reflective devices.

When operated on the highway, a vehicle which has a maximum potential speed of 25 miles an hour, an implement of husbandry, a farm tractor, or special mobile equipment shall be identified with a reflective device as follows:

(a) An equilateral triangle in shape, not less than 16 inches wide at the base and not less than 14 inches in height, with a dark red border, not less than 1 3/4 inches wide, of highly reflective beaded material.

(b) A center triangle, not less than 12 1/4 inches on each side, of yellow-orange fluorescent material.

(c) The device shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow-moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited.

R 28.1477a. Rescinded.

R 28.1478. Sec. 5.78. Turn signals.

A person shall not sell or offer for sale or operate on any street any vehicle manufactured or assembled after January 1, 1955, except those exempted from certificate of title requirements under the provisions of the act, unless it is equipped with mechanical or electrical turn signals meeting the requirements of the act. This section does not apply to a motorcycle or a moped.

R 28.1478a. Sec. 5.78a. Stop lamps.

A person shall not sell or offer for sale or operate on the highways any vehicles manufactured or assembled after January 1, 1965, except those exempted from certificate of title requirements under the provisions of the act, unless it is equipped with 2 rear stop lamps, except on a motorcycle or a moped, meeting the requirements of the act. A motorcycle or moped shall have 1 rear stop lamp.

R 28.1479. Sec. 5.79. Brakes.

(1) The requirements for brake equipment are as follows:

(a) A motor vehicle, other than a motorcycle or moped, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to not less than 2 wheels. If

- these 2 separate means of applying the brakes are connected in any way, they shall be so constructed that failure of 1 part of the operating mechanism does not leave the motor vehicle without brakes on not less than 2 wheels.
- (b) A motorcycle or moped when operated upon a highway shall be equipped with not less than 2 brakes, 1 on the front wheel and 1 on the rear wheel, which may be operated by hand or foot.
 - (c) A trailer or semitrailer of a gross weight of 5,500 pounds or more when operated upon a highway shall be equipped with brakes that are adequate to control the movement of and to stop and to hold the vehicle and that are designed to be applied by the driver of the towing motor vehicle from its cab.
 - (d) A new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with brakes that are adequate to control the movement of and to stop and to hold the vehicle, except a motorcycle or moped, and except that a semitrailer or trailer of less than 3,300 pounds gross weight need not be equipped with brakes. This subdivision does not apply to a trailer or semitrailer that is owned by a farmer and used exclusively in connection with the farming operations of the farmer and not used for hire. A truck or truck tractor which has 3 or more axles need not have brakes on the front wheels. A truck or truck tractor which is equipped with not less than 2 steerable axles shall require brakes on 1 of the steerable axles.
 - (e) In any combination of motor driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.
 - (f) A motor vehicle and combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of 1 part does not leave the vehicle without operative brakes.
 - (g) The brake shoes operating within or upon the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation.

(2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake:

	Feet to stop from 20 miles per hour	Deceleration in feet per second per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels ...	40	10.7

(3) All brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on the opposite side of the vehicle.

R 28. 1481. Sec. 5.81. Windshield; obstructions; cleaning device; wipers; additional equipment.

(1) A person shall not drive a motor vehicle with a sign, poster, or other nontransparent material upon the front windshield, sidewings or side, or rear windows of the vehicle which obstructs the driver's clear view of the highway or an intersecting highway. A person shall not drive a motor vehicle with a dangling ornament or other suspended object, which in any way obstructs the vision of the driver of the vehicle, except as authorized by law.

(2) The windshield on every 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.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(4) On and after October 1, 1955, a licensed commercial vehicle shall not be operated on the highways at any time between December 15 and March 15, both dates inclusive, unless it is equipped with a hot air windshield defroster or an electrically heated windshield, or other means capable of keeping the windshield heated and maintained in operable condition at all times.

(5) A licensed motor vehicle that 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 that the driver has a clear view of the highway or an intersecting highway.

R 28.1482.--R 28.1484. Rescinded.

(1) A person shall not operate on a public highway of this state a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections (3), (4), and (5).

(2) A person shall not operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsection (2), (3), and (4). A person may however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion upon a vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to skid.

