



HOUSE BILL No. 5559

February 6, 1996, Introduced by Rep. Nye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 8801 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as added by Act No. 54 of the Public Acts of 1995, being section 600.8801 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8801 of Act No. 236 of the Public Acts
2 of 1961, as added by Act No. 54 of the Public Acts of 1995, being
3 section 600.8801 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 8801. (1) This chapter applies only to a state civil
6 infraction action involving a violation of state law that is des-
7 ignated as a state civil infraction.

8 (2) This chapter does not apply to a civil infraction action
9 involving a traffic or parking violation.

1 (3) As used in this chapter:

2 (a) "Citation" means a written complaint or notice to appear
3 in court upon which a law enforcement officer records the occur-
4 rence or existence of 1 or more state civil infractions by the
5 person cited.

6 (b) "Civil infraction determination" means a determination
7 that a defendant is responsible for a state civil infraction by 1
8 of the following:

9 (i) An admission of responsibility for the state civil
10 infraction.

11 (ii) An admission of responsibility for the state civil
12 infraction, "with explanation".

13 (iii) A preponderance of the evidence at an informal hearing
14 or formal hearing on the question under section 8819 or 8821,
15 respectively.

16 (iv) A default judgment, for failing to appear as directed
17 by a citation or other notice, at a scheduled appearance under
18 section 8815(3)(b) or (4), at an informal hearing under
19 section 8819, or at a formal hearing under section 8821.

20 (c) "Law enforcement officer" means any of the following:

21 (i) A sheriff or deputy sheriff.

22 (ii) An officer of the police department of a city, village,
23 or township, or the marshal of a city, village, or township.

24 (iii) An officer of the Michigan state police.

25 (iv) A conservation officer.

1 (v) A security employee employed by the state pursuant to
2 section 6c of Act No. 59 of the Public Acts of 1935, being
3 section 28.6c of the Michigan Compiled Laws.

4 (vi) A motor carrier officer appointed pursuant to
5 section 6d of Act No. 59 of the Public Acts of 1935, being
6 section 28.6d of the Michigan Compiled Laws.

7 (vii) A public safety officer employed by a university as
8 authorized by either of the following:

9 (A) Act No. 278 of the Public Acts of 1965, being
10 sections 390.711 to 390.717 of the Michigan Compiled Laws.

11 (B) Act No. 120 of the Public Acts of 1990, being
12 sections 390.1511 to 390.1514 of the Michigan Compiled Laws.

13 (viii) If authorized by the governing body of a political
14 subdivision, a constable of the political subdivision.

15 (ix) A PARK AND RECREATION OFFICER COMMISSIONED PURSUANT TO
16 SECTION 1606 OF PART 16 (ENFORCEMENT OF LAWS FOR PROTECTION OF
17 WILD BIRDS, WILD ANIMALS AND FISH) OF THE NATURAL RESOURCES AND
18 ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF
19 1994, BEING SECTION 324.1606 OF THE MICHIGAN COMPILED LAWS.