

HOUSE BILL No. 4485

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 113, 8313, 8375, 8391, 8511, and 8512, (MCL
600.113, 600.8313, 600.8375, 600.8391, 600.8511, and 600.8512),
sections 113 and 8511 as amended by 1996 PA 79 and sections 8313,
8375, and 8512 as amended by 1995 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 (a) "Civil infraction" means an act or omission that is pro-
3 hibited by a law and is not a crime under that law or that is
4 prohibited by an ordinance and is not a crime under that ordi-
5 nance, and for which civil sanctions may be ordered. Civil
6 infraction includes, but is not limited to, the following:

7 (i) A violation of the Michigan vehicle code, ~~Act No. 300~~
8 ~~of the Public Acts of 1949, being sections 257.1 to 257.923 of~~

1 ~~the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923,
2 designated as a civil infraction.

3 (ii) A violation of a city, township, or village ordinance
4 substantially corresponding to a provision of ~~Act No. 300 of the~~
5 ~~Public Acts of 1949~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
6 257.1 TO 257.923, if the ordinance designates the violation as a
7 civil infraction.

8 (iii) A violation of an ordinance adopted pursuant to ~~Act~~
9 ~~No. 235 of the Public Acts of 1969, being sections 257.941 to~~
10 ~~257.943 of the Michigan Compiled Laws~~ 1969 PA 235, MCL 257.941
11 TO 257.943.

12 (iv) A violation of a city, township, or village ordinance
13 adopting the uniform traffic code promulgated under ~~Act No. 62~~
14 ~~of the Public Acts of 1956, being sections 257.951 to 257.954 of~~
15 ~~the Michigan Compiled Laws~~ 1956 PA 62, MCL 257.951 TO 257.954,
16 if the uniform traffic code designates the violation as a civil
17 infraction.

18 (v) A violation of an ordinance adopted by the governing
19 board of a state university or college pursuant to ~~Act No. 291~~
20 ~~of the Public Acts of 1967, being sections 390.891 to 390.893 of~~
21 ~~the Michigan Compiled Laws~~ 1967 PA 291, MCL 390.891 TO 390.893,
22 if the ordinance designates the violation as a civil infraction.

23 (vi) A violation of regulations adopted by a county board of
24 commissioners pursuant to ~~Act No. 58 of the Public Acts of 1945,~~
25 ~~being section 46.201 of the Michigan Compiled Laws~~ 1945 PA 58,
26 MCL 46.201.

1 (vii) A municipal civil infraction.

2 (viii) A state civil infraction.

3 (ix) A violation of the pupil transportation act, ~~Act~~
4 ~~No. 187 of the Public Acts of 1990, being sections 257.1801 to~~
5 ~~257.1877 of the Michigan Compiled Laws~~ 1990 PA 187, MCL 257.1801
6 TO 257.1877, designated as a civil infraction.

7 (b) "Civil infraction action" means a civil action in which
8 the defendant is alleged to be responsible for a civil
9 infraction.

10 (c) "Municipal civil infraction" means a civil infraction
11 involving a violation of an ordinance. Municipal civil infrac-
12 tion includes, but is not limited to, a railway municipal civil
13 infraction. Municipal civil infraction does not include a viola-
14 tion described in subdivision (a)(i) to (vi) or (ix) or any act
15 or omission that constitutes a crime under any of the following:

16 (i) Article 7 or section 17766a of the public health code,
17 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
18 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA
19 368, 333.7101 TO 333.7545 AND 333.17766A.

20 (ii) The Michigan penal code, ~~Act No. 328 of the Public~~
21 ~~Acts of 1931, being sections 750.1 to 750.568 of the Michigan~~
22 ~~Compiled Laws~~ 1931 PA 328, MCL 750.1 TO 750.568.

23 (iii) ~~Act No. 300 of the Public Acts of 1949, being sec-~~
24 ~~tions 257.1 to 257.923 of the Michigan Compiled Laws~~ THE
25 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

26 (iv) The Michigan liquor control act, ~~Act No. 8 of the~~
27 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~

1 ~~436.58 of the Michigan Compiled Laws 1933 (EX SESS) PA 8, MCL~~
2 ~~436.1 TO 436.58.~~

3 (v) Part 801 (marine safety) of the natural resources and
4 environmental protection act, ~~Act No. 451 of the Public Acts of~~
5 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
6 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199.

7 (vi) The aeronautics code of the state of Michigan, ~~Act~~
8 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~
9 ~~259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO
10 259.208.

11 (vii) Part 821 (snowmobiles) of ~~Act No. 451 of the Public~~
12 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
13 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
14 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

15 (viii) Part 811 (off-road recreation vehicles) of ~~Act~~
16 ~~No. 451 of the Public Acts of 1994, being sections 324.81101 to~~
17 ~~324.81150 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES
18 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
19 324.81150.

20 (ix) The railroad code of 1993, ~~Act No. 354 of the Public~~
21 ~~Acts of 1993, being sections 462.101 to 462.451 of the Michigan~~
22 ~~Compiled Laws~~ 1993 PA 354, MCL 462.101 TO 462.451.

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

25 (d) "Municipal civil infraction action" means a civil action
26 in which the defendant is alleged to be responsible for a
27 municipal civil infraction. Municipal civil infraction action

1 includes, but is not limited to, a trailway municipal civil
2 infraction action.

3 (e) "State civil infraction" means a civil infraction
4 involving either of the following:

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

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

10 (f) "State civil infraction action" means a civil action in
11 which the defendant is alleged to be responsible for a state
12 civil infraction.

13 (g) "Trailway municipal civil infraction" means a municipal
14 civil infraction involving the operation of a vehicle on a recre-
15 ational trailway at a time, in a place, or in a manner prohibited
16 by ordinance.

17 (h) "Trailway municipal civil infraction action" means a
18 civil infraction action in which the defendant is alleged to be
19 responsible for a trailway municipal civil infraction.

20 (2) Except as otherwise provided in this act:

21 (a) A civil infraction action involving a traffic or parking
22 violation is governed by ~~Act No. 300 of the Public Acts of 1949~~
23 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

24 (b) A municipal civil infraction action is governed by chap-
25 ter 87.

26 (c) A state civil infraction action is governed by chapter
27 88.

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A CIVIL
2 INFRACTION ACTION INVOLVING A MARINE LAW VIOLATION IS GOVERNED BY
3 PART 801 (MARINE SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMEN-
4 TAL PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO 324.80199.

5 (4) ~~-(3)-~~ A determination that a defendant is responsible
6 for a civil infraction and thus subject to civil sanctions shall
7 be by a preponderance of the evidence.

8 Sec. 8313. A PROSECUTING ATTORNEY SHALL PROSECUTE A PERSON
9 FOR A violation of state criminal law ~~shall be prosecuted~~ in
10 the district court. ~~by the prosecuting attorney. A violation of~~
11 ~~an ordinance of a political subdivision that is a misdemeanor or~~
12 ~~that is not designated as a civil infraction shall be prosecuted~~
13 ~~in the district court by the attorney for the political subdivi-~~
14 ~~sion whose ordinance was violated.~~ THE ATTORNEY FOR A POLITICAL
15 SUBDIVISION SHALL PROSECUTE A PERSON FOR A VIOLATION OF AN ORDI-
16 NANCE OF THAT POLITICAL SUBDIVISION IF THE VIOLATION IS A MISDE-
17 MEANOR OR IF THE VIOLATION IS NOT DESIGNATED A CIVIL INFRACTION.
18 If the violation is a civil infraction, the prosecuting attorney
19 or attorney for the political subdivision ~~shall~~ IS REQUIRED TO
20 appear in court only in ~~those~~ A CONTESTED civil infraction
21 ~~actions that are contested~~ FORMAL HEARING before a judge of the
22 district court in a formal hearing as provided in any of the fol-
23 lowing, as applicable:

24 (a) Section 8721.

25 (b) Section 8821.

1 (c) Section 747 of the Michigan vehicle code, ~~Act No. 300~~
2 ~~of the Public Acts of 1949, being section 257.747 of the Michigan~~
3 ~~Compiled Laws~~ 1949 PA 300, MCL 257.747.

4 (D) SECTION 80198o (MARINE SAFETY) OF THE NATURAL RESOURCES
5 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80198o.

