

**WAGANAKISING ODAWAK STATUTE 2004-06**  
**MOTOR VEHICLE AND TRAFFIC CODE**

**SECTION I.           PURPOSE**

The purpose of this Statute is to regulate the use of motor vehicles within the jurisdiction of the Little Traverse Bay Bands of Odawa Indians.

**SECTION II.          DEFINITIONS**

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

2.02. 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

2.03. Authorized emergency vehicle. "Authorized emergency vehicle" means a vehicle of the fire department, a police vehicle, an ambulance, a privately owned motor vehicle of a volunteer or paid fireman, or a privately owned motor vehicle of a volunteer ambulance driver or a licensed ambulance driver or attendant as is authorized by the department of state police or an Indian tribe.

2.04. Bicycle. "Bicycle" means a device on which a person may ride, which is propelled by human power, and which has either 2 or 3 wheels in a tandem or tricycle arrangement which are more than 14 inches in diameter.

2.05. 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.

2.06. 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.

2.07. "Bus" means a motor vehicle which is designed to carry more than 10 passengers and which is used for the transportation of persons and also means a motor vehicle, other than a taxicab, which is designed and used for the transportation of persons for compensation. The term does not include a school bus or a bus that is equipped and used for living or camping purposes.

2.08. 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.

2.09. 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.

2.10. Civil infraction. "Civil infraction" means an act or omission which is prohibited by law, which is not a crime as defined in Waganakising Odawak Statute 1997014, as amended, and for which sanctions may be ordered.

2.11. "Civil infraction determination" means a determination that a person is responsible for a civil infraction based on 1 of the following: (a) An admission of responsibility for the civil infraction. (b) An admission of responsibility for the civil infraction, "with explanation." (c) A preponderance of the evidence at an informal hearing or formal hearing. (d) A default judgment for failing to appear as directed by a citation or other notice at a scheduled appearance.

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

2.13. Controlled substance. "Controlled substance" means a controlled substance as defined by the Uniform Controlled Substances Act, 21 U.S.C. Section 812, as amended.

2.14. Crosswalk. "Crosswalk" means either of the following:

(1) That part of a roadway at an intersection that is 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) A portion of a highway, at an intersection or elsewhere, which is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

2.16. Department. "Department" means the LTBB Police Department.

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

2.18. Explosives. "Explosives" means any chemical compound or mechanical mixture which is

commonly used, or intended to be used, for producing an explosion and which contains an oxidizing and combustive unit or other ingredient in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture might cause such a sudden generation of highly heated gases that the resultant gaseous pressures would be capable of producing destructible effects on contiguous objects or of destroying life or limb.

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

2.20. Flammable liquid. "Flammable liquid" means any liquid that has a flash point of 70 degrees Fahrenheit or less.

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

2.23. LTBB or Tribe means the Little Traverse Bay Bands of Odawa Indians.

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

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

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

2.27. 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 that join at any other angle might 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. If 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.

2.28. Laned roadway. "Laned roadway" means a roadway that is divided into 2 or more clearly marked lanes for vehicular traffic.

2.29. 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 that has jurisdiction over such highway, street, or roadway.

2.30. 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, which produces 1.5 brake horsepower or less, and which cannot propel the vehicle at a speed of more than 25 miles per hour on a level surface.

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

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

2.33. Official time standard. "Official time standard" means that hours named in this code mean hours of standard time or daylight-saving time, whichever is in current use in this governmental unit.

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

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

2.36. Parking meter zone. "Parking meter zone" means an area which is adjacent to a parking meter and which is 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.

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

2.38. Pedestrian. "Pedestrian" means a person afoot.

2.39. Person. "Person" means every person, firm, copartnership, association, or corporation and its legal successors, but does not include the state, a political subdivision of the state, or an employee of the state operating within the scope of his or her duties.

2.40. Police officer. "Police officer" means the police chief and police officers of the LTBB Law Enforcement Department.

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

2.42. Private road. "Private road" means a privately owned and maintained road which allows access to more than 1 residence or place of business, which is normally open to the public, and on which persons other than the owners may travel.

2.43. Railroad. "Railroad" means a carrier of persons or property on cars, other than street cars, which are operated on stationary rails.

2.44. Railroad train. "Railroad train" means a steam engine or electric or other motor, with or without coupled cars, which is operated on rails, but does not include a street car.

2.55. 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.

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

2.57. Roadway. "Roadway" means that portion of a highway which is improved, designed, or ordinarily used for vehicular travel. If a highway includes 2 or more separate roadways, the term "roadway" shall refer to a roadway separately and not to all such roadways collectively.

2.58. Safety zone. "Safety zone" means the area or space which is 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.

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

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

2.61. School-crossing guard. "School-crossing guard" means a person who is 18 years of age or

older and who is authorized to supervise children who use a school crossing as provided in section IX(HH) of the act.

2.62. Semitrailer. "Semitrailer" means every vehicle, with or without motive power, other than a pole-trailer, which is designed to carry persons or property and to be drawn by a motor vehicle and which is so constructed that some part of its weight and that of its load rests on, or is carried by, another vehicle.

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

2.64. Special mobile equipment. "Special mobile equipment" means every vehicle which is not designed or used primarily for the transportation of persons or property and which is incidentally operated or moved over the highways, including, but not limited to, farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, well-boring apparatus, and well-servicing apparatus.

2.65. Stand or standing. "Stand" or "standing" means the halting of a vehicle, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

2.66. Stop. "Stop," when required, means the complete cessation of movement.

2.67. Stop or stopping. "Stop" or "stopping," when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle which is necessary to avoid conflict with other traffic or which is in compliance with the directions of a police officer or traffic-control sign or signal.

2.68. 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.

2.69. 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.

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

2.71. 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.

2.72. Tow-away zone. "Tow-away zone" means a zone where parking, stopping, or standing is not permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.

2.73. 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.

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

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

2.76. 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.

2.77. Traffic division. "Traffic division" means the traffic division of the Department. If a traffic division is not established, then the term shall be deemed to refer to the Department.

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

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

2.80. U-turn. "U-turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.

2.81. Vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home.

### **SECTION III. TRAFFIC ADMINISTRATION AND AUTHORITY**

3.01. Police department; traffic duties. It is 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 LTBB vehicle laws which are applicable to street traffic within LTBB's jurisdiction, to make arrests for certain traffic violations, to issue citations for civil infractions, to investigate accidents, to cooperate with the other LTBB officials 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 code and other traffic ordinances of LTBB.

3.02. Authority of police directing traffic. Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

3.03. Authority of firemen directing traffic. Officers of a fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity.

3.04. Authority of police to inspect vehicles. 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 code. In case of an accident, a police officer may make an inspection of the vehicle involved in the accident.

3.05. Impounding of vehicles; authority; procedure; public sale.

1. The Department may immediately remove a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances: (a) When a 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) When a vehicle is parked upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic. (c) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic. (d) When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal. (e) When a vehicle is left unattended on a street and is parked in a manner which constitutes a definite hazard or obstruction to the normal movement of traffic. (f) When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property. (g) When a vehicle is left continuously unattended on a street for more than 48 hours and may be presumed to be abandoned. (h) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street. (i) When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reason. (j) When a vehicle is found parked in a tow-away zone which is properly signposted.

2. The Department which impounds a vehicle under subsection (1) of this section shall do all of the following: (a) Check to determine if the vehicle has been reported stolen. (b) Within 24 hours after impounding the vehicle, enter the vehicle as impounded into the law enforcement information network. (c) Within 7 days, excluding Saturday, Sunday, and legal holidays, after impounding the vehicle, send a notice that the vehicle has been impounded to the owner and the secured party, if any, by certified mail. Each notice shall contain all of 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 Department in whose custody the vehicle is being held. (v) The location where the vehicle is being held. (vi) The procedure to redeem the vehicle. (vii) The date by which the vehicle must be redeemed. (viii) That a procedure exists to contest the impoundment of the vehicle. (ix) A warning that the failure to redeem the vehicle or to contest the impoundment of the vehicle within 15 days after the date of this 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. If the owner does not contest the impoundment of the vehicle, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

4. If the owner contests the impoundment of the vehicle, the matter shall be resolved after a hearing conducted in the Tribal Court. An owner who contests the impoundment of the vehicle may obtain release of the vehicle by posting a bond as determined by the Court.

5. After the disposition of the hearing described in subsection (4) of this section and, if a hearing is not requested, not less than 15 days nor more than 180 days after the date the notice described in subsection (2)(c) of this section is sent, the Department shall offer the vehicle for sale at a public sale unless the vehicle is redeemed.

6. A public sale shall be conducted in the following manner: (a) It shall be under the control of the Department. (b) It shall be open to the public and consist of open auction bidding. (c) It shall be held not less than 5 days after public notice of the sale has been published. (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was taken into custody. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

7. 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 Department. (c) Remainder to the secured party, if any. If there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party

or owner within 30 days after the sale, it shall become the property of the unit of government that the Department represents.

8. If there are no bidders on the vehicle, the Department may do 1 of the following: (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle. (b) Obtain title to the vehicle for the Department by doing both of the following: (i) Paying the towing and storage charges. (ii) Applying for title to the vehicle. (c) Hold another public sale pursuant to subsection (6) of this section.

9. Within 2 days, excluding Saturday, Sunday, and legal holidays, after the disposition of the vehicle the Department shall cancel the entry into the law enforcement information network described in subsection (2)(b) of this section.

3.06. "Abandoned vehicle" defined; taking abandoned vehicles into custody; authority; procedure; public sale.

1. As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or any other place open to travel by the public without the consent of the local Department for a period of 48 hours after the Department has affixed a written notice to the vehicle.

2. If a vehicle has remained on public property or any other place open to travel by the public for a period of time so that it appears to the Department to be abandoned, the Department shall do both 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 all of the following information: (i) The date and time the notice was affixed. (ii) The name and address of the Department 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 if the vehicle is not removed. (v) The year, make, and vehicle identification number of the vehicle.

3. If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle shall be deemed abandoned, the owner is responsible for a civil infraction, and the Department may take the vehicle into custody.

4. The Department when taking a vehicle 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 information network. (c) Within 2 days, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, send a report of the abandoned vehicle to the Michigan secretary of state. The report shall contain all of the following information: (i) The year, make, and vehicle identification number. (ii) The body style. (iii) The registration plate number and year. (iv) The state which issued the registration plate. (v) The time and date the vehicle was taken into custody. (vi) The location of the

abandonment. (vii) The location where the vehicle is being held. (viii) The name and address of the Department which obtained custody of the vehicle. (ix) The name and title of the reporting police officer. (d) Mail to the registered owner, by certified mail, a citation for the alleged violation.

5. After sending the report to the Michigan secretary of state, the Department shall contact the secretary of state to determine the registered owner and secured party, if any. The Department shall then send a notice that the vehicle has been deemed abandoned to the registered owner and secured party by first-class mail. Each notice shall contain all of 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 Department in whose custody the vehicle is being held. (v) The location where the vehicle is being held. (vi) The procedure to redeem the vehicle. (vii) The date by which the vehicle must be redeemed. (viii) That the registered owner, by following the instructions on the back of the citation, may contest the fact that the vehicle was deemed abandoned by denying responsibility for the civil infraction alleged in the citation. (ix) A warning that the failure to redeem the vehicle or to deny responsibility for a violation of subsection (3) of this section, may result in the sale of the vehicle.

6. If the owner admits responsibility for a violation of subsection (3) of this section, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

7. If the owner denies responsibility for a violation of subsection (3) of this section, the owner may obtain release of the vehicle by posting a bond as determined by the Court.

8. If the owner is found responsible for a violation of subsection (3) of this section, the Department shall offer the vehicle for sale at a public sale unless the vehicle is redeemed.

9. A public sale shall be conducted in the following manner: (a) It shall be under the control of the Department. (b) It shall be open to the public and consist of open auction bidding. (c) It shall be held not less than 5 days after public notice of the sale has been published. (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

10. 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 Department. (c) Remainder to the secured party, if any. If there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party or owner within 30 days after the sale, it shall become the property of the unit of

government that the Department represents.

11. If there are no bidders on the vehicle, the Department may do 1 of the following: (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle. (b) Obtain title to the vehicle for the Department or the unit of government the Department represents by doing both of the following: (i) Paying the towing and storage charges. (ii) Applying for title to the vehicle. (c) Hold another public sale pursuant to subsection (9) of this section.

12. Within 2 days, excluding Saturday, Sunday, and legal holidays, after the disposition of the vehicle, the Department shall do both of the following: (a) Notify the secretary of state of the disposition. (b) Cancel the entry into the law enforcement information network described in subsection (4)(b) of this section.

3.07. "Abandoned scrap vehicle" defined; taking abandoned scrap vehicles in custody; authority; procedure; scrapping vehicles.

1. As used in this section, "abandoned scrap vehicle" means a vehicle which meets all of the following requirements: (a) Is on public property or any other place open to travel by the public. (b) Is 7 or more years old. (c) 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 of the act, would exceed the fair market value of that vehicle. (d) Is not currently registered pursuant to the act. (e) Is not removed within 48 hours after a written notice as described in section 2.5a(2)(b) of this code is affixed to the vehicle.