(3) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded if the tire is constructed so that the percent of metal in contact with the highway does not exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire, the metal in contact with the highway shall not exceed 20% of the area.

(4) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.

(5) A person shall not operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (7).

(6) A person in the business of selling tires shall not sell or offer for sale for highway use a tire which is unsafe as provided in subsection (7).

(7) A tire is unsafe if it is in any of the following conditions:

- (a) Has a part of the belting material, tire cords, or plys exposed.
- (b) Has evidence of cord or tread separations.
- (c) Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaces around the circumference of the tire. Minimum allowable tread levels are as follows:

Motorcycles and moped 1/32 inch front and rear.

Passenger cars and vehicles weighing less than 10,000 pounds 2/32 inch front and rear.

Vehicles weighing 10,000 pounds or more 4/32 inch front and 2/32 rear.

Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle licensed as an historic vehicle under section 803a of the act is exempt from the tread depth requirements of this subsection.

- (d) Has a marking "not for highway use," "for racing purposes only," "for farm use only," or "unsafe for highway use".
- (e) Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires.

R 28.1486. Rescinded.

R 28.1487. Sec. 5.87. Mirrors.

A person shall not drive on a highway a motor vehicle which is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located to reflect to the driver a view of the highway to the rear of the vehicle. In addition, all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rearviewing angle from the driver's side of the vehicle, except a motor vehicle licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2-ton capacity or more, operating upon the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717 of the act.

R 28.1487a. Sec. 5.87a. Bumper height.

(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 of 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 4 wheel drive vehicle, which has been modified if the resultant operational altitude of a bumper of the vehicle is less than 14 inches or greater than 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) A vehicle shall not 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, including 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 the act, or to a vehicle which has an unaltered and undamaged stock bumper for 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) of the act.

R 28.1488. Sec. 5.88. Flap-type devices on commercial vehicles.

A commercial vehicle, except a truck tractor traversing between terminals at a speed of not to exceed 25 miles per hour, and a combination of a commercial vehicle and trailer or semitrailer, when used on a highway, shall be so constructed or equipped, or so operated, as to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22-1/2 degrees measured from the road surface. If a flap-type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons; nor may the device extend beyond the 96-inch maximum width of the vehicle or combination.

R 28.1490. Sec. 5.90. Mufflers.

A motor vehicle, including a motorcycle or a moped, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. A person shall not remove, destroy, or damage the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device on a motorcycle or moped on any street or highway.

R 28.1492. Sec. 5.92. Device for causing flame or smoke from motor vehicle.

(1) A person shall not install, sell, or distribute any device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except highway maintenance vehicles, and a person shall not use any such device on a motor vehicle not so excepted.

(2) A person, either acting for himself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part that causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by the act or these rules.

(3) A person shall not modify, repair, replace, or remove parts of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by the act, or operate a motor vehicle so altered on a street or highway.

(4) A dealer shall not sell a used or secondhand motor vehicle, as defined by section 78 of the act, for use upon a street or highway which is not in compliance with the act.

CHAPTER 6 - OPERATION OF BICYCLES, MOTORCYCLES,
MOPEDS, AND TOY VEHICLES.

R 28.1601. Sec. 6.1. Operator of motorcycle or moped; rights and duties.

Every person operating a motorcycle or a moped upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle under this ordinance except as to those provisions which by their nature can have no application.

R 28.1602. Sec. 6.2. Supplementary provisions.

The provisions of this chapter applicable to motorcycles and mopeds shall be considered supplementary to other provisions of this ordinance governing the operation of such vehicles.

Sec. 6.4. Riders to obey traffic law.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the state laws of Michigan declaring rules of the road applicable to vehicles or by the traffic ordinances of this governmental unit applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

R 28.1604a. Sec. 6.4a. Limited access highway; pedestrians and certain vehicles prohibited.

A person shall not operate a motorcycle with less than a 125 cubic centimeter engine, moped, farm tractor, or other self-propelled farm implement, nor shall any pedestrian, bicycle, except as herein provided, or other non-motorized traffic be permitted on any limited access highway in this state. Bicycles shall be permitted on paths constructed separately from the roadway and designated for the exclusive use of bicycles.

R 28.1608. Sec. 6.8. Passengers on motorcycles or mopeds.

