



HOUSE BILL No. 4426

February 15, 1995, Introduced by Rep. Nye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 113, 8313, 8375, and 8512 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 12 of the Public Acts of 1994, being sections 600.113, 600.8313, 600.8375, and 600.8512 of the Michigan Compiled Laws; and to add section 8392 and chapter 88.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 113, 8313, 8375, and 8512 of Act
2 No. 236 of the Public Acts of 1961, as amended by Act No. 12 of
3 the Public Acts of 1994, being sections 600.113, 600.8313,
4 600.8375, and 600.8512 of the Michigan Compiled Laws, are amended
5 and section 8392 and chapter 88 are added to read as follows:

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

7 (a) "Civil infraction" means an act or omission that is
8 prohibited by a law and is not a crime under that law or that is

1 prohibited by an ordinance and is not a crime under that
2 ordinance, and for which civil sanctions may be ordered. Civil
3 infraction includes, but is not limited to, the following:

4 (i) A violation of the Michigan vehicle code, Act No. 300 of
5 the Public Acts of 1949, being sections 257.1 to 257.923 of the
6 Michigan Compiled Laws, designated as a civil infraction.

7 (ii) A violation of a city, township, or village ordinance
8 substantially corresponding to a provision of Act No. 300 of the
9 Public Acts of 1949, if the ordinance designates the violation as
10 a civil infraction.

11 (iii) A violation of an ordinance adopted pursuant to Act
12 No. 235 of the Public Acts of 1969, being sections 257.941 to
13 257.943 of the Michigan Compiled Laws.

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

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

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

1 (vii) A violation of the marine safety act, Act No. 303 of
2 the Public Acts of 1967, being sections 281.1001 to 281.1199 of
3 the Michigan Compiled Laws, or of an ordinance enacted pursuant
4 to sections 17 and 166 of Act No. 303 of the Public Acts of 1967,
5 being sections 281.1017 and 281.1166 of the Michigan Compiled
6 Laws, if the violation is ~~designed~~ DESIGNATED by Act No. 303 of
7 the Public Acts of 1967 as a marine law civil infraction.

8 (viii) A municipal civil infraction.

9 (ix) A STATE CIVIL INFRACTION.

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

13 (c) "Municipal civil infraction" means a civil infraction
14 involving a violation of an ordinance. Municipal civil infrac-
15 tion includes, but is not limited to, a trailway municipal civil
16 infraction. Municipal civil infraction does not include a viola-
17 tion described in subdivision (a)(i) to (vii) or any act or omis-
18 sion that constitutes a crime under any of the following:

19 (i) Article 7 or section 17766a of the public health code,
20 Act No. 368 of the Public Acts of 1978, being sections 333.7101
21 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

22 (ii) The Michigan penal code, Act No. 328 of the Public Acts
23 of 1931, being sections 750.1 to 750.568 of the Michigan Compiled
24 Laws.

25 (iii) The Michigan vehicle code, Act No. 300 of the Public
26 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
27 Compiled Laws.

1 (iv) The Michigan liquor control act, Act No. 8 of the
2 Public Acts of the Extra Session of 1933, being sections 436.1 to
3 436.58 of the Michigan Compiled Laws.

4 (v) The marine safety act, Act No. 303 of the Public Acts of
5 1967, being sections 281.1001 to 281.1199 of the Michigan
6 Compiled Laws.

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.

10 (vii) Act No. 74 of the Public Acts of 1968, being sections
11 257.1501 to 257.1518 of the Michigan Compiled Laws.

12 (viii) Act No. 319 of the Public Acts of 1975, being sec-
13 tions 257.1601 to 257.1626 of the Michigan Compiled Laws.

14 (ix) Act No. 4 of the Public Acts of 1986, being sections
15 470.201 to 470.210 of the Michigan Compiled Laws.

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

18 (d) "Municipal civil infraction action" means a civil action
19 in which the defendant is alleged to be responsible for a municipi-
20 pal civil infraction. Municipal civil infraction action
21 includes, but is not limited to, a trailway municipal civil
22 infraction action.

23 (E) "STATE CIVIL INFRACTION" MEANS A CIVIL INFRACTION
24 INVOLVING A VIOLATION OF STATE LAW THAT IS DESIGNATED BY STATUTE
25 AS A STATE CIVIL INFRACTION.