2. The Department may take an abandoned scrap vehicle into custody, in which case the Department shall do all of the following: (a) Determine if the vehicle has been reported stolen. (b) Take 2 photographs of the vehicle. (c) Detail the damage or missing equipment to substantiate the vehicle as an abandoned scrap vehicle. The form shall contain all of the following information: (i) The year, make, and vehicle identification number. (ii) The date of abandonment. (iii) The location of abandonment. (iv) A detailed listing of the damage or missing equipment. (v) The reporting officer's name and title. (d) Within 24 hours after taking the vehicle into custody, enter the vehicle as an abandoned scrap vehicle into the law enforcement information network.

3. Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the Department shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor. If the dealer or processor is outside of the jurisdiction of LTBB, the Department shall assist the dealer or processor in obtaining permission from the Michigan secretary of state to scrap

4. The release form described in subsection (3) of this section shall state that the Department has complied with all the requirements of subsection (2)(b) and (c) of this

section.

5. The certificate of scrapping form shall be prescribed by the Department. The Department shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken pursuant to subsection (2)(b) of this section shall be retained by the Department for not less than 2 years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.

3.08. "Citation" defined; numbering; form.

1. As used in the following sections, "citation" means a complaint or notice upon which a police officer shall record an occurrence which involves 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, shall be in a form determined by the Department, and shall consist of the following parts: (a) The original copy which shall be a complaint or notice to appear issued by the officer and which shall be filed with the Court in which the appearance is to be made. (b) The first copy which shall be retained by the Department. (c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor. (d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.

2. With the prior approval of the Department, the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and Court procedures and practices. Use of a citation for other than moving violations is optional.

3.09. Issuance of citation books. The police chief shall issue citation books to each police officer whose duties may or will include traffic duty or traffic law enforcement. The police chief shall obtain a receipt from an officer to whom a citation book has been issued.

3.10. Issuance of citation for misdemeanor.

1. When a person is arrested without a warrant for any violation of this Statute which is punishable as a misdemeanor, 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 which shall contain the name and address of such person, the offense charged, and the time and place when and where such person shall appear in Court. The officer shall inform the offender of the violation and shall give the 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 the Court.

2. The time to appear in Court which is specified in the citation shall be within a reasonable time after the arrest, unless the person arrested demands an earlier hearing.

3. The place to appear in Court which is specified in the citation shall be before a magistrate who has jurisdiction over the alleged offense charged in the citation.

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

3.11. Civil infraction; commencing action; 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 this Section. The plaintiff in a civil infraction action shall be LTBB.

2. The LTBB Tribal Court shall have jurisdiction over civil infraction actions.

3. The time specified in the citation for appearance in Court shall be within a reasonable time after the citation is issued.

4. 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 LTBB Tribal Court shall have jurisdiction over the minor and may proceed in the same manner as if that individual were an adult.

3.12. Civil infraction; temporary detention; accident citation; citation form and procedure.

1. A police officer who witnesses a person violating the act which constitutes 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 which is involved in an accident if, 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. A citation issued under subsection (1) or (2) of this section shall be in the form prescribed in this Statute.

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 that involves 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 violation of its ordinance involving the parking or standing of a motor vehicle. In a civil infraction action involving the abandoning of a vehicle, a copy of the citation need not be served personally upon the defendant but may be served upon the registered owner by certified mail.

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 Department, a citation may be filed with the Court in and a copy of the citation may be served by first-class mail on 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 who are duly authorized by the Department. The citation that is filed with the Court pursuant to this subsection shall consist of a sworn complaint which contains the allegation stated in the parking violation notice and shall inform the defendant how to respond to the citation.

7. A citation that is issued under subsection (5) or (6) of this section 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) of this section.

8. As used in subsection (6) of this section: (a) "Parking violation notice" means a notice, other than a citation, that directs a person to appear at the Tribal Court or Police Department as stated in the notice, 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.

### 3.13. Civil infraction; citation; contents.

(1) A citation that is issued pursuant to section 3.12 (1) of this code shall contain all of the following information: (a) The name of LTBB 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 Tribal Court. (f) The time period during which the appearance shall be made. (g) Additional information required by this section.

(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 the Tribal Court 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 shall 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 shall result in the 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.

3.14. Civil infraction; sworn complaints. If an officer issues a citation for a civil infraction, or if a citation is issued for a parking or standing violation, the Court may accept an admission with explanation or an admission or denial of responsibility on the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, there shall not be any further proceedings until a sworn complaint is filed with the Court. A warrant for arrest for failure to appear in Court pursuant to the civil infraction citation shall not be issued until a sworn complaint relative to the civil infraction is filed with the Court.

3.15. Civil infraction; appearance; responsibility; denial; hearing.

(1) A person to whom a citation is issued under section 3.12(1) of this code 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 a person chooses to admit responsibility for the civil infraction, a person may do so by appearing in person, by representation, or by mail. If an appearance is made by representation or mail, the Court may accept the admission as though he or she personally appeared in Court. Upon acceptance of the admission, the Court may order any of the sanctions permitted under section XIV of this code.

(3) If a person chooses to admit responsibility for the civil infraction "with explanation," a 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 such 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) of this section, the Court shall accept the admission as though the person

has admitted responsibility under subsection (2) of this section and may consider the person's explanation by way of mitigating any sanction which the Court may order under section XIV of this code. If an appearance is made by representation or mail, the Court may accept the admission as though the person personally appeared in Court, but the Court may request the person to provide a further explanation.

(5) If a person chooses to deny responsibility for a civil infraction, a 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 a person expressly requests a formal hearing. If a 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 3.16 of this code and a formal hearing shall be conducted pursuant to section 3.17 of this code.

3.16. Civil infractions; informal hearings; procedure; witnesses; appeal.

(1) The Court may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge 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 for provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing is not 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 the attorney for a political subdivision.

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

(4) If the Court determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the Court shall enter an order against the person as provided in section XIV of this code. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

3.17. Civil infraction; formal hearings; procedure; fees; counsel; judgment.

(1) A formal hearing shall be conducted only by a judge of the Court.

(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. That attorney shall appear in Court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of an informal hearing.

(4) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section XIV of this code. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

3.18. 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, 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 until that person appears in Court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

3.19. Civil infraction; stopping a nonresident; procedure; "guaranteed appearance certificate" defined.

(1) When a person who is not a resident of LTBB's reservation is stopped for a civil infraction pursuant to section 3.12 of this code, the police officer who makes 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 this code and shall issue to that person a citation as provided in sections 3.08 and 3.12 of this code. The officer who takes 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, 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 the officer shall arrest that person.

(2) In place of the officer's taking of the license under subsection (1) of this section or before appearance in Court, the person stopped may guarantee the officer or the Court of 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 judge is available for an immediate appearance, upon demand of the person stopped, the officer shall immediately take the nonresident driver before the magistrate to

answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the Court a guaranteed appearance certificate or a sum of money not to exceed \$100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 2.10g of this code, but the defendant's license shall be retained by the Court until final resolution of the matter, unless the defendant leaves with the Court the guaranteed appearance certificate or deposit as provided in subsection (2) of this section as security for appearance at the scheduled formal hearing.

(4) The officer who receives a guaranteed appearance certificate or deposit under subsection (2) of this section 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) of this section.

(5) The officer who takes 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 fails to appear for a scheduled formal hearing, the Court that has 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 which contains a printed statement that a surety company which is 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 schedule informal or formal hearing or if the person fails to pay any fine or costs imposed pursuant to this code, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

#### **SECTION IV. 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 code in connection with the accident. The officer shall prepare an original and 3 copies of the citation which shall set forth the name and address of such person, the offense that may be charged

against the person, and the time and place of the appearance of such person in Court.

## **SECTION V. DISPOSITION OF CITATIONS**

5.01. At or before the completion of his or her 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 or her police chief or to the person authorized by the police chief all copies of the citation duly signed. The police chief or the person authorized by the police chief shall deposit the original of the citation, together with the copy designated for the department's motor vehicles record, with the Court which has jurisdiction over the offense not more than 2 days after the date of the citation, Sundays and legal holidays excepted.

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

5.03. If a citation is voided, the citation shall be indorsed with a full explanation by the police officer who voids the citation and shall be duly accounted for to his or her police chief or to the police chief's authorized designee.

5.04. Nothing in this ordinance shall prevent a person, other than a police officer, from applying for a criminal complaint 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.

## **SECTION VI. ACCOUNTABILITY IN THE PROCESSING OF CITATIONS**

6.01. The various officers and administrators of LTBB shall establish procedures, as provided to insure accountability in the processing of citations. The record that shows the issuance and subsequent disposition of a citation shall be maintained for not less than the most recent 5-year period and such records and notices shall be available for public inspection.

6.02. Falsification or illegal disposition of citations; penalties. Whoever knowingly falsifies a citation, copies of a citation, or a record of the issuance of a citation; disposes of a citation, copy, or record in a manner other than as required in this code; attempts to falsify or dispose of a citation, copy, or record; or attempts to incite or procure another to falsify or dispose of a citation, copy, or record shall be fined not more than \$500.00 or shall be imprisoned for a term not to exceed 1 year, or both.

## **SECTION VII. CITATION OF ILLEGALLY PARKED VEHICLES**

When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by law, the officer who finds the vehicle shall take its registration number and may take any other information displayed on the vehicle which might identify its user and shall conspicuously affix to the vehicle a traffic citation.

## **SECTION VIII. PROCEDURE UPON ARREST FOR CERTAIN OFFENSES**

8.01. A person who is arrested without a warrant on a charge of violating section 11.16 of this code shall be taken, without unreasonable delay, before the Tribal Court. He or she may be released if, under existing circumstances, it does not appear that his or her release pending the issuance of a warrant would constitute a public menace.

8.02. A person who is arrested without a warrant on a charge of violating section 11.19 of this code shall be taken, without unreasonable delay, before the Tribal Court.

8.03. A person who is arrested without a warrant on a charge of driving a motor vehicle without a valid operator's or chauffeur's license in his or her immediate possession, as provided in sections 11.80, 11.82, 11.83, 11.84 and 11.85 of this code, shall be taken, without unreasonable delay, before the Court. If the arresting officer satisfactorily determines the identity of the person and the likelihood of subsequent apprehension in the event of failure to voluntarily appear before the Court as directed, the officer may release the person from custody after issuing him or her a citation as provided in section 3.10 of this code.

8.04. Sworn complaints. When under the provisions of sections 3.08 to 8.01 of this code an officer issues a citation, the Court 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 Court makes the docket return thereon. If the alleged offender pleads not guilty/not responsible, further proceedings shall not be conducted until a sworn complaint is filed with the Court. A warrant for arrest shall not be issued for an offense under this code until a sworn complaint is filed with the Court.

## **SECTION IX. RECORDS OF TRAFFIC VIOLATIONS; WARRANTS**

9.01. The chief of police shall maintain, or cause to be maintained, a record of all warrants which are issued on traffic violation charges and which are delivered to the police department for service. The chief of police shall also maintain, or cause to be maintained, a record of the final disposition of all such warrants.

9.02. Traffic accident reports. The police department shall maintain a suitable system of filing traffic accident reports. Accident reports, or cards referring to them, shall be filed alphabetically by location.

9.03. Official form for accident reports. The police department shall develop an official form for reporting accidents which are required to be reported by the act.

9.04. Traffic accident studies. If the accidents at any particular location become numerous, the police department shall cooperate with appropriate governmental officials and staff in conducting studies of such accidents and shall determine remedial measures.

9.05. The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints which are reported for each driver, except for those that concern standing or parking. The reported items shall be filed alphabetically under the name of the driver concerned. Such records shall accumulate during a period of not less than 5 years and, from that time on, such records shall be maintained for not less than the most recent 5-year period.

9.06. Traffic engineer. The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the Tribal Council and shall exercise the powers and duties provided in this code in a manner which is consistent with prevailing traffic engineering and safety practices and which is in the best interests of this governmental unit. If a traffic engineer is not appointed, the authority of such engineer shall be vested in the chief of police.

9.07. Duties of traffic engineer. The general duties of the traffic engineer are as follows: (a) To plan and determine the installation and proper timing and maintenance of traffic-control devices. (b) To conduct engineering analysis of traffic accidents and to devise remedial measures. (c) To conduct engineering investigations of traffic conditions. (d) To plan the operation of traffic on the streets of the LTBB, including parking areas. (e) To cooperate with other officials of LTBB in the development of ways and means to improve traffic conditions. (f) To carry out the additional powers and duties imposed by LTBB statute, regulation of resolution.

9.08. Emergency regulations. The chief of police is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions. Temporary regulations shall remain in effect for not more than 90 days.

9.09. Testing traffic-control devices. The traffic engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.

9.10. Through streets; placing and maintaining stop signs. If a through street is duly established, it is the duty of the traffic engineer to place and maintain a stop sign on each and every street which intersects such through street or which intersects that portion of such through street which is described and designated as a through street by any ordinance of LTBB unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of 2 through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either street as may be determined by the traffic engineer upon the basis of an engineering and traffic study.

9.11. Intersections where stop required. The traffic engineer is hereby authorized to determine and designate intersections where particular hazards exist on other than through streets and to determine whether vehicles shall stop at 1 or more entrances to any such stop intersection. The traffic engineer shall erect a stop sign at every place where a stop is required.

9.12. Stop signs at railroad grade crossings. The traffic engineer is hereby authorized to designate certain grade crossings of railways by highways as "stop" crossings and to erect signs thereat which notify drivers of vehicles on such highways to come to a complete stop before crossing the railway tracks. If a crossing is so designated and signposted, it is unlawful for the driver of any vehicle to fail to stop within 50, but not less than 10, feet from such railway tracks before traversing such crossing. The erection of, or failure to replace or maintain, such signs shall not be a basis for any action of negligence against local authorities.

9.13. Yield right-of-way signs. The traffic engineer may determine and designate intersections where conditions warrant requiring vehicles to yield the right-of-way to cross vehicles and to determine whether vehicles shall yield the right-of-way at 1 or more entrances to any such intersection. A yield sign shall be erected at every place where approaching vehicles are required to yield the right-of-way.

9.14. Parking adjacent to schools. The traffic engineer is hereby authorized to erect signs which indicate that parking on either or both sides of any street adjacent to any school property is prohibited if such parking will, in his or her opinion, interfere with traffic or create a hazardous situation.

9.15. Parking prohibited on narrow streets. The traffic engineer is hereby authorized to erect signs which indicate that parking upon any street is prohibited if the width of the roadway is not more than 20 feet or that parking on 1 side of a street as indicated by such signs is prohibited if the width of the roadway is not more than 30 feet.

9.16. Standing or parking on 1-way streets. The traffic engineer is authorized to erect signs on the left-hand side of any 1-way street to prohibit the standing or parking of vehicles on the left-hand side of such street.

9.17. Standing or parking on 1-way roadways. The traffic engineer is authorized to determine when standing or parking is permitted on the left-hand side of any 1-way roadway and to erect signs giving notice thereof.

9.18. No stopping, standing, or parking zones. The traffic engineer may determine and designate zones where stopping, standing, or parking is prohibited due to hazardous conditions which may exist, or where conditions do exist, which will cause undue delay to traffic. Such zones shall be designated by posting proper signs at such locations, and the distance between the signs shall be not more than 100 feet.

9.19. Tow-away zones. The traffic engineer may establish tow-away zones as follows: (a) At locations already designated as no stopping, standing, or parking zones. (b) On streets where the normal width of the roadway is reduced by a building or buildings or by a construction project. (c) At or adjacent to streets and locations where safety and traffic movement is affected by occurrence of a public event. (d) Such tow-away zones shall be designated by posting signs which read "tow-away zone." Such signs shall be posted independently or as an extra panel

attached below the posted signs which prohibit stopping, standing, or parking at the location. The distance between such posted signs shall be not more than 100 feet.

9.20. Traffic-control devices on private property; violation as civil infraction. (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 as 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 the controls determined to be necessary. (2) A person who violates the directions of the traffic-control devices is responsible for a civil infraction.

9.21. Curb loading zones. The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs which indicate the zones and which state the hours during which the zones are restricted for loading purposes.

9.22. Permits for curb loading zones. The traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for 2 signs to indicate the ends of each zone. When approved by the traffic engineer, the clerk, upon granting a permit and issuing such signs, shall collect from the applicant and deposit with the treasurer a service fee for 1 year or a fraction thereof in an amount specified by resolution of the ordinance making body. LTBB may, by regulation, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are lost or damaged and for return of the signs if they are misused or upon expiration of the permit. Every such permit shall expire at the end of 1 year.

9.23. Public carrier stands. The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets, in such places, and in such number as he or she shall determine to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs, which the traffic engineer shall cause to be erected.

9.24. Permit for loading or unloading at an angle to the curb. The traffic engineer may authorize the Department to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. A permit may be issued either to the owner or lessee of real property or to the owner of the vehicle. A permit shall grant to such person the privileges which are stated in the permit and which are authorized in this code.

9.25. Parking meter zones. The traffic engineer is hereby authorized, subject to the approval of the Tribal Council, to determine and designate metered parking zones and to install and maintain as many parking meters as necessary in the metered parking zones, if it is determined that the

installation of parking meters is necessary to aid in the regulation, control, and inspection of the parking of vehicles.

9.26. Angle parking zones. The traffic engineer shall determine the location of angle parking zones and shall erect and maintain appropriate signs which indicate the location and which give notice thereof, except that such zones shall not be established on state trunkline highways.

9.27. Duty to erect parking signs. It is the duty of the traffic engineer to erect and maintain appropriate signs which give notice of regulations that relate to the stopping, standing, or parking of vehicles.

9.28. Speed restrictions. The traffic engineer is hereby authorized to establish, increase, or decrease speed regulations provided for in this code and to erect signs which give notice thereof, as follows: (a) Establish prima facie lawful speed limits on streets outside of business or residential districts, which shall not be less than 15 miles per hour. (b) Increase the prima facie speed limits on through streets within business or residential districts. (c) Establish the prima facie speed limit in public parks, alleys, and cemeteries.

9.29. Authority to place turning markers. The traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections which indicate the course to be traveled by vehicles turning at such intersections. The course to be traveled, as indicated, may conform to, or be other than, that prescribed by law or ordinance.

9.30. Turn signs. The traffic engineer may determine the locations at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at such locations. Right, left, and U-turns may be prohibited between certain hours of the day and permitted at other times. At such locations, the different times shall be plainly shown on the signs or the signs may be removed when turns are permitted.

9.31. Authority to sign 1-way streets and alleys. Where any 1-way street or alley is duly established, the traffic engineer shall place and maintain signs which give notice of the 1-way street or alley and such regulation shall not be effective unless such signs are in place. Signs that indicate the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

9.32. Authority to restrict direction of movement on streets during certain periods. The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes of streets on which vehicular traffic shall proceed in 1 direction during 1 period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

9.33. Authority to establish no passing zones. The traffic engineer is hereby authorized to

designate zones on streets or parts of streets where passing is prohibited and shall place and maintain official signs or markings on the roadway to indicate such zones.

9.34. Truck routes; road limits. The traffic engineer is hereby authorized to prohibit the use of designated streets by trucks or other commercial vehicles and to impose limitations as to the weight of vehicles on designated streets; however, prohibitions and limitations shall not become effective until notice thereof is given by means of official signs.

9.35. Prohibiting certain traffic. The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his or her jurisdiction as prohibited to a class or kind of traffic found to be incompatible with the normal and safe movement of traffic. The traffic engineer shall erect appropriate traffic-control devices which give notice of the determination.

9.36. Operating bicycle on sidewalk; violation as civil infraction. (1) A person who operates a bicycle on a sidewalk that is constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and give an audible signal before overtaking and passing the pedestrian. (2) A person who violates this section is responsible for a civil infraction.

9.37. Traffic-control orders. (1) The authority in this code to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders which shall specify the rules and regulations adopted or established by him or her. Such traffic-control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are required by the provisions of this code which pertain to such regulation. (2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and such temporary traffic-control orders shall not be renewed or extended, except upon approval by the Tribal Council. (3) Permanent traffic-control orders shall be issued by the traffic engineer, approved by the Tribal Council, and filed with the clerk. (4) Temporary orders shall become permanent orders upon being approved by the ordinance making body, and notice of such approval shall be filed with the clerk. (5) All traffic-control orders, and any actions which modify or repeal such orders, shall be kept by the clerk in a separate book which shall be known as the traffic-control order book. (6) A copy of a traffic-control order, certified by the clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all Court proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal, or device that conforms to the provisions of this code was erected or in place when the alleged violation of this code occurred, such showing shall be prima facie evidence of the existence of a lawful traffic-control order which authorizes such traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in such cases, unless and until such presumption is rebutted by competent evidence.

9.38. Clerk. The duties set forth in sections 9.39 to 9.42 of this code shall apply to the person

who is appointed by the chief of police as traffic clerk.

9.39. Clerk to issue permit for loading or unloading at an angle to the curb. The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material. Such permits shall be subject to the terms and conditions stated thereon. Every such permit shall expire at the end of each calendar year, but may be reissued.

9.40. Clerk to issue permit for curb loading zones. The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits for curb loading zones. Such permits shall be subject to the terms and conditions stated thereon.

9.41. Clerks to provide traffic citation forms. Traffic citation forms in serially numbered sets which notify alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the clerk in books and in a form as provided in sections 3.08 and 3.09 of this code.

9.42. Issuance and record of traffic citation books. The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.

## **SECTION X. OBEDIENCE TO TRAFFIC REGULATIONS**

10.01. Required obedience to traffic ordinances; violation as civil infraction. It is a violation of this code for any person to do any act which is forbidden, or to fail to perform any act which is required, by this code.

10.02. Parental responsibility; violation as civil infraction. (1) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this code. (2) A person who violates this section is responsible for a civil infraction.

10.03. Obedience to police and fire department officials; violation as misdemeanor. (1) A person shall not willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department, at the scene of or in the immediate vicinity of a fire, who is vested with authority under the code to direct, control, or regulate traffic. (2) A person who violates this section is guilty of a misdemeanor.

10.04. Failure to stop upon police signal; violation as misdemeanor. (1) If a driver of a motor vehicle is given a visual or audible signal by hand, voice, emergency light, or siren by a police officer who is acting in the lawful performance of his or her duty and who is directing the driver to bring his or her motor vehicle to a stop and the driver willfully fails to obey such direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempting to flee or elude the officer, the driver shall be guilty of a misdemeanor. The officer who gives the signal shall be in uniform. A police vehicle that is driven at night shall be adequately identified as an

official police vehicle.

10.05. Persons propelling push carts or riding animals subject to traffic regulations; violation as misdemeanor. (1) Persons who propel any push cart or who ride an animal upon a roadway and persons who drive any animal-drawn vehicle are subject to the provisions of this code which are applicable to the driver of any vehicle, except for the provisions of this code which by their very nature can have no application. (2) A person who violates this section is guilty of a misdemeanor.

10.06. Use of coasters, roller skates, and similar devices restricted; violation as civil infraction. (1) A person who is on roller skates or who is riding in, or by means of, any coasters, toy vehicle, or similar device shall not go on any roadway, except while crossing a street on a crosswalk, unless lanes or specific are designated for such use by the traffic engineer.

10.07. When crossing a street on a crosswalk, such person shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians. (2) A person who violates this section is responsible for a civil infraction.

10.08. Public employees to obey traffic regulations. The provisions of this code that are applicable to the drivers of vehicles on streets and highways shall apply to the drivers of all vehicles owned by, or used in the service of LTBB or any government, subject to such specific exceptions as are set forth in this code or other applicable law.

10.09. Authorized emergency vehicles. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in section 10.10 of this code, subject to the conditions stated in sections 10.10-10.13 of this code.

10.10. Privileges of authorized emergency vehicles. The driver of an authorized emergency vehicle may do all of the following: (a) Park or stand, irrespective of the provisions of this code. (b) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation. (c) Exceed the prima facie speed limits if the excessive speed does not endanger life or property. (d) Disregard regulations that govern direction of movement or the turning in specified directions. (e) Drive through a funeral or other authorized procession.

10.11. Signal required. The privileges granted to an authorized emergency vehicle in sections 10.9 and 10.10 of this code 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 which displays 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 such 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.

10.12. Authorized emergency vehicle driver responsibility. The preceding provisions of this code do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and such provisions shall not protect the driver from the consequences of his or her reckless disregard for the safety of others.

10.13. Workers on surface of highways. The provisions of this code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work on the surface of a street to the extent code provisions are not consistent with the work to be performed. All provisions apply to such persons and vehicles when traveling to or from such work.

10.14. Code provisions; exclusive applicability to operation of vehicles on streets, except where otherwise referred to. The provisions of this code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets, except where a different place is specifically referred to in a given section of this code.

10.15. Enforcing violation on private road. Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of this code.

10.16. Authority to install traffic-control devices. The traffic engineer shall place, maintain, or remove traffic-control signs, signals, lane markings, and other devices and shall determine the hours and days during which any traffic-control device shall be in operation or in effect. This shall be done when and as required under this code and applicable law to regulate, warn, or guide traffic.

10.17. Manual and specifications for traffic-control devices. All traffic-control signs, signals, and devices shall conform to the official Michigan manual of uniform traffic-control devices. All signs and signals required by this code for a particular purpose shall, so far as practicable, be uniform as to type and location throughout this governmental unit. All traffic-control devices so erected and not inconsistent with the provisions of state law or this code shall be official traffic-control devices.

10.18. Limit to authority. Notwithstanding the authority granted to the traffic engineer under this code, traffic-control devices shall not be placed or maintained on any trunkline highway which is under the jurisdiction of the state highway commissioner, except by the commissioner's permission, or on any county road, except by permission of the county road commission which has jurisdiction thereof.

10.19. Obedience to official traffic-control devices; violation as civil infraction. (1) The driver of any vehicle shall obey the instructions of any official traffic-control device which is placed in accordance with the traffic ordinances of this governmental unit, unless otherwise directed by a

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

10.20. Avoiding traffic-control device; violation as civil infraction. (1) The driver of a vehicle shall not avoid obedience to an official traffic-control device by driving on or through private property or on or through public property which is not a street or highway. (2) A person who violates this section is responsible for a civil infraction.

10.21. Provisions of code which require signs; enforceability. Provisions of this code which require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. When a particular section does not state that signs are required, such section shall be effective even though signs are not erected or in place.