6 Sec. 8375. The district court may assess the same costs as
7 are permitted in the circuit court. In civil infraction actions,
8 the district court may assess costs as provided in section 907 of
9 the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
10 ~~1949, being section 257.907 of the Michigan Compiled Laws~~ 1994
11 PA 300, MCL 257.907, section 8727, ~~or~~ section 8827, OR SECTION
12 80198R (MARINE SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMENTAL
13 PROTECTION ACT, 1994 PA 451, MCL 324.80198R, as applicable. A
14 district court magistrate may assess costs in an amount fixed by
15 rule of the district court.

16 Sec. 8391. (1) With the approval of the governing body of
17 a district control unit, the district court may establish within
18 the court a traffic bureau which may be administered by clerks or
19 other personnel of the district court to accept, as authorized by
20 the judges of the district, admissions ~~for civil infractions~~
21 ~~under Act No. 300 of the Public Acts of 1949, as amended, being~~
22 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws, or a~~
23 ~~local ordinance corresponding thereto,~~ and to collect civil
24 fines and costs as prescribed by the judges of the district —
25 FOR THE FOLLOWING CIVIL INFRACTIONS:

1 (A) CIVIL INFRACTIONS UNDER THE MICHIGAN VEHICLE CODE, 1949
2 PA 300, MCL 257.1 TO 257.923, OR A CORRESPONDING LOCAL
3 ORDINANCE.

4 (B) MARINE LAW CIVIL INFRACTIONS UNDER PART 801 (MARINE
5 SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
6 ACT, 1994 PA 451, MCL 324.80101 TO 324.80199.

7 (2) Beginning August 1, 1979, a traffic bureau may also
8 accept ~~pleas~~ A PLEA of guilty for ~~such~~ A traffic ~~offenses~~
9 ~~as~~ OFFENSE, authorized by the judges of the district, except for
10 violations of sections 625, ~~625b~~, 626, 626b, and 904 of ~~Act~~
11 ~~No. 300 of the Public Acts of 1949, as amended, or a local ordi-~~
12 ~~nance corresponding thereto~~ THE MICHIGAN VEHICLE CODE, 1949 PA
13 300, MCL 257.625, 257.626, 257.626B, AND 257.904, OR A CORRE-
14 SPONDING LOCAL ORDINANCE, and collect fines and costs as pre-
15 scribed by the judges of the district, if the offense occurred
16 before August 1, 1979 and if the maximum permissible punishment
17 for the offense at the time the offense was committed did not
18 exceed 90 days in jail or a fine of not more than \$100.00, or
19 both. ~~The~~

20 (3) SUBJECT TO SUPREME COURT SUPERVISION, THE presiding
21 judge of ~~the~~ A district, ~~subject to the supervision of the~~
22 ~~supreme court, shall have~~ HAS authority over ~~the~~ TRAFFIC
23 BUREAU personnel and SHALL determine the location and number of
24 traffic bureau offices IN THAT DISTRICT.

25 (4) Appeals as of right may be taken from the traffic bureau
26 to the district court. Appeals shall be taken within 7 days

1 after the entry of the civil infraction admission and shall be
2 heard de novo.

3 Sec. 8511. A district court magistrate shall have the fol-
4 lowing jurisdiction and duties:

5 (a) To arraign and sentence upon pleas of guilty or nolo
6 contendere for violations of the following acts or parts of acts,
7 or a local ordinance substantially corresponding to these acts or
8 parts of acts, when authorized by the chief judge of the district
9 court and if the maximum permissible punishment does not exceed
10 90 days in jail or a fine, or both:

11 (i) Michigan vehicle code, ~~Act No. 300 of the Public Acts~~
12 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
13 ~~Laws~~ 1949 PA 300, MCL 257.1 TO 257.923, except for violations of
14 ~~sections 625 and 625b of Act No. 300 of the Public Acts of 1949,~~
15 ~~being sections 257.625 and 257.625b of the Michigan Compiled~~
16 ~~Laws~~ SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
17 257.625. However, the magistrate may have the jurisdiction to
18 arraign defendants and set bond with regard to violations of
19 ~~sections 625 and 625b of Act No. 300 of the Public Acts of 1949~~
20 SECTION 625 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
21 257.625.