(1) A person operating a motorcycle shall ride on and astride the permanent and regular seat attached to the vehicle, and shall not carry another person, nor permit another person to ride, on the motorcycle as a passenger unless it is designed and equipped to carry more than 1 person. If the motorcycle is so designed and equipped, the passenger may ride on the permanent and regular seat if it is designed for 2 persons, or on another seat firmly attached to the vehicle to the rear or side of the operator.

(2) A person operating a moped shall ride on and astride the permanent and regular seat attached to the vehicle, and shall not carry another person as a passenger on the moped.

R 28.1610. Sec. 6.10. Riding on roadways and bicycle paths.

(1) A person operating a bicycle, motorcycle, or moped upon a roadway shall ride as near to the right-hand side of the roadway as practicable,

exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) A person operating a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass on the left of traffic moving in his direction in the case of a 2-way street, or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

R 28.1611. Sec. 6.11. Riding 2 abreast; exceptions.

Every person operating a bicycle, motorcycle, or moped upon a roadway shall not ride more than 2 abreast except on paths or parts of roadways set aside for the exclusive use of such vehicles.

R 28. 1613. Sec. 6.13. Clinging to other vehicles.

A person riding upon any bicycle, motorcycle, moped, coasters, roller skates, sled, or toy vehicle shall not attach the same or himself to any vehicle upon a roadway.

R 28.1616. Sec. 6.16. Carrying articles; height of handlebars.

(1) A person operating a bicycle, motorcycle, or moped shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars of the vehicle.

(2) A person shall not operate on a street or highway of this governmental unit a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the undepressed saddle to the highest point of the handlegrip of the operator.

R 28.1620. Sec. 6.20. Bicycle; lights, red reflector.

Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of not less than 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

R 28.1623. Sec. 6.23. Protective helmet required.

A person operating or riding on a motorcycle on a public thoroughfare shall wear on his head a protective helmet of a type approved by the department of state police.

R 28.1624. Sec. 6.24. Dealers; leasing motorcycles or mopeds to unlicensed operators.

A dealer shall not rent, lease, or furnish a motorcycle or moped to a person for use on the streets and highways who is not licensed to operate a motorcycle or moped by this state, if a resident, or by the state of which he is a resident, if a nonresident.

R 28.1625. Sec. 6.25. Subleasing motorcycles or mopeds to unlicensed operators.

It is unlawful for a person to whom a motorcycle or moped is rented, leased, or furnished to rent, sublease, or otherwise authorize the use of the motorcycle or moped on public streets and highways to any person who is not licensed to operate a vehicle in this state.

R 28.1626. Sec. 6.26. Dealers; safe operation of motorcycles or mopeds.

The dealer shall maintain in safe operating condition all motorcycles and mopeds rented, leased, or furnished by him. The dealer or his agents or employees shall explain the operation of the motorcycle or moped being rented, leased, or furnished and if such dealer or his agent, or employee believes the person to whom the motorcycle or moped is to be rented, leased, or furnished is not competent to operate such motorcycle or moped with competency to himself and to the safety of persons or vehicles on public streets and highways, he shall refuse to rent, lease, or furnish the same.

R 28.1627. Sec. 6.27. Dealers; motor vehicle liability policies.

Any dealer renting, leasing, or furnishing any motorcycle shall carry a "motor vehicle liability policy" of the same type and coverage as that outlined in section 520 of the act for each motorcycle so rented, leased, or furnished or, in the alternative, demand and be shown proof that the person renting, leasing, or being furnished a motorcycle carries a motor vehicle liability policy of at least the type and coverage as specified in section 520 of the act.

CHAPTER 7 - PEDESTRIANS' RIGHTS AND DUTIES

R 28.1703a. Sec. 7.3a. Limited access highway.

Pedestrians prohibited as provided in the act.

R 28.1708. Sec. 7.8. Emergency vehicles.

A pedestrian shall yield right-of-way to an authorized emergency vehicle under the conditions prescribed in section 5.1 of these rules.

CHAPTER 8 - STOPPING, STANDING, AND PARKING

R 28.1810. Sec. 8.10. Stopping, standing, or parking vehicles.