10.22. Traffic-control signal placement and legend; violation as civil infraction. (1) When 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. Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either turn. However, vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians who are lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. (b) Steady yellow indication. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line, when marked, but if such stop cannot be safely made, the vehicle may be driven cautiously through the intersection. (c) Steady red indication. 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 that 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- 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 may make a left turn from a 1- 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 who are lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (d) Arrow indications. Green arrow (steady): Vehicular traffic facing a green arrow signal which is shown alone or in combination with another indication may cautiously enter the intersection only to make the movement indicated by the arrow or to make other movement permitted by other indications shown at the same time. Vehicle traffic shall yield the right-of-way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic which is lawfully using the intersection. 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 interference is not offered to pedestrians or vehicles which are lawfully on the highway. (2) A person who violates this section is responsible for a civil infraction.

10.23. Non-intersection signals; violation as civil infraction. (1) If a traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except for those provisions which by their nature can have no application. Any stop that is required shall be made at a sign or marking on the pavement which indicates where the stop shall be made. In the absence of any sign or marking, the stop shall be made at the signal. (2) A person who violates this section is responsible for a civil infraction.

10.24. Pedestrian signals; violation as civil infraction. (1) When special pedestrian-control signals are not utilized, the regular traffic-control signals, as indicated in sections 10.23 and 10.24 of this code, shall apply to pedestrians as follows: (a) Green indication. Pedestrians facing such signal may proceed across the roadway within any marked or unmarked crosswalk. (b) Steady yellow indication. Pedestrians facing such signal are advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right-of-way to all vehicles. (c) Steady red indication. Pedestrians facing such signal shall not enter the highway unless they can do so safely and without interfering with any vehicular traffic. (d) Red with arrow. Pedestrians facing such signal shall not enter the highway unless they can do so safely without interfering with any vehicular traffic. (2) A person who violates this section is responsible for a civil infraction.

10.25. Special pedestrian signals; violation as civil infraction. (1) When special pedestrian-control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a "walk" or "don't walk" interval. These special signals shall apply to pedestrians only to the exclusion of any regular traffic-control signal or signals which may be present at the same location. (2) Walk interval. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles. (3) Don't walk (steady burning or flashing) interval. A pedestrian shall not start to cross the highway in the direction of such signals, but any pedestrian who has partially completed his or her crossing on the walk interval of such signal shall proceed to a sidewalk or safety island while the don't walk interval of the signal is showing. (4) A person who violates this section is responsible for a civil infraction.

10.26. Flashing signals; violation as civil infraction. (1) When flashing red or yellow signals are used, they shall be obeyed by vehicular traffic as follows: (a) Flashing red (stop signal). When a red lens 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, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may only proceed through the intersection or past such signal if caution is exercised. (2) A person who violates this section is responsible for a civil infraction.

10.27. Unauthorized sign, signal, marking, device, decoration, or banner; violation as

misdemeanor. (1) Except as authorized by the traffic engineer, a person shall not place, maintain, or display, along any street or upon any structure in or over any street, any sign; signal; marking; device; blinking, oscillating, or rotating light or lights; decoration; or banner which is or purports to be a traffic-control device or railroad sign or signal, which imitates or resembles, or which can be mistaken for, a traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic, or which hides from view, or interferes with the effectiveness of, any traffic-control device or any railroad sign or signal. (2) A person shall not place or maintain, and a public authority shall not permit, on any highway, a traffic sign or signal that bears any commercial advertising. (3) A person shall not place, maintain, or display, along any street, any blinking, oscillating, or rotating light or lights which are sufficiently similar to the distinguishing lights authorized by law for emergency vehicles in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or which create a hazard for the safety of drivers using any street. Every such prohibited sign, signal, marking, device, decoration, or banner is a public nuisance, and the authority that has jurisdiction over the street is empowered to remove the same or cause it to be removed without notice. (4) Decorations or banners that may be placed over the traveled portion of any street or highway shall be placed not closer than 10 feet on either side of traffic lights or signals and shall be placed so as not to obstruct a clear view of such traffic lights or signals. (5) A person who violates this section is guilty of a misdemeanor.

10.28. Interference with traffic-control devices or railroad signs or signals; violation as misdemeanor. (1) A person shall not, without lawful authority, attempt to alter, deface, injure, knock down, or remove any traffic-control device, any railroad sign or signal, any inscription, shield, or insignia thereon, or any other part thereof. (2) A person who violates this section is guilty of a misdemeanor.

10.29. Crosswalks. The traffic engineer is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at such other places as he or she may deem necessary.

10.30. Safety zones. The traffic engineer is hereby authorized to establish safety zones of a kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

10.31. Traffic lanes. The traffic engineer is hereby authorized to mark traffic lanes on the roadway of any street or highway where a regular alignment of traffic is necessary.

10.32. School crossings; designation; creation. The traffic engineer may, after traffic and engineering studies and in consultation with the superintendent of the school district, designate appropriate crosswalks as school crossings and may create additional school crossings where they are considered necessary on streets or highways under his or her jurisdiction.

10.33. School-crossing guards; duty periods; identifying clothing; signs. (1) When school-

crossing guards are assigned, they shall be stationed at school crossings during the times of day designated by the superintendent of the school and the police chief. (2) When on duty, a school-crossing guard shall wear an outer vest of a color and style that meets the standards of the Michigan manual of uniform traffic-control devices. The school-crossing guard shall also hold a stop sign which conforms to the Michigan manual of traffic-control devices for hand-held signs. (3) When the school-crossing guards are assigned at designated school crossings, warning signs shall be erected in conformance with the Michigan manual of uniform traffic-control devices.

10.34. School-crossing guards; selection; training; supervision. (1) The Police Department has the responsibility for selection and training of school-crossing guards in their jurisdiction. (2) A person shall receive not less than 4 hours of 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.

10.35. School-crossing guard; failure to obey signal as violation; presumption; violation as misdemeanor. (1) The driver of a motor vehicle who fails to stop at a school crossing when a school-crossing guard is in the crossing and is holding the stop sign in an upright position which is visible to approaching vehicular traffic is guilty of a violation of section 10.19 of this code. (2) In a proceeding for a violation of subsection (1) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (1), together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, constitutes an evidentiary presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation. (3) A person who violates this section is guilty of a misdemeanor.

10.36. Bicycle paths or bicycle lanes; establishment; traffic-control devices. (1) When the traffic engineer, after a traffic survey and engineering study, determines there is a need, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane. (2) The bicycle path or lane shall be identified by official traffic-control devices which conform to the Michigan manual of uniform traffic-control devices.

10.37. Bicycle paths; vehicles prohibited; snowmobiles permitted under certain conditions; violation as misdemeanor. (1) A person shall not operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this section. (2) A person may operate a snowmobile on a bicycle path which is snow-covered and which is not snowplowed for bicycle traffic. (3) A person shall not park a vehicle on a bicycle path. (4) A person who violates this section is guilty of a misdemeanor.

10.38. Bicycle lanes; vehicles prohibited; parking permitted under certain conditions; violation as misdemeanor. (1) A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property. (2) A person shall not park a vehicle on a bicycle lane, except where parking is permitted by official signs. (3) A person who violates this section is guilty of a misdemeanor.

## **SECTION XI. RIGHTS AND DUTIES OF DRIVERS AND OTHERS**

11.01. Operation of vehicles on approach of authorized emergency vehicles; violation as civil infraction. (1) Upon the immediate approach of an authorized emergency vehicle equipped with at least 1 lighted, flashing, rotating, or oscillating lamp which exhibits a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, if the driver of the emergency vehicle gives an audible signal by siren, exhaust whistle, or bell, the driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel, and as close as possible, to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (2) A person who violates this section is responsible for a civil infraction.

11.02. Involvement in accident resulting in damage to vehicles; stopping; violation as misdemeanor. (1) The driver of any vehicle who knows or who has reason to believe that he or she has been involved in an accident that results only in damage to a vehicle which is driven or attended by any person shall immediately stop his or her vehicle at the scene of such accident and shall remain at the scene until he or she has fulfilled the requirements of section 11.05 of this code. Every such stop shall be made without unnecessarily obstructing traffic. (2) A person who violates this section is guilty of a misdemeanor.

11.03. Accidents; fixtures on or adjacent to highway; report; violation as misdemeanor. (1) The driver of any vehicle that is involved in an accident which results only in damage to fixtures that are legally on or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident, his or her name and address, and the registration number of the vehicle he or she is driving and shall, upon request, exhibit his or her operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer. (2) The officer who receives such report or his or her commanding officer shall forward each individual report to the director of state police on forms prescribed by the director which shall be completed in full by the investigating officer. A copy of the accident report required under this section shall be retained by the local police department for not less than 3 years. (3) A person who violates this section is guilty of a misdemeanor.

11.04. Involvement in accident resulting in injury or death; stopping; violation as felony. (1) The driver of any vehicle who knows or who has reason to believe that he or she has been involved in an accident on either public or private property, when such property is open to travel by the public, that results in injury or the death of any person shall immediately stop such vehicle at the scene of such accident and shall remain at the scene until he or she has fulfilled the requirements of section 11.05 of this code. Every such stop shall be made without unnecessarily obstructing traffic. (2) A person who violates this section is guilty of a felony.

11.05. Giving information and obtaining aid; violation as misdemeanor. (1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident that results in injury or the death of a person or damage to a vehicle which is driven or attended by any person shall give his or her name, address, and registration number of the vehicle he or she is driving and the name and address of the owner and shall exhibit his or her operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance in securing medical aid or transportation. (2) A person who violates this section is guilty of a misdemeanor.

11.06. Unattended vehicles; report; violation as misdemeanor. (1) The driver of any vehicle that collides, on either public or private property, with any vehicle which is attended or unattended shall immediately stop and either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, forthwith report the accident to the nearest or most convenient police officer. (2) A person who violates this section is guilty of a misdemeanor.

11.07. Duty to report accidents forthwith; violation as misdemeanor. (1) The driver of every motor vehicle that is involved in an accident which results in injury or the death of any person or total damage to all property to an apparent extent of \$200.00 or more shall forthwith report such accident to the Police Department if the accident occurs within LTBB's jurisdiction. A copy of the accident report required under this section shall be retained by the Police Department for not less than 3 years. (2) A person who violates this section is guilty of a misdemeanor.

11.08. Report of garagekeeper or repairmen; violation as misdemeanor. (1) The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in an accident or having been struck by any bullet shall report the same to the Police Department immediately after such motor vehicle is received and shall give the engine number, registration number, and the name and address of the owner and operator of such vehicle. (2) A person who violates this section is guilty of a misdemeanor.

11.09. Use of accident reports. The reports required by sections 11.03, 11.06, and 11.07 of this code are not available for use in any Court actions, but are available for the purpose of furnishing statistical information as to the number and cause of accidents.

11.10. Speed restrictions; violation as civil infraction. (1) Any person who drives a vehicle on a street shall drive the vehicle at a careful and prudent speed which is reasonable and proper considering the traffic, surface and width of the street, and any other condition then existing. A person shall not drive any vehicle on a street at a speed greater than will permit him or her to bring the vehicle to a stop within the assured clear distance ahead. (2) A person who violates this section is responsible for a civil infraction.

11.11. Driving at slow speed; violation as a civil infraction. (1) A person shall not drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law. (2) A person who

violates this section is responsible for a civil infraction.

11.12. Business and residence; districts and parks; designated work areas; decrease in prima facie speed limits; violation as civil infraction. (1) Subject to the provisions of section 11.10 of this code, 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 at a speed of not more than 25 miles an hour on all streets in business and residence districts and parks, unless such speed would be unsafe. (2) A person who operates a vehicle on the highway shall not exceed a speed of 45 miles per hour or such slower speed as posted 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. (3) A person who violates this section is responsible for a civil infraction.

11.13. Violation of speed limitations; violation as civil infraction. (1) It shall be prima facie unlawful for any person to exceed any of the speed limitations set forth in section 11.12 of this code. (2) A person who violates this section is responsible for a civil infraction.

11.14. Violation of signs; violation as civil infraction. (1) It shall be prima facie unlawful to exceed the speed stated on signs erected in accordance with this code. (2) A person who violates this section is responsible for a civil infraction.

11.15. Manner of charging violation of speed restriction. In every charge of violating a speed restriction, the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

11.16. Reckless driving; violation punishable as misdemeanor. A person who drives any vehicle on 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.

11.17. Careless driving; violation as civil infraction. (1) Any person who operates a vehicle on 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. (2) A person who violates this section is responsible for a civil infraction.

11.18. Drag races prohibited; "drag racing" defined; violation punishable as misdemeanor. (1) A person shall not operate a vehicle on any highway or 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, and shall not participate in drag racing as defined in subsection (2) of this section. (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 outdistance 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 who render 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.

11.19. Driving under the influence of intoxicating liquor or a controlled substance. (1) It shall be unlawful and punishable as provided in subsections (3) and (4) of this section 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 while under the influence of intoxicating liquor. (2) It shall be unlawful and punishable as provided in subsections (3) and (4) of this section 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 on 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) of this section may be punished 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 the costs of the prosecution. (4) Upon a second conviction under this section or a local ordinance substantially corresponding to this section, a person shall be guilty of a misdemeanor which is 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. (5) Upon 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. (6) 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) of this section 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 these 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. (7) 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. (8) The operator's or chauffeur's license of a

person who is 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) of this section. Upon receipt of, and pursuant to, the certificate of conviction, the secretary of state shall suspend the person's license and, where applicable, shall issue to the person a restricted license which states the limited driving privileges indicated on the certificate. If the license is not forwarded, an explanation of the reason for its absence shall be attached. If the conviction is appealed to the LTBB Court of Appeals, that Court may ex parte order the secretary of state to rescind the suspension or restricted license issued pursuant to this section.