26 (F) ~~(e)~~ "Trailway municipal civil infraction" means a
27 municipal civil infraction involving the operation of a vehicle

1 on a recreational trailway at a time, in a place, or in a manner
2 prohibited by ordinance.

3 (G) ~~(f)~~ "Trailway municipal civil infraction action" means
4 a civil infraction action in which the defendant is alleged to be
5 responsible for a trailway municipal civil infraction.

6 (2) Except as otherwise provided in this act: ~~, a~~

7 (A) A civil infraction action involving a traffic or parking
8 violation ~~shall be~~ IS governed by the Michigan vehicle code,
9 Act No. 300 of the Public Acts of 1949, as amended, being sec-
10 tions 257.1 to 257.923 of the Michigan Compiled Laws.

11 (B) ~~(3) Except as otherwise provided in this act, a~~ A
12 municipal civil infraction action is governed by chapter 87.

13 (C) A STATE CIVIL INFRACTION ACTION IS GOVERNED BY CHAPTER
14 88.

15 (3) ~~(4)~~ A determination that a defendant is responsible
16 for a civil infraction and thus subject to civil sanctions shall
17 be by a preponderance of the evidence.

18 Sec. 8313. ~~All violations~~ A VIOLATION of state criminal
19 law shall be prosecuted in the district court by the prosecuting
20 attorney. ~~All ordinance violations that are misdemeanors or~~
21 ~~that are~~ A VIOLATION OF AN ORDINANCE OF A POLITICAL SUBDIVISION
22 THAT IS A MISDEMEANOR OR THAT IS not designated as A civil
23 ~~infractions~~ INFRACTION shall be prosecuted in the district
24 court by the attorney for the political subdivision whose ordi-
25 nance was violated. If the violation is a civil infraction, the
26 prosecuting attorney or attorney for the political subdivision
27 shall ~~be required to~~ appear in court only in those civil

1 infraction actions that are contested before a judge of the
2 district court in a formal hearing as provided in ~~section~~ ANY
3 OF THE FOLLOWING, AS APPLICABLE:

4 (A) SECTION 8721.

5 (B) SECTION 8821.

6 (C) SECTION 747 of the Michigan vehicle code, Act No. 300 of
7 the Public Acts of 1949, being section 257.747 of the Michigan
8 Compiled Laws. ~~, or section 8721, as applicable.~~

9 Sec. 8375. The district court may assess the same costs as
10 are permitted in the circuit court. In civil infraction actions,
11 the district court may assess costs as provided in section 907 of
12 the Michigan vehicle code, Act No. 300 of the Public Acts of
13 1949, being section 257.907 of the Michigan Compiled Laws, ~~or~~
14 section 8727, OR SECTION 8827, as applicable. A district court
15 magistrate may assess costs in an amount fixed by rule of the
16 district court.

17 SEC. 8392. (1) UPON THE APPROVAL OF THE GOVERNING BODY OF A
18 DISTRICT CONTROL UNIT, THE DISTRICT COURT MAY ESTABLISH WITHIN
19 THE COURT A STATE CIVIL INFRACTION BUREAU. THE STATE CIVIL
20 INFRACTION BUREAU MAY UTILIZE CLERKS OR OTHER PERSONNEL OF THE
21 DISTRICT COURT TO ACCEPT, AS AUTHORIZED BY THE JUDGES OF THE DIS-
22 TRICT, ADMISSIONS FOR CIVIL INFRACTIONS UNDER CHAPTER 88, AND TO
23 COLLECT CIVIL FINES AND COSTS AS PRESCRIBED BY THE JUDGES OF THE
24 DISTRICT. THE CHIEF OR ONLY JUDGE OF THE DISTRICT, SUBJECT TO
25 THE SUPERVISION OF THE SUPREME COURT, HAS AUTHORITY OVER THE
26 STATE CIVIL INFRACTION BUREAU PERSONNEL AND SHALL DETERMINE THE
27 LOCATION AND NUMBER OF STATE CIVIL INFRACTION BUREAU OFFICES.

1 APPEALS AS OF RIGHT MAY BE TAKEN FROM THE STATE CIVIL INFRACTION
2 BUREAU TO THE DISTRICT COURT. APPEALS SHALL BE TAKEN WITHIN 7
3 DAYS AFTER THE ENTRY OF THE CIVIL INFRACTION ADMISSION AND SHALL
4 BE HEARD DE NOVO.

5 (2) A STATE CIVIL INFRACTION BUREAU MAY BE COMBINED WITH A
6 TRAFFIC BUREAU.

