

Act No. 211
Public Acts of 1996
Approved by the Governor
May 23, 1996
Filed with the Secretary of State
May 23, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 5559

AN ACT to amend section 8801 of Act No. 236 of the Public Acts of 1961, entitled as amended "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 such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," 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:

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

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

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

(3) As used in this chapter:

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

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

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

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

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

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

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

(i) A sheriff or deputy sheriff.

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

(iii) An officer of the Michigan state police.

(iv) A conservation officer.

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

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

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

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

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

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

(ix) A park and recreation officer commissioned pursuant to section 1606 of part 16 (enforcement of laws for protection of wild birds, wild animals and fish) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.1606 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.