11.20. 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 the death or injury of another, including homicide and assault or for any other crime 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. 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 the report shall be offered as evidence by the prosecution in a criminal proceeding. Failure to fully comply with the request shall bar the prosecution from admitting the results into evidence. The amount of alcohol in the driver's blood at the time alleged shall give rise to the following presumptions: (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 that time more than 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 11.21 of this code 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 who is under the direction of a licensed physician is qualified to withdraw blood in a medical environment at the request of a police officer. They may withdraw blood for the purpose of determining the alcoholic content of the blood. 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 who assists in a withdrawal, unless the withdrawal is performed in a negligent manner. (3) A person charged with a crime specified in subsection (1) of this section and who takes a chemical test administered at the request of a police officer, as provided in subsections (1) and (2) of this section, 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 who is charged with a crime specified in subsection (1) of this section shall be informed that he or she has the right to demand that 1 of the tests provided for in subsection (1) of this section 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 who is requested to take a test shall be advised that he or she has the option to demand that only a breath test be given, in which case his or her refusal to submit to another test does not constitute a refusal.

11.21. Impaired driving; violation as misdemeanor. (1) A person shall not operate a vehicle on 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, a person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating section 11.19 of this code, a finding of guilty is permissible under this section. (2) A person who is 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, in addition to being charged with the costs of prosecution. On a second and subsequent conviction under this section or a local ordinance substantially corresponding thereto, a 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. (3) A person who violates this section is guilty of a misdemeanor.

11.22. Implied consent. (1) A person who operates a vehicle on the public highways of this state is deemed to have given consent to chemical tests of his or her blood, breath, urine, or other bodily substances for the purpose of determining the alcoholic content of his or her blood if he or she is arrested for driving a vehicle while under the influence of intoxicating liquor or while his or her 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 that requires 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 who has reasonable grounds to believe that the person was driving a vehicle on the public highways of this state while under the influence of intoxicating liquor.

11.23. Right to refuse chemical tests. (1) A person who is under arrest shall be advised of his or her right to refuse to submit to chemical tests. If the person refuses the request of a law enforcement officer to submit to chemical tests, no test shall be given. (2) A sworn statement shall be forwarded to the Department by the law enforcement officer which states that he or she

had reasonable grounds to believe that the person was driving a motor vehicle on the public highways of the state while under the influence of intoxicating liquor or that the person was driving a vehicle while his or her ability to operate a vehicle was impaired due to the consumption of intoxicating liquor and that the person refused to submit to the test upon the request of the law enforcement officer and was advised of the consequences of such refusal. The form of the statement shall be prescribed and furnished by the department.

11.24. Notice of receipt of sworn statement. (1) Upon receipt of the sworn statement, the Department shall immediately send a written notice to the person, mailed to his or her last known address, that the sworn statement has been received and that within 14 days of the date of the notice he or she may request a hearing. (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.

11.25. Hearing; failure to request; suspension, revocation, or denial of license, permit, or operating privilege. (1) If a person does not request a hearing within 14 days of the date of the notice of the receipt of the sworn statement, 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 Court shall hold the hearing within 30 days of receipt of the request. A notice of the hearing shall be mailed not less than 10 days before the hearing to the person requesting the hearing, to the law enforcement officer who filed the sworn statement, and to the prosecuting attorney. A hearing shall cover only the following issues: (a) Whether the law enforcement officer had reasonable grounds to believe that the person was driving a motor vehicle on the highways of this state while under the influence of an intoxicating liquor or while his or her ability to operate a vehicle was impaired due to the consumption of intoxicating liquor. (b) Whether the person was placed under arrest for driving a motor vehicle on the highways of this state while under the influence of an intoxicating liquor or while his or her ability to operate a vehicle was 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 or her rights as set forth in this section. (3) After the hearing, the Court may request the secretary of state to 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 LTBB Court of Appeals review the suspension, revocation, or denial. (3) 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 or her residence and of any state in which the nonresident has a license to

operate a motor vehicle.

11.26. Uniform standards for the administration of blood tests. The Police Department may adopt uniform standards for the administration of blood tests which may be the same as those adopted by the Michigan Department of Public Health.

11.27. Transporting or possessing liquor within passenger compartment of vehicle; violation punishable as misdemeanor. (1) A person shall not transport or possess, within the passenger compartment of a vehicle that is on the streets or highways of LTBB, alcoholic liquor in a container which is open or uncapped or which has a broken seal. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped or which has a broken seal shall be encased or enclosed. This section does not apply to a chartered passenger vehicle which is licensed by the Michigan public service commission. (2) Violation of this section shall, upon conviction, be punished as a misdemeanor.

11.28. Consumption of liquor on highways or on property open to public; violation as misdemeanor. (1) Alcoholic liquor shall not be consumed on a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises. (2) A person who violates this section is guilty of a misdemeanor.

11.29. Driving on right side of roadway; exceptions; violation as civil infraction. (1) On all roadways of sufficient width, a vehicle shall be driven on the right half of the roadway, except as follows: (a) When overtaking and passing another vehicle which is proceeding in the same direction under the rules governing such movement. (b) When the right half of a roadway is closed to traffic while under construction or repair. (c) On a roadway that is divided into 3 marked lanes for traffic under the rules applicable thereon. (d) On a roadway designated and signposted for 1-way traffic. (2) A person who violates this section is responsible for a civil infraction.

11.30. Passing vehicles proceeding in opposite directions; violation as civil infraction. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right. On roadways that are not wider than 1 lane of traffic in each direction, drivers passing each other in opposite directions shall give to the other, as near as possible, at least ½ of the main-traveled portion of the roadway. (2) A person who violates this section is responsible for a civil infraction.

11.31. Overtaking and passing of moving vehicles proceeding in same direction; violation as civil infraction. (1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules set forth in this code: (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and, when safely clear of such overtaken vehicle, shall take up a position as near the right-hand edge of the main-traveled portion of the highway as is practicable. (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking

vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle. (2) A person who violates this section is responsible for a civil infraction.

11.32. Overtaking and passing on right of moving vehicles; violation as civil infraction. (1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions: (a) When the vehicle overtaken is making or is about to make a left turn. (b) On a street or highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for 2 or more lanes of moving vehicles in each direction, if vehicles on such street or highway are moving in substantially continuous lanes of traffic. (c) On a 1-way street or on any roadway on which traffic is restricted to 1 direction of movement, which is free from obstructions, and which is of sufficient width for 2 or more lanes of moving vehicles, if vehicles on such street or roadway are moving in substantially continuous lanes of traffic. (d) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions that permit such movement in safety. Such movement shall not be made by driving off the pavement or main-traveled portion of the roadway. (2) A person who violates this section is responsible for a civil infraction.

11.33. Overtaking and passing on left; restrictions; violation as civil infraction. (1) A vehicle shall not be driven to the left side of the center of a 2-lane street or in the center lane of a 3-lane street when overtaking and passing another vehicle proceeding in the same direction, unless such left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. (2) A person who violates this section is responsible for a civil infraction.

11.34. Driving to the left side of roadway prohibited under certain conditions; violation as civil infraction. (1) A vehicle shall not be driven to the left side of the roadway at any time in the following situations: (a) When approaching the crest of a grade or on a curve in the highway where the driver's view is obstructed so as to create a hazard if another vehicle is approaching from the opposite direction. (b) When the driver's view is obstructed when approaching within 100 feet of any bridge, viaduct, or tunnel. (2) The limitations set forth in subsection (1)(a) and (b) of this section do not apply when a vehicle is driven on a 1-way roadway. (3) A person who violates this section is responsible for a civil infraction.

11.35. No passing zones; violation as civil infraction. (1) The driver of a vehicle shall not overtake and pass any vehicle in a no passing zone where official signs or markings on the roadway indicate the beginning and end of such zone and when such signs or markings are in place and clearly visible to an ordinarily observant person. (2) A person who violates this section is responsible for a civil infraction.

11.36. One-way roadways; violation as civil infraction. (1) On a roadway or alley that is designated and signposted for 1-way traffic, a vehicle shall be driven only in the direction designated. (2) A person who violates this section is responsible for a civil infraction.

11.37. Rotary traffic islands; violation as civil infraction. (1) A vehicle that is passing around a rotary traffic island shall be driven only to the right of such island. (2) A person who violates this section is responsible for a civil infraction.

11.38. Driving on roadways laned for traffic; violation as civil infraction. (1) 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, and shall not cross the center line of the roadway unless making a left turn. (b) On a roadway which is divided into 3 lanes and which 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, in preparation for a left turn, the center lane is clear of traffic within a safe distance, or when the center lane is 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 to direct specified traffic to use a designated lane or to designate 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 directions of the devices. (d) Official traffic-control devices may be installed which prohibit 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. (2) A person who violates this section is responsible for a civil infraction.

11.39. Driving on divided highways; violation as civil infraction. (1) When any highway has been divided into 2 roadways by leaving an intersection space or by a physical barrier or clearly indicated dividing section which is constructed to impede vehicular traffic, every vehicle shall be driven only on the right-hand roadway and a vehicle shall not park or be driven over, across, or within any such physical barrier or dividing section or space or at a crossover or intersection which is established by public authority. Crossovers on limited access highways shall not be used, except by such vehicles as provided in sections 3.6, 3.7, and 3.8 of this code and except by road service vehicles while going to or returning from servicing a disabled vehicle and except as otherwise permitted by authorized signs. As used in this section, "road service vehicle" means a vehicle that is clearly marked and readily recognizable as a vehicle used to assist disabled vehicles. (2) A person who violates this section is responsible for a civil infraction.

11.40. Limited access roadways; violation as civil infraction. (1) A person shall not drive a vehicle onto or from any limited-access roadway, except at such entrances and exits as are established by public authority. (2) A person who violates this section is responsible for a civil infraction.

11.41. Limited access highway; pedestrians and certain vehicles prohibited; violation as civil infraction. (1) 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. (2) A person who violates this section is responsible for a civil infraction.

11.42. Following too closely; violation as civil infraction. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent considering the speed of such vehicle and the traffic on, and the condition of, the street. (2) A person who violates this section is responsible for a civil infraction.

11.43. Following fire apparatus prohibited; violation as civil infraction. (1) The driver of any vehicle, other than an authorized emergency vehicle on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet and shall not drive or park such vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm. (2) A person who violates this section is responsible for a civil infraction.

11.44. Required positions and method of turning at intersections; violation as civil infraction. (1) The driver of a vehicle who intends to turn at an intersection shall do so as follows: (a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. (b) Left turns on 2-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. When practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection. (c) Left turns on other than 2-way roadways. At any intersection where traffic is restricted to 1 direction on 1 or more of the roadways, the driver of a vehicle who intends to turn left at any such intersection shall approach the intersection in the extreme left-hand lane which is lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane which is lawfully available to traffic moving in such direction on the roadway being entered. (2) A person who violates this section is responsible for a civil infraction.

11.45. Obedience to turning markers; violation as civil infraction. (1) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, a driver of a vehicle shall not disobey the directions of such indications. (2) A person who violates this section is responsible for a civil infraction.

11.46. Obedience to no-turn signs; violation as civil infraction. (1) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such sign. (2) A person who violates this section is responsible for a civil infraction.

11.47. Limitations on turning around; violation as civil infraction. (1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction on any street in a business district and shall not, on any other street, so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. (2) A person who violates this section is responsible for a civil infraction.

11.48. Signals for stopping or turning; violation as civil infraction. (1) The driver of a vehicle or bicycle on a highway, before stopping or turning from a direct line, shall first see that the movement can be made in safety and shall give a signal as required in this section. (2) The signal required in this section shall be given either by means of the hand and arm, in the manner herein specified, or by a mechanical or electrical signal device which conveys a clear signal or warning to other highway traffic, except as provided in subsection (3) of this section. When a signal is given by means of hand and arm, the driver shall indicate his or her intention to stop or turn by extending his or her hand and arm from and beyond the left side of the vehicle and signal as follows: (a) Left turn--Hand and arm extended horizontally. (b) Right turn--Hand and arm extended upward. (c) Stop or decrease speed--Hand and arm extended downward. (3) A commercial motor vehicle, other than one in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and the required signal shall be given by, a signal light or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle is more than 24 inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof is more than 14 feet. The latter measurement shall apply to a single vehicle or combination of vehicles. (4) A person who violates this section is responsible for a civil infraction.

11.49. Stop signs; violation as civil infraction. (1) Except when directed to proceed by a police officer, the driver of a vehicle that is approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line or, if none, shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection. (2) A person who violates this section is responsible for a civil infraction.

11.50. Right-of-way at merging highways; violation as civil infraction. (1) When a vehicle approaches the intersection of a highway from an intersecting highway or street which is intended to be, and is constructed as, a merging highway or street and which is plainly marked at such intersection with appropriate merge signs, the vehicle shall yield the right-of-way to any vehicle so close as to constitute an immediate hazard on the highway about to be entered, and the vehicle's speed shall be adjusted to enable the vehicle to merge safely with the through traffic. (2) A person who violates this section is responsible for a civil infraction.

