

**66.000 - UNIFORM TRAFFIC CODE; AMENDMENTS**

That Ordinance No. 81-01, The Uniform Traffic Code, as adopted by this board on the 17th day of August, 1981, is hereby amended by adding thereto the following provisions, to wit:

**Sec. 2.5 Reports of stolen and recovered vehicles.**

A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement information network.

(Amend: Ord. No. 93-02, 6-21-93)

**Sec. 2.5a Abandoned vehicle procedures.**

- (1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.
- (2) If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:
  - (a) Determine if the vehicle has been reported stolen.
  - (b) Affix a written notice to the vehicle. The written notice shall contain the following information:
    - (i) The date and time the notice was affixed.
    - (ii) The name and address of the police agency taking the action.
    - (iii) The name and badge number of the police officer affixing the notice.
    - (iv) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
    - (v) The year, make, and vehicle identification number of the vehicle, if available.
- (3) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.
- (4) A police agency which has a vehicle taken into custody shall do all of the following:
  - (a) Recheck to determine if the vehicle has been reported stolen.
  - (b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement network.
  - (c)

Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

- (i) The year, make, and vehicle identification number of the vehicle if available.
  - (ii) The location from which the vehicle was taken into custody.
  - (iii) The date on which the vehicle was taken into custody.
  - (iv) The name and address of the police agency which had the vehicle taken into custody.
  - (v) The business address of the custodian of the vehicle.
  - (vi) The procedure to redeem the vehicle.
  - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
  - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
  - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (5) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (6) If the owner does not request a hearing, he or she may obtain the release of the vehicle by applying the accrued charges to the custodian of the vehicle.
- (7) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.
- (8)

Not less than 20 days after the disposition of the hearing described in subsection (5) or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency shall offer the vehicle for sale at a public sale pursuant to section 2.5g.

- (9) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

(Amend: Ord. No. 93-02, 6-21-93)

### **Sec 2.5b Abandoned scrap vehicle procedures.**

- (1) As used in this section:

- (a) "Registered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
- (i) Is on public or private property.
  - (ii) Is seven or more years old.
  - (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of the vehicle.
  - (iv) Is currently registered in the state of Michigan or displays current year registration plates from another state.
  - (v) Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
- (b) "Unregistered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
- (i) Is on public or private property.
  - (ii) Is seven or more years old.
  - (iii) Is apparently inoperable or is extensively damaged to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683, would exceed the fair market value of that vehicle.
  - (iv) Is not currently registered in this state and does not display current year registration plates from another state.
  - (v) Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.

- (2)

A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:

- (a) Determine if the vehicle has been reported stolen.
  - (b) Take two photographs of the vehicle.
  - (c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle.  
The report shall contain the following information:
    - (i) The year, make, and vehicle identification number if available.
    - (ii) The date of abandonment.
    - (iii) The location of abandonment.
    - (iv) A detailed listing of the damage or the missing equipment.
    - (v) The reporting officer's name and title.
    - (vi) The location where the vehicle is being held.
  - (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of the title or a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.
- (4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).
- (5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than two years. The two photographs taken pursuant to subsection (2) (b) shall be retained by the police agency for not less than two years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.
- (6) A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
  - (a) Determine if the vehicle has been stolen.
  - (b) Take two photographs of the vehicle.
  - (c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:
    - (i) The year, make, and vehicle identification number if available.

- (ii) The date of abandonment.
  - (iii) The location of abandonment.
  - (iv) A detailed listing of the damage or the missing equipment.
  - (v) The reporting officer's name and title.
  - (vi) The location where the vehicle is being held.
- (d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (e) Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:
- (i) The year, make, and vehicle identification number of the vehicle if available.
  - (ii) The location from which the vehicle was taken into custody.
  - (iii) The date on which the vehicle was taken into custody.
  - (iv) The name and address of the police agency which had the vehicle taken into custody.
  - (v) The business address of the custodian of the vehicle.
  - (vi) The procedure to redeem the vehicle.
  - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
  - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
  - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.
- (7) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the

towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (8) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (9) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (10) Not less than 20 days after the disposition of the hearing described in subsection (7), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (6) (e), the police agency shall follow the procedures established in subsections (3) to (5).

(Amend: Ord. No. 93-02, 6-21-93)

#### **Sec. 2.5c Vehicle removed from private property.**

- (1) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency from whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
- (2) Upon receipt of the notification described in subsection (1), the police agency immediately shall do all of the following:
  - (a) Determine if the vehicle has been reported stolen.
  - (b) Enter the vehicle into the law enforcement information network.
- (3) The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.
- (4) If the vehicle described in subsection (1) is not claimed by the owner within seven days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle is deemed abandoned and the procedures prescribed in section 2.5a(4)(c) to (9) shall apply.

(Amend: Ord. No. 93-02, 6-21-93)

#### **Sec. 2.5d Vehicle removed by police.**

- (1)

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

- (a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
  - (b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
  - (c) If a vehicle is parked in a posted tow away zone.
  - (d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
  - (e) If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
  - (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
  - (g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
  - (h) If the vehicle is stopped, standing, or parked in a space designated for handicapper parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapper parking.
- (2) A police agency which authorizes the removal of a vehicle under subsection (1) shall do all of the following:
- (a) Check to determine if the vehicle has been reported stolen.
  - (b) Within 24 hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
  - (c) If the vehicle has not been redeemed within ten days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the secretary of state, by first-class mail or personal service, a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within 24 hours after the removal, and if the vehicle has not been redeemed within 30 days and upon complaint from the towing service, the police agency shall send the notice within 30 days after the removal. The notice shall be by a form furnished by the secretary of state. The notice form shall contain the following information:
    - (i) The year, make, and vehicle identification number of the vehicle.
    - (ii) The location from which the vehicle was taken into custody.

- (iii) The date on which the vehicle was taken into custody.
  - (iv) The name and address of the police agency which had the vehicle taken into custody.
  - (v) The location where the vehicle is being held.
  - (vi) The procedure to redeem the vehicle.
  - (vii) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees.
  - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
  - (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- (3) The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.
- (4) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (5) If the owner does not redeem the vehicle or request a hearing within 20 days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.
- (6) Not less than 20 days after the disposition of the hearing described in subsection (3), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (2) (c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.5g.
- (7) If the ownership of a vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state does not reveal ownership, the police agency



may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

(Amend: Ord. No. 93-02, 6-21-93)

#### **Sec. 2.5e Abandoned vehicle, jurisdiction of court.**

- (1) The following courts shall have jurisdiction to determine if a police agency has acted properly in processing a vehicle under section 2.5a, 2.5b(6) to (10), 2.5c, or 2.5d:
  - (a) The district court.
  - (b) A municipal court.
  - (c) The common pleas court of the city of Detroit.
- (2) The court specified in the notice prescribed in section 2.5a(4)(c), 2.5b(6), 2.5c(4), or 2.5d(2)(c) shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws.
- (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

(Amend: Ord. No. 93-02, 6-21-93)

#### **Sec. 2.5f Abandoned vehicle, duties of court.**

- (1) Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
  - (a) Schedule a hearing within 30 days for the purpose of determining whether the police agency acted properly.
  - (b) Notify the owner and the police agency of the time and place of the hearing.
- (2) At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.
- (3) After the hearing the court shall make a decision which shall include one or more of the following:
  - (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within 20 days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.

- (b) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges.
- (c) A finding that the towing and daily storage fees were reasonable.
- (d) A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

(Amend: Ord. No. 93-02, 6-21-93)

**Sec. 2.5g Abandoned vehicle, public sale.**

- (1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:
  - (a) It shall be under the control of the police agency or agent of the police agency.
  - (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
  - (c) Except as provided by sections 2.5a(9) and 2.5d(7), it shall be held not less than five days after public notice of the sale has been published.
  - (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- (2) The money received from the public sale of the vehicle shall be applied in the following order of priority:
  - (a) Towing and storage charges.
  - (b) Expenses incurred by the police agency.
  - (c) To the secured party, if any, in the amount of the debt outstanding on the vehicle.
  - (d) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
- (3) If there are not bidders on the vehicle, the police agency may do one of the following:
  - (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
  - (b) Obtain title of the vehicle for the police agency or the unit of government the police agency represents, by doing the following:

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

(Amend: Ord. No. 93-02, 6-21-93)

**Section 5.15, shall be amended by adding thereto the following subsections:**

*5.15h(1)*—A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state, and that the person by the consumption of intoxicating liquor may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis.

