

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Rep. Eisen

ENROLLED HOUSE BILL No. 5402

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 113, 8701, and 8703 (MCL 600.113, 600.8701, and 600.8703), section 113 as amended by 1996 PA 79, section 8701 as added by 1994 PA 12, and section 8703 as amended by 1996 PA 388.

The People of the State of Michigan enact:

Sec. 113. (1) As used in this act:

(a) “Civil infraction” means an act or omission that is prohibited by a law and is not a crime under that law or that is prohibited by an ordinance, as defined in section 8701, and is not a crime under that ordinance, and for which civil sanctions may be ordered. Civil infraction includes, but is not limited to, the following:

(i) A violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, designated as a civil infraction.

(ii) A violation of a city, township, or village ordinance substantially corresponding to a provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, if the ordinance designates the violation as a civil infraction.

(iii) A violation of an ordinance adopted under 1969 PA 235, MCL 257.941 to 257.943.

(iv) A violation of a city, township, or village ordinance adopting the uniform traffic code promulgated under 1956 PA 62, MCL 257.951 to 257.955, if the uniform traffic code designates the violation as a civil infraction.

(v) A violation of an ordinance adopted by the governing board of a state university or college under 1967 PA 291, MCL 390.891 to 390.893, if the ordinance designates the violation as a civil infraction.

(vi) A violation of regulations adopted by a county board of commissioners under 1945 PA 58, MCL 46.201.

(vii) A municipal civil infraction.

(viii) A state civil infraction.

(ix) A violation of the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, designated as a civil infraction.

(b) “Civil infraction action” means a civil action in which the defendant is alleged to be responsible for a civil infraction.

(c) “Municipal civil infraction” means a civil infraction involving a violation of an ordinance, as defined in section 8701. Municipal civil infraction includes, but is not limited to, a trailway municipal civil infraction. Municipal civil infraction does not include a violation described in subdivision (a)(i) to (vi) or (ix) or any act or omission that constitutes a crime under any of the following:

(i) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(ii) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.

(iii) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(iv) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

(v) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

(vi) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.

(vii) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82161.

(viii) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81151.

(ix) The railroad code of 1993, 1993 PA 354, MCL 462.101 to 462.451.

(x) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

(d) “Municipal civil infraction action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction. Municipal civil infraction action includes, but is not limited to, a trailway municipal civil infraction action.

(e) “State civil infraction” means a civil infraction involving either of the following:

(i) A violation of state law that is designated by statute as a state civil infraction.

(ii) A violation of a city, township, village, or county ordinance that is designated by statute as a state civil infraction.

(f) “State civil infraction action” means a civil action in which the defendant is alleged to be responsible for a state civil infraction.

(g) “Trailway municipal civil infraction” means a municipal civil infraction involving the operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by ordinance.

(h) “Trailway municipal civil infraction action” means a civil infraction action in which the defendant is alleged to be responsible for a trailway municipal civil infraction.

(2) Except as otherwise provided in this act:

(a) A civil infraction action involving a traffic or parking violation is governed by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) A municipal civil infraction action is governed by chapter 87.

(c) A state civil infraction action is governed by chapter 88.

(3) A determination that a defendant is responsible for a civil infraction and thus subject to civil sanctions shall be by a preponderance of the evidence.

Sec. 8701. As used in this chapter:

(a) “Authorized local official” means a police officer or other personnel of a county, city, village, township, or regional parks and recreation commission created under section 2 of 1965 PA 261, MCL 46.352, legally authorized to issue municipal civil infraction citations.

(b) “Citation” means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person cited.

(c) “Municipal civil infraction determination” means a determination that a defendant is responsible for a municipal civil infraction by 1 of the following:

(i) An admission of responsibility for the municipal civil infraction.

(ii) An admission of responsibility for the municipal civil infraction, “with explanation”.

(iii) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 8719 or 8721, respectively.

(iv) A default judgment for failing to appear as directed by a citation or other notice at a scheduled appearance under section 8715(3)(b) or (4), at an informal hearing under section 8719, or at a formal hearing under section 8721.

(d) “Ordinance” includes a temporary vessel speed limit established by a county emergency management coordinator or sheriff under section 80146 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80146.

Sec. 8703. (1) A municipal civil infraction action is commenced upon the issuance of a citation as provided in section 8707. The plaintiff in a municipal civil infraction action is the political subdivision whose ordinance has been violated. If the ordinance is a temporary vessel speed limit established by the county emergency management coordinator or sheriff under section 80146 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80146, the county or municipality that requested the speed limit is considered to be the political subdivision whose ordinance has been violated.

(2) The district court and any municipal court have jurisdiction over municipal civil infraction actions.

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

(4) The place specified in the citation for appearance shall be the court referred to in subsection (2) that has territorial jurisdiction of the place where the municipal civil infraction occurred. Venue in the district court is governed by section 8312.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 100th Legislature are enacted into law:

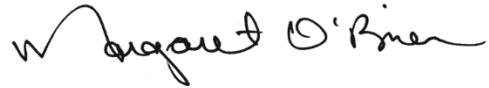
(a) House Bill No. 5401.

(b) House Bill No. 5463.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor