

Legislative Analysis



ENFORCE TRAFFIC LAWS ON PRIVATE ROADS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4806 (Substitute H-1)

Sponsor: Rep. John Stakoe

Committee: Local Government and Urban Policy

First Analysis (9-12-06)

BRIEF SUMMARY: The bill would allow peace officers, under certain conditions, to enforce provisions of the Michigan Vehicle Code on private roads open to the general public.

FISCAL IMPACT: The bill would have to fiscal impact on state or local governments.

THE APPARENT PROBLEM:

Some feel that laws allowing peace officers to enforce traffic laws or ordinances on privately-owned roads that are open to the public need clarification. It is clear that an officer observing a violation of a state traffic law or local traffic ordinance by a driver on a public highway can pursue the violator onto a privately-owned road or parking lot that is open to the general public. However, some feel current law isn't as clear regarding the authority of law enforcement officers to enforce violations occurring on privately-owned roads open to the public, for example, roads in some subdivisions.

Earlier this year, Public Act 297 (enrolled House Bill 4807) amended the act which provides for a uniform traffic code to allow a peace officer to enforce a traffic ordinance on a private road accessible to the general public if signs meeting the requirements of the Michigan Manual of Uniform Traffic Control Devices were posted by the owner of person in charge of the road. It has been suggested that similar language be placed within the Vehicle Code to apply to enforcement of state traffic laws.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code (MCL 257.601a) to allow a city, township, or village to contract with a person who owns or is in charge of a private road that is open to the general public, at that person's request or with that person's consent, to enforce provisions of the code on that private road.

The bill would also allow a peace officer to enter upon a private road open to the general public to enforce provisions of the act if signs meeting the requirements of the Michigan Manual of Uniform Traffic Control Devices were posted on the private road. Responsibility for the cost and posting of the signs would be with the owner or person in charge of the road who entered into a contract as described above. The bill could not be construed to affect a contract entered into between a city, township, or village and the person who owned or was in charge of the road before the bill's effective date.

ARGUMENTS:

For:

The bill, along with Public Act 297 of 2006, would clarify how police can enforce traffic laws in private subdivisions. Without the ability to contract with the owner or person in charge of a private road that is open to the general public for enforcement of traffic laws, or if roads are not properly posted, these roads would be considered as private property, and would not be routinely patrolled by law enforcement agencies. Reportedly, many residents of subdivisions would welcome the presence of police cruisers to encourage drivers to obey traffic signs and drive at safe speeds.

POSITIONS:

There were no positions offered on the bill.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.