22 (ii) Part 487 (sport fishing) of the natural resources and
23 environmental protection act, ~~Act No. 451 of the Public Acts of~~
24 ~~1994, being sections 324.48701 to 324.48740 of the Michigan~~
25 ~~Compiled Laws~~ 1994 PA 451, MCL 324.48701 TO 324.48740.

26 (iii) Part 401 (wildlife conservation) of ~~Act No. 451 of~~
27 ~~the Public Acts of 1994, being sections 324.40101 to 324.40119 of~~

1 ~~the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND
2 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.40101 TO
3 324.40119.

4 (iv) Part 801 (marine safety) of ~~Act No. 451 of the Public~~
5 ~~Acts of 1994, being sections 324.80101 to 324.80199 of the~~
6 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
7 PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO 324.80199, EXCEPT
8 FOR VIOLATIONS OF SECTION 80171(1) AND (3) OF PART 801 (MARINE
9 SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
10 ACT, 1994 PA 451, MCL 324.80171. HOWEVER, THE MAGISTRATE MAY
11 HAVE JURISDICTION TO ARRAIGN DEFENDANTS AND SET BOND FOR VIOLA-
12 TIONS OF SECTION 80171(1) AND (3) OF PART 801 (MARINE SAFETY) OF
13 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
14 451, MCL 324.80171.

15 (v) The motor carrier act, ~~Act No. 254 of the Public Acts~~
16 ~~of 1933, being sections 475.1 to 479.43 of the Michigan Compiled~~
17 ~~Laws~~ 1933 PA 254, MCL 475.1 TO 479.43.

18 (vi) Motor carrier safety act of 1963, ~~Act No. 181 of the~~
19 ~~Public Acts of 1963, being sections 480.11 to 480.21 of the~~
20 ~~Michigan Compiled Laws~~ 1963 PA 181, MCL 480.11 TO 480.21.

21 (vii) Part 821 (snowmobiles) of ~~Act No. 451 of the Public~~
22 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
23 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
24 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

25 (viii) Dog law of 1919, ~~Act No. 339 of the Public Acts of~~
26 ~~1919, being sections 287.261 to 287.290 of the Michigan Compiled~~
27 ~~Laws~~ 1919 PA 339, MCL 287.261 TO 287.290.

1 (ix) Section 33a, 33b, or 34 of the Michigan liquor control
2 act, ~~Act No. 8 of the Public Acts of the Extra Session of 1933,~~
3 ~~being sections 436.33a, 436.33b, and 436.34 of the Michigan~~
4 ~~Compiled Laws~~ 1933 EX SESS PA 8, MCL 436.33A, 436.33B, AND
5 436.34.

6 (x) Part 5 (department of natural resources general powers
7 and duties) of ~~Act No. 451 of the Public Acts of 1994, being~~
8 ~~sections 324.501 to 324.511 of the Michigan Compiled Laws~~ THE
9 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
10 MCL 324.501 TO 324.511.

11 (xi) Part 811 (off-road recreation vehicles) of ~~Act No. 451~~
12 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~
13 ~~of the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRON-
14 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO 324.81150.

15 (xii) Part 89 (littering) of ~~Act No. 451 of the Public Acts~~
16 ~~of 1994, being sections 324.8901 to 324.8907 of the Michigan~~
17 ~~Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
18 ACT, 1994 PA 451, MCL 324.8901 TO 324.8907.

19 (xiii) Part 435 (hunting and fishing licensing) of ~~Act~~
20 ~~No. 451 of the Public Acts of 1994, being sections 324.43501 to~~
21 ~~324.43561 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES
22 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.43501 TO
23 324.43561.

24 (xiv) Part 731 (recreational trespass) of ~~Act No. 451 of~~
25 ~~the Public Acts of 1994, being sections 324.73101 to 324.73111 of~~
26 ~~the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND

1 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.73101 TO
2 324.73111.

3 (xv) Chapter LXXXV of the Michigan penal code, ~~Act No. 328~~
4 ~~of the Public Acts of 1931, being sections 750.546 to 750.552a of~~
5 ~~the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.546 TO
6 750.552A.

7 (b) To issue warrants for the arrest of a person upon the
8 written authorization of the prosecuting or municipal attorney,
9 except written authorization shall not be required for a vehicle
10 law or ordinance violation within the jurisdiction of the magis-
11 trate if a police officer issued a traffic citation pursuant to
12 section 728 of the Michigan vehicle code, ~~Act No. 300 of the~~
13 ~~Public Acts of 1949, being section 257.728 of the Michigan~~
14 ~~Compiled Laws~~ 1949 PA 300, MCL 257.728, and the defendant failed
15 to appear.

16 (c) To fix bail and accept bond in all cases.

17 (d) To issue search warrants, when authorized to do so by a
18 district court judge.

19 Sec. 8512. (1) A district court magistrate may hear and
20 preside over civil infraction admissions and admissions with
21 explanation and conduct informal hearings in civil infraction
22 actions pursuant to section 746 of the Michigan vehicle code,
23 ~~Act No. 300 of the Public Acts of 1949, being section 257.746 of~~
24 ~~the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.746, section
25 8719, ~~or~~ section 8819, OR SECTION 80198N OF THE NATURAL
26 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
27 324.80198N, as applicable. In exercising the authority conferred

1 by this subsection, the magistrate may administer oaths, examine
2 witnesses, and make findings of fact and conclusions of law. If
3 the defendant is determined to be responsible for a civil infrac-
4 tion, the magistrate may impose the civil sanctions authorized by
5 section 907 of ~~Act No. 300 of the Public Acts of 1949, being~~
6 ~~section 257.907 of the Michigan Compiled Laws~~ THE MICHIGAN VEHI-
7 CLE CODE, 1949 PA 300, MCL 257.907, section 8727, ~~or~~ section
8 8827, OR SECTION 80198R OF PART 801 (MARINE SAFETY) OF THE NATU-
9 RAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
10 324.80198R, as applicable.

11 (2) A district court magistrate shall not conduct an infor-
12 mal hearing in a civil infraction action involving a traffic or
13 parking violation governed by ~~Act No. 300 of the Public Acts of~~
14 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
15 ~~Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
16 257.923, until he or she has successfully completed a special
17 training course in traffic law adjudication and sanctions. ~~The~~
18 ~~course shall be given periodically by the~~

19 (3) A DISTRICT COURT MAGISTRATE SHALL NOT CONDUCT AN INFOR-
20 MAL HEARING IN A MARINE LAW CIVIL INFRACTION ACTION UNTIL HE OR
21 SHE HAS SUCCESSFULLY COMPLETED A SPECIAL TRAINING COURSE IN
22 MARINE LAW ADJUDICATIONS AND SANCTIONS. THE state court
23 administrator SHALL PERIODICALLY PROVIDE A SPECIAL TRAINING
24 COURSE IN TRAFFIC AND MARINE LAW ADJUDICATIONS AND SANCTIONS FOR
25 DISTRICT COURT MAGISTRATES.

26 (4) ~~(3)~~ A district court magistrate may exercise the
27 authority conferred by this section only to the extent expressly

1 authorized by the chief judge, presiding judge, or only judge of
2 the district court district.

3 Enacting section 1. This amendatory act takes effect April
4 1, 1999.

5 Enacting section 2. This amendatory act does not take
6 effect unless all of the following bills of the 89th Legislature
7 are enacted into law:

8 (a) Senate Bill No. _____ or House Bill No. _____
9 (request no. 00685'97 **).

10 (b) Senate Bill No. _____ or House Bill No. _____
11 (request no. 00685'97 b ***).

12 (c) Senate Bill No. _____ or House Bill No. _____
13 (request no. 00685'97 c **).

14 (d) Senate Bill No. _____ or House Bill No. _____
15 (request no. 00685'97 d **).

16 (e) Senate Bill No. _____ or House Bill No. _____
17 (request no. 00685'97 e **).

18 (f) Senate Bill No. _____ or House Bill No. _____
19 (request no. 00685'97 f **).

20 (g) Senate Bill No. _____ or House Bill No. _____
21 (request no. 00685'97 g **).

22 (h) Senate Bill No. _____ or House Bill No. _____
23 (request no. 00685'97 h **).