*5.15h(2)*—A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

*5.15h(3)*—The results of a preliminary chemical [breath] analysis shall be admissible in a criminal prosecution for a crime enumerated in section 5.15a(1) or in an administrative hearing under section 5.15f, solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This subsection does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

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

*5.15h(5)*—A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

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

(Amend: Ord. No. 91-02, 12-17-90)

**Section 5.58, shall be amended by adding thereto the following subsections:**

*5.58a*—Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being section 24.201 to 24.315 of the Michigan Compiled Laws, or federal regulation, each driver transporting a child in a motor vehicle shall properly

secure each child in a child restraint system as follows:

- (a) Any child less than 1 year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.
- (b) Any child 1 year of age or more but less than 4 years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.
- (c) Any child 1 year of age or more but less than 4 years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle.

*5.58b*—This section does not apply to a nonresident driver transporting a child in this state or to any child being nursed.

*5.58c*—This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under section 710b or federal law or regulations.

*5.58d*—A person who violates this section is responsible for a civil infraction.

(Amend by: Ord. No. 91-01, 12-17-90)

**Section 5.70, shall be amended by adding thereto the following subsections:**

*5.70b*—The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of this state or the operator of the motor vehicle shall produce, pursuant to subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under Chapter 31 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. An owner or operator of a motor vehicle who fails to produce that evidence is responsible for a civil infraction.

*5.70c*—A certificate of insurance, if issued by an insurance company, which certificate states that security which meets the requirements of sections 3101 and 3102 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 and 500.3102 of the Michigan Compiled Laws, is in force shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, shall state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

*5.70d*—If an owner of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance

meeting the requirements of section 3102 of Act No. 218 to the Public Acts of 1956, as amended, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license and shall forward the surrendered license and a certificate of civil infraction to the secretary of state. Upon receipt of the certificate of civil infraction and the surrendered license, the secretary of state shall suspend the person's license beginning with the date on which a person is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance which meets the requirements of section 3102 of Act No. 218 of the Public Acts of 1956, as amended, is submitted to the secretary of state, whichever occurs later. If the license is not forwarded, an explanation of the reason why it is not forwarded shall be attached. A person who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of ten dollars (\$10.00) to the secretary of state. The person shall not be required to be examined as set forth in section 320c.

*5.70e*—An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year or a fine of not more than five hundred dollars (\$500.00), or both.

*5.70f*—Points shall not be entered on a driver's record pursuant to section 320a for a violation of this section.

*5.70g*—This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province.

*5.70h*—Any person who shall violate the provisions of subsection 5.70b shall be guilty of a misdemeanor and upon conviction shall be fined, at least, two hundred dollars (\$200.00).

(Amend: Ord. No. 91-01, 12-17-90)

**Section 5.74, shall be amended by adding thereto the following subsection:**

*5.74a*—No person shall operate and no passenger shall ride in a motor vehicle travelling within the Township of Atlas without using the seat belt, safety restraining device or attachments.

*5.74b*—Any person who shall violate the provisions of subsection 5.74a shall be guilty of a civil infraction and, upon being found responsible, shall be fined at least forty-five dollars (\$45.00).

(Amend: Ord. No. 91-01, 12-17-90)

**Section 8.10 shall be amended by adding thereto the following subsections:**

*8.10b*—A vehicle shall not be parked in a parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property or private property available for public use, unless that person is a handicapper as described in section 19a of 1949 PA 300, or unless that

person is parking the vehicle for the benefit of a handicapper. In order for the vehicle to be parked in the parking space, the vehicle shall display one of the following:

- (a) A certificate of identification issued under section 675(5) of 1949 PA 300 to a handicapper on the lower left corner of the windshield.
- (b) A special registration plate issued under section 803d of 1949 PA 300 to a handicapper.
- (c) A similar certificate of identification issued by another state to a handicapper.
- (d) A similar special registration plate issued by another state to a handicapper.
- (e) A special registration plate to which a handicapper tag is attached issued under 1949 PA 300.

*8.10c*—A person who violates this subsection is responsible for a civil infraction.

(Amend: Ord. No. 91-01, 12-17-90)

### **Sec. 9.3 (2) Misdemeanor.**

Unless another penalty is expressly provided by the ordinances of this Township, every person who is convicted of a misdemeanor violation of any provision of this code, shall be punished by a fine of not more than five hundred dollars (\$500.00) or not more than 90 days in jail, or both.

(Amend: Ord. No. 93-02, 6-21-93)