

HOUSE BILL No. 6612

December 19, 2018, Introduced by Rep. Rabhi and referred to the Committee on Commerce and Trade.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
by amending section 8801 (MCL 600.8801), as amended by 2005 PA 51.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8801. (1) This chapter applies only to a state civil
2 infraction action involving a violation of state law that is
3 designated as a state civil infraction.

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

6 (3) As used in this chapter:

7 (a) "Citation" means a written complaint or notice to appear
8 in court upon which a law enforcement officer records the
9 occurrence or existence of 1 or more state civil infractions by the

1 person cited.

2 (b) "Civil infraction determination" means a determination
3 that a defendant is responsible for a state civil infraction by 1
4 of the following:

5 (i) An admission of responsibility for the state civil
6 infraction.

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

9 (iii) A preponderance of the evidence at an informal hearing
10 or formal hearing on the question under section 8819 or 8821,
11 respectively.

12 (iv) A default judgment, for failing to appear as directed by
13 a citation or other notice, at a scheduled appearance under section
14 8815(3) (b) or (4), at an informal hearing under section 8819, or at
15 a formal hearing under section 8821.

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

17 (i) A sheriff or deputy sheriff.

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

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

21 (iv) A conservation officer.

22 (v) A security employee employed by the state pursuant to
23 section 6c of 1935 PA 59, MCL 28.6c.

24 (vi) A motor carrier officer appointed pursuant to section 6d
25 of 1935 PA 59, MCL 28.6d.

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

1 (A) 1965 PA 278, MCL 390.711 to 390.717.

2 (B) 1990 PA 120, MCL 390.1511 to 390.1514.

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

5 (ix) A park and recreation officer commissioned pursuant to
6 section 1606 of the natural resources and environmental protection
7 act, 1994 PA 451, MCL 324.1606.

8 (x) A state forest officer commissioned pursuant to section
9 83107 of the natural resources and environmental protection act,
10 1994 PA 451, MCL 324.83107.

11 (xi) **AN OFFICER, EMPLOYEE, OR AGENT OF THE DEPARTMENT OF**
12 **ENVIRONMENTAL QUALITY ENFORCING, PURSUANT TO AUTHORITY GRANTED BY**
13 **THE DIRECTOR OF THAT DEPARTMENT, SECTION 17703 OF THE NATURAL**
14 **RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL**
15 **324.17703.**

16 (xii) ~~(xi)~~ An officer, employee, or agent of the department of
17 agriculture **AND RURAL DEVELOPMENT** enforcing, pursuant to authority
18 granted by the director of agriculture, ~~THAT DEPARTMENT~~, a statute
19 administered, a rule promulgated, or an order issued by ~~the~~ **THAT**
20 department of ~~agriculture~~ or the director of ~~agriculture~~. **THAT**
21 **DEPARTMENT.**

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 99th Legislature are
26 enacted into law:

27 (a) Senate Bill No. _____ or House Bill No. 6610 (request no.

1 06618'18).

2 (b) Senate Bill No. _____ or House Bill No. 6611 (request no.
3 06618'18 a).

4 (c) Senate Bill No. _____ or House Bill No. 6609 (request no.
5 06619'18).