11.51. Emerging from alley, driveway, or building; violation as civil infraction. (1) The driver

of a vehicle that is merging from an alley, driveway, or building shall stop such vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across any alleyway, shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway. (2) A person who violates this section is responsible for a civil infraction.

11.52. Entering intersection or crosswalk; obstructing traffic prohibited; violation as civil infraction. (1) A driver shall not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (2) A person who violates this section is responsible for a civil infraction.

11.53. Obedience to signal indicating approach of railroad train; violation as civil infraction. (1) When a person who is driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50, but not less than 15, feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely. The requirements of this subsection apply in all of the following situations: (a) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train. (b) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train. (c) When a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard. (d) When an approaching railroad train is plainly visible and is in hazardous proximity to such crossing. (2) A person who violates this section is responsible for a civil infraction.

11.54. Railroad crossing gate or barrier; violation as civil infraction. (1) A person shall not drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or being opened or closed. (2) A person who violates this section is responsible for a civil infraction.

11.55. Obstruction of vehicular traffic on highway or street by train; violation as misdemeanor. (1) It is unlawful for a railroad company to permit any of its trains to obstruct any vehicular traffic on public streets or highways for a period of more than 5 minutes at any one time. (2) A railroad company that violates this section is guilty of a misdemeanor.

11.56. Obstruction of vehicular traffic by successive train movements on highways or streets; violation as misdemeanor. (1) It is unlawful for a railroad company to permit successive train movements to obstruct any vehicular traffic on any public streets or highways until all vehicular traffic previously delayed by such train movements has been cleared or until a period of 5 minutes has elapsed between train movements. (2) A railroad company that violates this section is guilty of a misdemeanor.

11.57. School buses and carriers of explosives and flammables to stop for railroad crossings; violation as civil infraction. (1) The driver of any motor vehicle carrying passengers for hire, of any school bus, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50, but not less than 10, feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall only cross with the vehicle in a gear that will not require changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks. (2) A stop need not be made at crossing where a police officer or a traffic-control signal directs traffic to proceed. (3) A stop shall not be made at a crossing on a freeway or limited access highway where such crossing is protected by a clearly visible signal, crossing gate, or barrier which, at the time, is not activated. (4) A person who violates this section is responsible for a civil infraction.

11.58. Right-of-way at intersection; violation as civil infraction. (1) The driver of a vehicle that is approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway. (2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. (3) The driver of any vehicle that is traveling at an unlawful speed shall forfeit any right-of-way to the vehicle on the right. (4) The right-of-way rules set forth in subsections (1) and (2) of this section are modified at through highways and as otherwise stated in this code. (5) A person who violates this section is responsible for a civil infraction.

11.59. Yield right-of-way signs; violation as civil infraction. (1) The driver of a vehicle that is approaching a yield sign, in obedience to such sign, shall slow down to a speed which is reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. (2) The driver of any vehicle that is traveling at an unlawful speed shall forfeit any right-of-way which he or she might otherwise have under this code. (3) A person who violates this section is responsible for a civil infraction.

11.60. Right-of-way; vehicle turning left at intersection; violation as civil infraction. (1) The driver of a vehicle within an intersection who intends to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or which is so close thereto as to constitute an immediate hazard, but the driver having so yielded and having given a signal when and as required by this code, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield

the right-of-way to the vehicle making the left turn. However, at an intersection at which a traffic signal is located, a driver who intends to make a left turn shall permit vehicles bound straight through in the opposite direction which are awaiting a go signal to pass through the intersection. (2) A person who violates this section is responsible for a civil infraction.

11.61. Funeral procession; right-of-way; violation as civil infraction. (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 for 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 who passes through a funeral procession of motor vehicles, designated pursuant to subsection (1) of this section, with a vehicle of any kind is responsible for a civil infraction.

11.62. Driving through a funeral or other procession prohibited; exception; violation as civil infraction. (1) A driver of a vehicle shall not drive through the vehicles, persons, or animals comprising a funeral or other authorized procession while such funeral or other procession is in motion, except when otherwise directed by a police officer. (2) A person who violates this section is responsible for a civil infraction.

11.63. Drivers in a procession; violation as civil infraction. (1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (2) A person who violates this section is responsible for a civil infraction.

11.64. Parades and processions; permit required; violation as misdemeanor. (1) A procession or parade, other than the forces of the police and fire departments, shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued by the chief of police and unless the procession or parade is in accordance with other regulations as are set forth in this code. (2) A person who violates this section is guilty of a misdemeanor.

11.65. Driving on sidewalk prohibited; violation as misdemeanor. (1) The driver of a vehicle shall not drive on or within any sidewalk area, except at a driveway. (2) A person who violates this section is guilty of a misdemeanor.

11.66. Limitations on backing; violation as civil infraction. (1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic. (2) A vehicle shall not be backed a distance of more than 60 feet. (3) A vehicle shall not be backed into an intersection; except that a vehicle may be backed into an intersection when it is not otherwise possible to turn about and when such movement can be made safely without interfering with other traffic. (4) A person who violates this section is responsible for a civil infraction.

11.67. Driving over fire hose prohibited; violation as civil infraction. (1) A vehicle shall not be driven over any unprotected fire hose of a fire department without the consent of the fire department official in command. (2) A person who violates this section is responsible for a civil infraction.

11.68. Driving through or over a safety zone occupied by people prohibited; violation as civil infraction. (1) The driver of a vehicle shall not at any time drive through or over a safety zone when such safety zone contains any person therein. (2) A person who violates this section is responsible for a civil infraction.

11.69. Avoidance of traffic-control devices prohibited; violation as civil infraction. (1) A driver of a vehicle shall not attempt to avoid obedience to any traffic-control device by driving on or through any private property. (2) A person who violates this section is responsible for a civil infraction.

11.70. Splashing prohibited; violation as civil infraction. (1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in such manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone. (2) A person who violates this section is responsible for a civil infraction.

11.71. Deposit of litter on streets prohibited; violation as misdemeanor. (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, any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris on any street. (2) A person who throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in subsection (1) of this section shall immediately remove it or cause it to be removed. (3) The violation of this section is punishable as a misdemeanor.

11.72. Throwing objects at or into paths of vehicles prohibited; violation as misdemeanor. (1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street. (2) 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. A person who violates this section is guilty of a misdemeanor.

11.73. Definitions; removal or deposit of snow, ice, or slush which obstructs safety vision prohibited; deposit of snow, ice, or slush prohibited; violation as misdemeanor. (1) As used in this section, "safety vision" means an unobstructed line of sight which enables a driver to travel on, 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 an off-road vehicle. (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. (5) A person who violates this section is guilty of a misdemeanor.

11.74. Removal of wrecked or damaged vehicles; violation as misdemeanor. (1) A person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle. (2) The violation of this section is punishable as a misdemeanor.

11.75. Spilling loads on streets prohibited; violation as misdemeanor. (1) A vehicle shall not be driven or moved on any street unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom. (2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section. (3) A person who violates this section is guilty of a misdemeanor which is punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

11.76. Requirements when leaving motor vehicle unattended; violation as civil infraction. (1) A person who has control or charge of a motor vehicle shall not allow such vehicle to stand unattended on any street or any other place without first stopping the engine, locking the ignition, removing and taking possession of the ignition key, effectively setting the brakes thereon, and, when standing on any grade, turning the front wheels of such vehicle to the curb or side of the street. The provisions of this section that pertain to the locking of the ignition and removing and taking possession of the ignition key do not apply to motor vehicles that are manufactured with an ignition system which does not have a key and which is incapable of being locked. (2) A person who violates this section is responsible for a civil infraction.

11.77. Interference with driver's view or control prohibited; violation as civil infraction. (1) A person shall not drive a vehicle if it is loaded in a manner, or if the front seat is occupied by such number of persons, so as to obstruct the view of the driver to the front or sides of the vehicle or so as to interfere with the driver's control over the driving mechanism of the vehicle. (2) A person who violates this section is responsible for a civil infraction.

11.78. Position of passengers; violation as civil infraction. (1) Passengers in a vehicle shall not ride in a position which interferes with the driver's view ahead or to the sides or which interferes with his or her control over the driving mechanism of the vehicle. (2) A person who violates this section is responsible for a civil infraction.

11.79. Operating, stopping, standing, or parking truck or commercial vehicle with gross weight of more than signed limits prohibited; violation as civil infraction. (1) When signs are erected that give notice of weight limits, a person shall not operate, stop, stand, or park any truck or commercial vehicle with a gross weight of more than the amounts specified on the signs at any time on any of the streets or parts of streets on which such signs have been posted. (2) A person who violates this section is responsible for a civil infraction.

11.80. Driver's license required; motorcycle endorsement; change of residence; violation as

misdemeanor. (1) A person who is not licensed as an operator or chauffeur by a state or tribe shall not operate a motor vehicle on the streets or highways of LTBB. (2) A person who operates a motorcycle shall have a motorcycle endorsement on his or her operator's or chauffeur's license. (3) An operator or chauffeur who changes his or her residence before the expiration of his or her 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) Before operating a moped on a highway, a person 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 who is 15 years of age or older, if the person satisfies the office of the secretary of state that he or she is competent to operate a moped with safety. The secretary of state shall not require a road test before issuing a special restricted license to operate a moped. (5) Before operating a single vehicle weighing over 24,000 pounds gross vehicle weight or a bus or school bus, a person shall procure a class 1 endorsement on his or her operator's or chauffeur's license. Before operating a combination of vehicles weighing over 24,000 pounds gross vehicle weight or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight, a person shall procure a class 2 endorsement on his or her operator's or chauffeur's license. The license shall be issued, suspended, revoked, canceled, or renewed pursuant to the act. (6) A person who violates this section is guilty of a misdemeanor.

11.81. Penalties. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified of the suspension or revocation or whose application for license has been denied, or who has never applied for a license and who drives a motor vehicle on the highways under LTBB jurisdiction or who knowingly permits a motor vehicle owned by the person to be operated by another on a highway, except as otherwise permitted by law, while the license or registration certificate is suspended or revoked is guilty of a misdemeanor and, upon conviction, shall, except as provided in subsection (2) of this section, be punished by imprisonment for a period of not less than 3, but not more than 90, days and, in addition, a fine of not more than \$100.00 may be imposed. 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 because the person failed to answer a citation and who drives a motor vehicle on 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 who is 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, in addition, a fine of not more than \$500.00 may be imposed. Unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated. (4) The secretary of state, 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 a period has not 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 LTBB Police Department and Michigan Department of State to determine the record and status of the person and shall so inform the Court.

11.82. Possession and display of license; violation punishable as misdemeanor. (1) Every driver shall have his or her operator's or chauffeur's license in his or her immediate possession at all times when driving a motor vehicle and shall display the license on demand of any police officer. (2) The violation of this section is punishable as a misdemeanor.

11.83. License restrictions; violation punishable as misdemeanor. (1) A person shall not drive a motor vehicle in violation of the restrictions imposed on his or her license the Court or by the secretary of state. (2) The violation of this section is punishable as a misdemeanor.

11.84. Unlawful use of license; violation punishable as misdemeanor. (1) It is unlawful for any person to display or cause or permit to be displayed or to have in his or her possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered. (2) The violation of this section is punishable as a misdemeanor.

11.85. Lending license to, or permitting use by, person not entitled; violation punishable as misdemeanor. (1) It is unlawful for any person to lend his or her chauffeur's or operator's license to, or knowingly permit use of the license by, one who is not entitled thereto. (2) The violation of this section is punishable as a misdemeanor.

11.86. Unlawful display or representation of license; violation punishable as misdemeanor. (1) It is unlawful for any person to display or to represent as one's own any operator's or chauffeur's license which has not been issued to the person so displaying the license. (2) The violation of this section is punishable as a misdemeanor.

11.87. Instruction permit; violation punishable as misdemeanor. (1) It is unlawful for an operator who holds 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. (2) The violation of this section is punishable as a misdemeanor.

11.88. Authorizing or permitting unlicensed driver to operate vehicle prohibited; violation punishable as misdemeanor. (1) A person shall not knowingly authorize or permit a motor vehicle owned by him or her or under his or her control to be driven by any person who is unlicensed to drive such a vehicle. (2) The violation of this section is punishable as a misdemeanor.

11.89. License plates required; violation punishable as misdemeanor. (1) A person shall not operate or park on the streets under LTBB jurisdiction any vehicle which is required to be registered by the State of Michigan or an Indian Tribe, unless the vehicle bears valid registration plates issued for it. (2) The violation of this section is punishable as a misdemeanor.

11.90. Registration certificate; violation as civil infraction. (1) 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. (2) A person who violates this section is responsible for a civil infraction.

11.91. Driving or moving unsafe vehicles prohibited; violation as civil infraction. (1) A person shall not drive or move, and an owner shall not cause or knowingly permit to be driven or moved on any street, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person; which does not contain those parts, or is not at all times equipped with such lamps and other equipment in proper condition and adjustment, as required by this code; or which is equipped in any manner in violation of this code. (2) A person who violates this section is responsible for a civil infraction.

11.92. Equipment; exceptions. The provisions of this code or of the act with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as made applicable by this code.

11.93. Additional parts and accessories. Nothing contained in this code shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this code.

11.94. Lights required; violation as civil infraction. (1) Every vehicle on a street within the jurisdiction of LTBB shall be equipped with lights which shall be lighted pursuant to the provisions of the act. (2) A person who violates this section is responsible for a civil infraction.

