



# MICHIGAN STATE POLICE LEGAL UPDATE

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## CRIMINAL LAW AND PROCEDURE MANUAL

The 2009 edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase.

The manual is now published by [Kendall Hunt Publishing Co.](#) Copies may be ordered by calling Kendall Hunt Customer Service at (800) 228-0810, or through their [online catalog](#) (search by title or ISBN: [978-0-7575-6473-4](#)).

## PUBLIC HEALTH CODE

### Smoke Free Law

Effective: **May 1, 2010**

Public Act 188 of 2009 amended [Part 126 \(Smoking in Public Places\)](#) and [Part 129 \(Food Service Establishments\)](#) of the Public Health Code. The Act prohibits smoking in public places, places of employment, certain portions of casinos and in food service establishments. Examples of prohibited places include restaurants, bars, bowling alleys, arenas, indoor workplaces, education facilities, and child care centers.

### Enforcement of the Act

The no-smoking provisions of Part 126 and Part 129 will be enforced by the Department of Community Health (DCH) and local health departments. With limited exceptions, the penalty for violation is a civil fine.

Information on how to file a complaint and contact information for local health departments will be available prior to May 1, 2010, on the DCH's Web site [www.michigan.gov/smokefreelaw](http://www.michigan.gov/smokefreelaw).

### Effect on Law Enforcement

Law enforcement officers do not have authority under the Act to write a citation for a violation punishable by a civil fine. If an individual refuses to leave after being told to do so by an owner, operator, or person having control over an area covered under the Act, law enforcement officers may be

called upon to take appropriate enforcement action (e.g. trespassing - [MCL 750.552](#)).

[Public Act 188 of 2009](#)

## VEHICLE CODE

### Removing motor vehicles involved in traffic crashes from roadway

Effective: March 8, 2010

Public Act 10 of 2010 added [MCL 257.618a](#) to the Michigan Vehicle Code. The new section requires the operator or any other occupant with a valid driver license remove a motor vehicle involved in a crash from the main traveled portion of the roadway, unless the operator knows or reasonably should know that a serious injury or death has resulted from the crash. The vehicle must be moved onto the shoulder, emergency lane, median, or a place otherwise removed from the roadway if both of the following apply:

1. Moving the motor vehicle may be done safely.
2. The vehicle can be operated normally and safely under its own power without further damage to the traffic elements or roadway.

The person who removes a motor vehicle as provided in [MCL 257.618a](#) before the arrival of a police officer is not prima facie at fault regarding the cause of the crash solely by reason of moving the motor vehicle.

Violation of [MCL 257.618a](#) is a civil infraction.

[Public Act 10 of 2010](#)

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*This update is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update.*