A person shall not stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with 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 15 feet of a fire hydrant.
- (e) On a crosswalk.
- (f) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets.
- (g) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic-control signal located at the side of a street.
- (h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (i) Within 50 feet of the nearest rail of a railroad crossing.
- (j) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted.
- (k) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- (l) On the street side of any vehicle stopped or parked at the edge or curb of a street.
- (m) Upon any bridge or other elevated structure upon a street or within a street tunnel.
- (n) Within 200 feet of an accident at which police officers are in attendance.
- (o) In front of any theater.
- (p) In any place or in any manner so as to block immediate egress from any emergency exit or exits conspicuously marked as such of buildings.
- (q) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape conspicuously marked as such providing and emergency means of egress from any building.
- (r) At any place where official signs prohibit stopping, standing, or parking.
- (s) In a parking space clearly identified by an official sign as being reserved for use by handicappers that is on public property or private property which is available for public use, unless the person is a handicapper as described in the act or unless the person is parking the vehicle for the benefit of a handicapper. A certificate of identification issued under section 675 (5) of the act to a handicapper shall be displayed on the lower left corner of the front windshield. A special registration plate issued under section 803d of the act to a handicapper shall be displayed on the vehicle.

CHAPTER 9 - MISCELLANEOUS

R 28.1903. Sec. 9.3. Penalties.

(1) Unless another penalty is expressly provided by the ordinances of this governmental unit, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

(2) A violation of this ordinance or rules substantially corresponding to the act, 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.

CHAPTER 10 - SNOWMOBILES

R 28.2023. Sec. 10.23. Muffler.

A snowmobile shall be equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from vehicle path under full throttle does not exceed 86 DBA, decibels on the "a" scale, on a sound meter having characteristics defined by American standards association SI, 4-1966 "general purpose sound meter". A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 DBA of the 1970 society of automotive engineers code J-192. A snowmobile manufactured after July 1, 1977, and sold or offered for sale in this state shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 society of automotive engineers code J-192a. This section does not apply to a snowmobile which is being used in an organized race on a course which is used solely for racing.

R 28.2034. Sec. 10.34. Operating snowmobile under influence of intoxicating liquor or a controlled substance.

A person shall not operate a snowmobile on public property or private property open to the public while under the influence of intoxicating liquor or a controlled substance.

R 28.2039. Sec. 10.39. Operation on roadway.

(1) A person shall not operate a snowmobile on any roadway within the corporate limits of this governmental unit with the following exceptions:

- (a) The chief of police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme roadway conditions, conventional motor vehicles cannot be used for necessary transportation.
- (b) A snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right-of-way to a vehicle approaching on the roadway.
- (c) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between 2 approved areas.

(2) A person shall not operate a snowmobile in violation of any of the following:

- (a) In a forest nursery, planting area, or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area which is in zone 2 or zone 3.
- (b) On the frozen surface of public waters within 100 feet of a person, including a skater, not in or upon a snowmobile or within 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.

- (c) In an area on which public hunting is permitted during the season open to the taking of deer with firearms from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., except during an emergency, for law enforcement purposes, to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on the person's own property or property under the person's control or as an invited guest.
- (d) While transporting thereon a bow unless unstrung or a firearm unless securely encased or equipped with, and made inoperative by, a manufactured keylocked trigger-housing mechanism.
- (e) On or across a cemetery or burial ground.
- (f) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or 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.

R 28.2060. Sec. 10.60. Selling or offering for sale.

A person shall not sell or offer to sell in this state a snowmobile manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile product certification of the snowmobile safety and certification committee's November 23, 1976, volume 3, safety standards for snowmobiles for product certification, including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements. Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and is approved by the department of natural resources.

R 28.2074. Sec. 10.74. Violation as misdemeanor.

(1) A person who violates a provision of this chapter is guilty of a misdemeanor.

(2) When the judge of a juvenile court determines that a person who is less than 16 years of age has violated the act, the judge shall immediately report the determination to the department of natural resources. The director of the department of natural resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the certificate without a hearing.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part of the report deals with the results of the work during the year.

3. The third part of the report deals with the financial statement of the year.

4. The fourth part of the report deals with the general conclusion of the year.

5. The fifth part of the report deals with the general conclusion of the year.

6. The sixth part of the report deals with the general conclusion of the year.

7. The seventh part of the report deals with the general conclusion of the year.

8. The eighth part of the report deals with the general conclusion of the year.