11.95. Dimming lights; violation as civil infraction. (1) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light or composite beam which is aimed so that the glaring rays are not projected into the eyes of the oncoming driver. (2) A person who violates this section is responsible for a civil infraction.

11.96. Spot lamps; fog lamps; violation as civil infraction. (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 aimed and used upon approaching another vehicle so that part of the beam is not directed into the eyes of the approaching driver. Spot lamps shall not emit light that is other than white or amber. (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, but not more than 30, inches above the level surface on 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 is emitted. Lighted fog lamps that meet the requirements of this subsection may be used with lower head lamp beams. (3) A person who violates this section is responsible for a civil infraction.

11.97. Running board courtesy lamps; cowl or fender lamps; backing lights; additional lamps or reflectors; flashing, rotating, or oscillating lights; warning lamps; violation as civil infraction or

misdemeanor. (1) A motor vehicle may be equipped with not more than 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 that emit red, amber, or white light may be mounted on the rear of a motor vehicle if the switch that controls the light is arranged so 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. (5) 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 that are available for public use or for use by LTBB, the United States, or other governmental unit, whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and shall be 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 is stopping on a highway. (d) When authorized by LTBB or 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. A person who operates 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 that are placed in such a position as to be visible throughout an arc of 360 degrees shall be used by state, county, or municipal vehicles which are 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 that are 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 when 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 code, 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 who is responding to an emergency call may be equipped with, and the physician may

use, flashing, rotating, or oscillating red lights which are mounted on the roof section of the vehicle, either as a permanent installation or by means of magnets or suction cups, and which are 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 who is engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess such lights for purposes of his or her employment, but shall not activate them on the highway unless authorized to do so under the provisions of subsection (6) of this section. (6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light which is 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 LTBB or other governmental unit, or a person who is engaged in the business of operating an ambulance or wrecker service. This subsection does not prohibit an authorized vehicle that is 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 who operates an ambulance or wrecker service, except that the authorization shall not permit the person to operate lights as described in subsection (5)(a), (b), (d), (g), or (h) of this section. A person who operates an authorized emergency vehicle in violation of the terms of such authorization is guilty of a misdemeanor. (7) This section shall not be construed to prohibit, restrict, or limit the use of lights that are authorized or required under applicable law of another jurisdiction. (8) 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. (9) A person who violates subsection (1), (2), (3), (4), or (8) of this section is responsible for a civil infraction. Violations of subsection (5) or (6) of this section are misdemeanors.

11.98. Slow-moving vehicle; reflective devices required; violation as civil infraction. (1) 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 which is not less than 16 inches wide at the base and not less than 14 inches in height and which has a dark red border that is not less than 1 3/4 inches wide and is made of highly reflective beaded material. (b) A center triangle which is not less than 12 1/4 inches on each side and which is made of yellow-orange fluorescent material. (c) The device shall be mounted on the rear of the vehicle, broad base down, not less than 3, 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. Use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. (2) A person who violates this section is responsible for a civil infraction.

11.99. Turn signal requirements; violation as civil infraction. (1) A person shall not sell, offer for sale, or operate on any street any vehicle manufactured or assembled after January 1, 1955, unless the vehicle is equipped with mechanical or electrical turn signals. This section does not apply to a motorcycle or a moped. (2) A person who violates this section is responsible for a civil infraction.

11.100. Stop lamp requirements; violation as civil infraction. (1) A person shall not sell, offer for sale, or operate on the highway any vehicles manufactured or assembled after January 1, 1965, unless the vehicle is equipped with 2 rear stop lamps, except on a motorcycle or a moped, which meet the requirements of the act. A motorcycle or moped shall have 1 rear stop lamp. (2) A person who violates this section is responsible for a civil infraction.

11.101. Brake requirements; violation as civil infraction. (1) The requirements for brake equipment are as follows: (a) A motor vehicle, other than a motorcycle or moped, when operated on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle, including 2 separate means of applying 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 constructed so that the failure of 1 part of the operating mechanism still leaves the motor vehicle with brakes on not less than 2 wheels. (b) A motorcycle or moped, when operated on 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 on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle and which are designed to be applied by the driver of the towing motor vehicle from its cab. (d) A new motor vehicle, trailer, or semitrailer which is hereafter sold and which is operated on the highways shall be equipped with brakes that are adequate to control the movement of, and to stop and hold, the vehicle, except for 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 which is owned by a farmer and which is used exclusively in connection with the farming operations of the farmer and is not used for hire. A truck or truck tractor that has 3 or more axles need not have brakes on the front wheels. A truck or truck tractor that 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 for 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 means specified in this subdivision which are capable of being used alternatively may be employed. (f) A motor vehicle and any combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes which are 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 requirements of section 11.101 of this code by the driver's muscular effort, by spring action, or by equivalent means. Their operation may be assisted by the service brakes or another source of power if failure of the service brake actuation system or another power assisting mechanism will not prevent the parking brakes from being applied. The parking brakes shall be designed so 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 constructed so that failure of 1 part still leaves the vehicle with operative brakes. (g) The brake shoes operating within or on 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 which is free from loose material within the distances specified in this subsection 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 Deceleration 20 miles in feet per hour 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. (4) A person who violates this section is responsible for a civil infraction.

11.102. Horn requirements; violation as civil infraction. (1) Every motor vehicle, when operated on a street, shall be equipped with a horn which is in good working order and which is capable of emitting sound that is audible under normal conditions from a distance of not less than 200 feet, but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his or her horn, but shall not otherwise use such horn when on a street. (2) A person who violates this section is responsible for a civil infraction.

11.103. Windshield required; exemptions; goggles required for operator of motorcycle; violation as civil infraction. (1) A motor vehicle shall not be operated on the streets or highways unless the vehicle is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris when the motor vehicle is moving forward. A farm tractor, other implements of husbandry, and historic vehicles, are exempt from this section. If a motorcycle operated on the streets and highways in excess of 35 miles an hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eye glasses. The goggles, eye glasses, or face shield shall be made of shatter-resistant material and shall be of sufficient size to protect the operator's eyes against insects, other airborne material, and highway surface water and debris. (2) A person who violates this section is responsible for a civil infraction.

11.104. Windshield; obstructions; cleaning devices; wipers; additional equipment; violation as civil infraction. (1) A person shall not drive a motor vehicle with a sign, poster, or other nontransparent material on 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. The device shall be constructed so as to be controlled or operated by the driver of the vehicle. A vehicle that is 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 on 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 the vehicle is equipped with a hot air windshield defroster, 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 which is maintained in operable condition at all times and which is capable of cleaning the windshield so that the driver has a clear view of the highway or an intersecting highway. (6) A person who violates this section is responsible for a civil infraction. (7) A person shall not drive a motor vehicle with either of the following: (a) A window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield. (b) A rear window or side window to the rear of the driver composed of, covered by, or treated with, a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film. (8) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the vehicle. (9) This section shall not apply to any of the following: (a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind the vehicle. (b) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver. (c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway. (d) A special window treatment or application determined necessary by a physician for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in his or her possession a letter signed by a physician, indicating the need for the special window treatment or application as a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

(10) Any person who violates this Section is responsible for a of civil infraction.

11.105. Tire requirements; violation as civil infraction. (1) A person shall not operate on a public highway 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) of this section. (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 subsections (2), (3), and (4) of this section. 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 on a vehicle when required for safety because of snow, ice, or other condition that tends 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 is not more than 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 be more than 20% of the tire 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) of this section. (6) A person who is 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) of this section. (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 plies 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 spaced around the circumference of the tire. Minimum allowable tread levels are as follows: (i) Motorcycles and mopeds 1/32 inch front and rear. (ii) Passenger cars and vehicles weighing less than 10,000 pounds 2/32 inch front and rear. (iii) Vehicles weighing 10,000 pounds or more 4/32 inch front and 2/32 inch rear. Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle that is 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 which have extra undertread rubber provided for this purpose and which are identified as such tires. (8) A person who violates this section is responsible for a civil infraction.

11.106. Mirror requirements; violation as civil infraction. (1) A person shall not drive on a highway a motor vehicle which is constructed or loaded so 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 rear viewing angle from the driver's side of the vehicle, except for a motor vehicle that is 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 ½-ton capacity or more that operates on 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. (2) A person who violates this section is responsible for a civil infraction.

11.107. Bumper height; vehicle modification; exemption; "passenger vehicle" defined; violation as civil infraction. (1) A person shall not operate a passenger vehicle on a public highway or street unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function. (2) A person shall not modify a passenger vehicle or operate upon a public highway or street of this state a passenger vehicle, except for a 4-wheel drive vehicle, which has been modified, if the resultant operational altitude of a bumper of the vehicle is less than 14, or more 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 the 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 to expose the fuel tank to damage from collision or to cause the wheels to come in contact with the body under normal operation, and no part of the original suspension system shall be disconnected to defeat the safe operation of the suspension system. However, nothing contained in this section shall prevent the installation of heavy-duty equipment, including shock absorbers and overload springs, and 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 a vehicle carrying passengers for hire, a vehicle that has a design which intrinsically precludes conformance with the act, or to a vehicle that has an unaltered and undamaged stock bumper or energy absorption system with an analogous function of the type supplied by the vehicle manufacturer. (5) Installation of a shock absorber or overload spring as heavy-duty equipment is not prohibited by this section. (6) This section shall not be construed to establish standards higher than those formulated by the United States department of transportation for bumpers on a passenger motor vehicle sold within the United States. (7) For purposes of this section, "passenger vehicle" means a vehicle displaying valid registration plates. (8) A person who violates this section is responsible for a civil infraction.

11.108. Requirements for flap-type devices on commercial vehicles; violation as civil infraction. (1) A commercial vehicle, except for a truck tractor between terminals which is traveling at a speed of not more than 25 miles per hour, and a combination of a commercial vehicle and trailer or semitrailer, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents of more than 22 ½ degrees measured from the

another, shall not sell, install, or replace a muffler or exhaust part which causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by the act or this code. (3) A person shall not modify, repair, replace, or remove parts of an exhaust system which causes the motor vehicle to which the system is attached to produce noise in excess of the levels established by the act and shall not operate a motor vehicle so altered on a street or highway. (4) A dealer shall not sell a used motor vehicle which is not in compliance with this code for use on a street or highway. (5) A person who violates subsection (1) of this section is responsible for a civil infraction. Violations of subsection (2), (3), or (4) are misdemeanors.

11.114. Display on vehicle of official designation, sign, or insignia prohibited; violation as misdemeanor. (1) An owner shall not display on any part of his or her vehicle, or knowingly permit the display of, any official designation, sign, or insignia of any public or quasi-public corporation; municipal, state, or national department; or government subdivision without authority of such agency. (2) A person who violates this section is guilty of a misdemeanor.

11.115. Television set; placement in motor vehicle; violation as misdemeanor. (1) A person shall not drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle. (2) A person who violates this section is guilty of a misdemeanor.

11.116. Size and weight restrictions; violation as misdemeanor; exception. (1) A person shall not drive, move, or cause or knowingly permit to be driven or moved on any street any vehicle or vehicles of a width, height, length, or weight of more than the limitations governing size and weight restrictions specified by the Traffic Engineer. (2) A person who violates this section is guilty of a misdemeanor unless the specific violation is declared to be a civil infraction.

11.117. Merchandising within highway right-of-way prohibited; exception; violation as civil infraction. (1) A person, firm, or corporation shall not sell, offer for sale, display, or attempt to display for sale any goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of any highway, except as allowed by Tribally issued permit. This section shall not be construed to interfere with any permanently established business presently located on or partially on private property, to grant to the owner any additional rights or authority that the owner may not now possess, or to diminish the legal rights or duties of the authority that has jurisdiction of the right-of-way. (2) A person who violates this section is responsible for a civil infraction.

11.118. School buses; signs; overtaking, meeting, or passing; violation as misdemeanor; discharge of passengers; signal lights; mirror; evidence of violation; violation as civil infraction. (1) A school bus that transports pupils outside of incorporated cities or villages and inside of incorporated cities or villages where stopping of school buses is controlled by local ordinance shall be painted, and shall contain signs on the back and front of the school bus, as approved by LTBB or the Michigan department of transportation and the superintendent of public instruction. (2) The driver of a vehicle that overtakes or meets a school bus which has stopped and which is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a

road surface. If a flap-type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons, and the device shall not extend beyond the 96-inch maximum width of the vehicle or combination. (2) A person who violates this section is responsible for a civil infraction.

11.109. Lamp or flag on projecting load required; violation as civil infraction. (1) When the load on any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle, a red light or lantern that is plainly visible from a distance of not less than 500 feet to the sides and rear shall be displayed at the extreme rear end of the load during the hours between ½ hour after sunset and ½ hour before sunrise and at any other time when there is not sufficient light to clearly discern persons and vehicles on the highway at a distance of 500 feet ahead. The red light or lantern required under this section shall be in addition to the red rear light required on every vehicle. (2) At times other than between ½ hour after sunset to ½ hour before sunrise, a red flag or cloth not less than 12 inches square shall be displayed at the extreme rear end of such load and shall be hung so that the entire area is visible to the driver of a vehicle approaching from the rear. (3) A person who violates this section is responsible for a civil infraction.

11.110. Mufflers required; violation as civil infraction. (1) A motor vehicle, including a motorcycle or a moped, shall at all times be equipped with a muffler that is in good working order which prevents excessive or unusual noise. A person shall not remove, destroy, or damage the baffles contained in the muffler. A person shall not use a muffler cutout, bypass, or similar device on a motorcycle or moped on any street or highway. (2) A person who violates this section is responsible for a civil infraction.

11.111. Operation of vehicle with unnecessary noise prohibited; violation as civil infraction. (1) A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency. (2) A person who violates this section is responsible for a civil infraction.

11.112. Excessive fumes or smoke; violation as civil infraction. (1) The engine and power mechanism of every motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke. (2) A person who violates this section is responsible for a civil infraction.

11.113. Devices for causing flame or smoke from motor vehicle prohibited; violation as civil infraction; replacing muffler or exhaust which causes vehicle to exceed established noise levels prohibited; modifying, repairing, replacing, or removing part of exhaust which causes vehicle to exceed established noise levels prohibited; sale of secondhand vehicle by dealer to comply with act; violation as misdemeanor. (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 for 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 herself or as the agent or employee of

full stop not less than 10 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed, and shall, when resuming motion, proceed in a manner that will allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety. (3) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus. (4) At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, but not more than 10 miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus. (5) If the stopping for school buses is controlled by local ordinance, the ordinance shall be enforceable if signs giving notice of the local traffic regulation are posted on or at the entrance to the area, or part of the area, affected as may be most appropriate or sufficiently legible as to be seen by an ordinarily observant person. (6) The driver of a vehicle who fails to stop for a school bus as required by subsections (2) to (5) of this section, who passes a school bus in violation of subsections (2) to (5) of this section, or who fails to stop for a school bus in violation of an ordinance which complies with subsections (2) to (5) of this section is guilty of a misdemeanor. (7) Subsections (2) to (6) do not apply to buses inside incorporated cities or villages. (8) A school bus driver shall not stop the bus for the purpose of receiving or discharging passengers unless the bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of not less than 500 feet. (9) The driver of a vehicle on a highway that has been divided into 2 roadways by leaving an intervening space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section. (10) A school bus that transports pupils outside of incorporated cities or villages and inside of incorporated cities or villages where stopping of school buses is controlled by local ordinance, in addition to any other equipment and distinctive marking required by law, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable. The lamps shall be capable of displaying to the front 2 alternately flashing red lights located at the same level and to the rear 2 alternately flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight and shall be actuated by the driver of the school bus when, but only when, the vehicle is stopped and for a distance of not less than 200 feet in advance of a stop for the purpose of receiving or discharging school children. The lights shall not be actuated inside of incorporated cities or villages unless stopping of school buses is controlled by local ordinance. (11) A school bus shall be equipped with a mirror, convex in shape, which is not less than 7-1/2 inches in diameter and which is firmly mounted at hood or fender top height in front of the bus. The mirror shall be located on either the left or right side of the bus in a manner so that the seated driver may observe the road from the front bumper forward to the point where direct observation is possible. (12) In a proceeding for a violation of subsection (2) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (2) of this section, together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at

the time of the violation. (13) Except as otherwise provided in subsection (2) of this section, a person who violates this section is responsible for a civil infraction. A violation of subsection (2) of this section is a misdemeanor.

11.119. Opening vehicle doors so as to impede traffic prohibited; violation as civil infraction. (1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic. (2) A person who violates this section is responsible for a civil infraction.

11.120. Blocking, obstructing, impeding, or otherwise interfering with traffic prohibited; violation as civil infraction. (1) A person without authority shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic on a public street or highway by means of a barricade, object, device, or with his or her person. This section does not apply to persons who maintain, arrange, or construct public utilities in, or adjacent to, a street or highway. (2) A person who violates this section is responsible for a civil infraction.

11.121. Towed vehicles; violation as civil infraction. (1) A passenger vehicle shall not be driven on any highway drawing or having attached thereto more than 1 vehicle or trailer. (2) The draw bar or other connection between any 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not be more than 15 feet in length from 1 vehicle to the other. When such connection consists of a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on such connection. (3) Every vehicle or trailer drawn by any motor-propelled vehicle shall be so attached to such vehicle with such forms of coupling devices as will prevent such vehicle or trailer from being deflected more than 6 inches from the path of the towing vehicle's wheels. Such vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the coupling and at the extreme outer edge of the vehicle, and each such chain or device and connection so used shall be of sufficient strength to haul the trailer when loaded. (4) A person who violates this section is responsible for a civil infraction.

## **SECTION XII. OPERATION OF BICYCLES, MOTORCYCLES, MOPEDS, AND TOY VEHICLES**

12.01. Operator of motorcycle or moped; rights and duties; violation as civil infraction. (1) Every person who operates a motorcycle or a moped on 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 code, except as to those provisions which by their nature do not apply. (2) A person who violates this section is responsible for a civil infraction.

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

12.03. Bicycles; ordinances applicable. The provisions of this code that are applicable to

bicycles shall apply when a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this code.

12.04. Riders to obey traffic law. Every person who rides a bicycle on 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 which are 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 do not apply.

12.05. Limited access highway; pedestrians and certain vehicles prohibited; violation as civil infraction. (1) A person shall not operate a moped, farm tractor, motorcycle with less than a 125-cubic centimeter engine, or other self-propelled farm implement, nor shall any pedestrian, bicycle, except as provided in this code, or other nonmotorized traffic be permitted, on any limited access highway in this state. Bicycles shall be permitted on paths which are constructed separately from the roadway and which are designated for the exclusive use of bicycles. (2) A person who violates this section is responsible for a civil infraction.

12.06. Bicycle dealers. Every person who is engaged in the business of buying or selling new or secondhand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, which shall include all of the following information: (a) The name and address of the person from whom purchased or to whom sold. (b) A description of such bicycle by name or make. (c) The frame number. (d) The number of license plate, if any, found thereon.

12.07. Obedience to traffic-control devices; violation as civil infraction. (1) Any person who operates a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer. (2) A person who violates this section is responsible for a civil infraction.

12.08. Obedience to pedestrian regulations when dismounted from a bicycle. When authorized signs are erected which indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of any such sign, except where the person dismounts from the bicycle to make such turn, in which event the person shall then obey the regulations applicable to pedestrians.

12.09. Passengers on motorcycles or mopeds; violation as civil infraction. (1) A person who operates a motorcycle shall ride on and astride the permanent and regular seat attached to the vehicle and shall not carry another person, or permit another person to ride, on the motorcycle as a passenger, unless the motorcycle 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 the motorcycle is designed for 2 persons or may ride on another seat firmly attached to the vehicle which is to the rear or side of the operator. (2) A person who operates 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. (3) A person who violates this section is responsible for a civil infraction.

12.10. Bicycles; number and manner of carrying persons; violation as civil infraction. (1) A person who propels a bicycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more persons at one time than the number for which the bicycle is designed and equipped. (2) A person who violates this section is responsible for a civil infraction.

12.11. Riding on roadways and bicycle paths; violation as civil infraction. (1) A person who operates a bicycle, motorcycle, or moped on a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction. (2) A person who operates a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass in an unoccupied lane on the left of traffic moving in his or her direction in the case of a 2-way street and on the left or right of traffic in the case of a 1-way street. (3) A person who violates this section is responsible for a civil infraction.

12.12. Riding 2 abreast prohibited; exception; violation as civil infraction. (1) Every person who operates a bicycle, motorcycle, or moped on 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. (2) A person who violates this section is responsible for a civil infraction.

12.13. Bicycles; use of paths required when provided; violation as civil infraction. (1) When a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (2) A person who violates this section is responsible for a civil infraction.

12.14. Clinging to other vehicles prohibited; violation as civil infraction. (1) A person who rides on any bicycle, motorcycle, moped, coaster, roller skates, sled, or toy vehicle shall not attach the same or himself or herself to any vehicle on a roadway. (2) A person who violates this section is responsible for a civil infraction.

12.15. Bicycles; speed; violation as civil infraction. (1) A person shall not operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (2) A person who violates this section is responsible for a civil infraction.

12.16. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction. (1) The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway. (2) A person who violates this section is responsible for a civil infraction.

12.17. Carrying articles; height of handlebars; violation as civil infraction. (1) A person who operates 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 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. (3) A person who violates this section is responsible for a civil infraction.

12.18. Bicycles; parking on sidewalk; violation as civil infraction. (1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic. (2) A person who violates this section is responsible for a civil infraction.

12.19. Bicycles; parking on roadway; violation as civil infraction. (1) Notwithstanding the provisions of this code, and unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows: (a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed. (b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed. (2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of this code which regulate the parking of vehicles. (3) A person who violates this section is responsible for a civil infraction.

12.20. Obedience to signs prohibiting riding of bicycles; violation as civil infraction. (1) When a sign is erected on a sidewalk which prohibits the riding of bicycles thereon by any person, a person shall obey the sign. (2) A person who violates this section is responsible for a civil infraction.

12.21. Riding on sidewalks; right-of-way; violation as civil infraction. (1) When any person is riding a bicycle on a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. (2) A person who violates this section is responsible for a civil infraction.

12.22. Bicycles; lights; red reflector; violation as civil infraction. (1) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light that is visible from a distance of not less than 500 feet to the front and shall be equipped with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when the bicycle is directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp that emits a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. (2) A person who violates this section is responsible for a civil infraction.

12.23. Bicycles; brake required; violation as civil infraction. (1) Every bicycle shall be equipped with a brake which enables the operator to make the braked wheels skid on dry, level, clean pavement. (2) A person who violates this section is responsible for a civil infraction.

12.24. Motorcycles; protective helmet required; violation as civil infraction. (1) A person who operates or rides on a motorcycle on a public thoroughfare shall wear on his or her head a

protective helmet of a type approved by the Police Department or Michigan department of state police. (2) A person who violates this section is responsible for a civil infraction.

12.25. Motorcycles; protective helmet standards; label. Protective helmets required by section 12.24 of this code which are sold or offered for sale shall meet or exceed the stated standards and shall be clearly labeled as meeting those standards.

12.26. Dealers; renting, leasing, or furnishing motorcycles or mopeds to unlicensed operators prohibited; violation as misdemeanor. (1) 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 or she is a resident, if a nonresident. (2) A person who violates this section is guilty of a misdemeanor.

12.27. Subleasing motorcycles or mopeds to unlicensed operators prohibited; violation as misdemeanor. (1) 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. (2) A person who violates this section is guilty of a misdemeanor.

12.28. Dealers; maintenance of motorcycles or mopeds in safe operating condition; explaining operation to person to whom rented, leased, or furnished; refusing to rent, lease, or furnish; violation as misdemeanor. (1) The dealer shall maintain in safe operating condition all motorcycles and mopeds rented, leased, or furnished by him or her. The dealer or his or her agents or employees shall explain the operation of the motorcycle or moped being rented, leased, or furnished. If such dealer or his or her agent or employee believes that the person to whom the motorcycle or moped is to be rented, leased, or furnished is not competent to operate such motorcycle or moped on public streets and highways, he or she shall refuse to rent, lease, or furnish the same. (2) A person who violates this section is guilty of a misdemeanor.

12.29. Motorcycle dealers; motor vehicle liability policies required; violation as misdemeanor. (1) Any dealer who rents, leases, or furnishes 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, shall 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. (2) A person who violates this section is guilty of a misdemeanor.

### **SECTION XIII. PEDESTRIANS' RIGHTS AND DUTIES**

13.01. Pedestrians; traffic-control signals; privileges and restricts; violation as civil infraction. (1) Pedestrians are subject to traffic-control signals at intersections as provided in section 10.16-10.38 of this code. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this chapter. (2) A person who violates this section is responsible for a civil infraction.

13.02. Pedestrians; right-of-way in crosswalk; violation as civil infraction. (1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle which is so close that it is impossible for the driver to yield. (2) A person who violates this section is responsible for a civil infraction.

13.03. Passing vehicle stopped at intersection to permit pedestrian to cross prohibited; violation as civil infraction. (1) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (2) A person who violates this section is responsible for a civil infraction.

13.04. Limited access highway; pedestrians prohibited; violation as civil infraction. (1) Pedestrians are prohibited on limited access highways. (2) A person who violates this section is responsible for a civil infraction.

#### **SECTION XIV. PENALTIES**

14.01. Civil infractions. Unless otherwise specified in this code, the penalty for a civil infraction shall be a fine no less than \$10.00 and no greater than \$100.00.

14.02. Misdemeanors. Unless otherwise specified in this code, the punishment for conviction of a misdemeanor shall be a jail term not to exceed ninety (90) days, or to a fine not to exceed one thousand dollars (\$1,000.00), or to both.

14.02. Felonies. Unless otherwise specified in this code, the punishment for conviction of a felony shall be a jail term not to exceed one year, or to a fine not to exceed five thousand dollars (\$5,000.00), or to both.

#### **SECTION XV. EFFECTIVE DATE**

This Statute takes effect upon enactment and shall remain in effect for a period of sixty days following the date of enactment.

### Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on March 18, 2001 at which a quorum was present, by a vote of 5 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Gerald Chingwa	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Janet Shomin	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Susan Wysocki	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Alice Yellowbank	<u>✓</u>	<u>  /  </u>	<u>      </u>	<u>      </u>

Date: 03-21-01

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Gerald Chingwa, Tribal Chairman 0

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Susan Wysocki, Tribal Secretary