7 Sec. 8512. (1) A district court magistrate may hear and
8 preside over civil infraction admissions and admissions with
9 explanation and conduct informal hearings in civil infraction
10 actions pursuant to section 746 of the Michigan vehicle code, Act
11 No. 300 of the Public Acts of 1949, being section 257.746 of the
12 Michigan Compiled Laws, SECTION 8719, or section ~~8719~~ 8819, as
13 applicable. In exercising the authority conferred by this sub-
14 section, the magistrate may administer oaths, examine witnesses,
15 and make findings of fact and conclusions of law. If the
16 defendant is determined to be responsible for a civil infraction,
17 the magistrate may impose the civil sanctions authorized by sec-
18 tion 907 of Act No. 300 of the Public Acts of 1949, being section
19 257.907 of the Michigan Compiled Laws, SECTION 8727, or section
20 ~~8727~~ 8827, as applicable.

21 (2) A district court magistrate shall not conduct an infor-
22 mal hearing in a civil infraction action involving a traffic or
23 parking violation governed by Act No. 300 of the Public Acts of
24 1949, being sections 257.1 to 257.923 of the Michigan Compiled
25 Laws, until he or she has successfully completed a special train-
26 ing course in traffic law adjudication and sanctions. The course
27 shall be given periodically by the state court administrator.

1 (3) A district court magistrate may exercise the authority
2 conferred by this section only to the extent expressly authorized
3 by the chief judge, presiding judge, or only judge of the dis-
4 trict court district.

5 CHAPTER 88.

6 STATE CIVIL INFRACTIONS

7 SEC. 8801. (1) THIS CHAPTER APPLIES ONLY TO A STATE CIVIL
8 INFRACTION ACTION INVOLVING A VIOLATION OF STATE LAW THAT IS DES-
9 IGNATED AS A STATE CIVIL INFRACTION.

10 (2) THIS CHAPTER DOES NOT APPLY TO A STATE CIVIL INFRACTION
11 ACTION INVOLVING A TRAFFIC OR PARKING VIOLATION, OR A VIOLATION
12 OF THE MARINE SAFETY ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967,
13 BEING SECTIONS 281.1001 TO 281.1199 OF THE MICHIGAN COMPILED
14 LAWS.

15 (3) AS USED IN THIS CHAPTER:

16 (A) "CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE TO APPEAR
17 IN COURT UPON WHICH A LAW ENFORCEMENT OFFICER RECORDS THE OCCUR-
18 RENCE OR EXISTENCE OF 1 OR MORE STATE CIVIL INFRACTIONS BY THE
19 PERSON CITED.

20 (B) "CIVIL INFRACTION DETERMINATION" MEANS A DETERMINATION
21 THAT A DEFENDANT IS RESPONSIBLE FOR A STATE CIVIL INFRACTION BY 1
22 OF THE FOLLOWING:

23 (i) AN ADMISSION OF RESPONSIBILITY FOR THE STATE CIVIL
24 INFRACTION.

25 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE STATE CIVIL
26 INFRACTION, "WITH EXPLANATION".

1 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING
2 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 8819 OR 8821,
3 RESPECTIVELY.

4 (iv) A DEFAULT JUDGMENT, FOR FAILING TO APPEAR AS DIRECTED
5 BY A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
6 SECTION 8815(3)(B) OR (4), AT AN INFORMAL HEARING UNDER
7 SECTION 8819, OR AT A FORMAL HEARING UNDER SECTION 8821.

8 (C) "LAW ENFORCEMENT OFFICER" MEANS ANY OF THE FOLLOWING:

9 (i) A SHERIFF OR DEPUTY SHERIFF.

10 (ii) AN OFFICER OF THE POLICE DEPARTMENT OF A CITY, VILLAGE,
11 OR TOWNSHIP, OR THE MARSHAL OF A CITY, VILLAGE, OR TOWNSHIP.

12 (iii) AN OFFICER OF THE MICHIGAN STATE POLICE.

13 (iv) A CONSERVATION OFFICER.

14 (v) A SECURITY EMPLOYEE EMPLOYED BY THE STATE PURSUANT TO
15 SECTION 6C OF ACT NO. 59 OF THE PUBLIC ACTS OF 1935, BEING
16 SECTION 28.6C OF THE MICHIGAN COMPILED LAWS.

17 (vi) A MOTOR CARRIER OFFICER APPOINTED PURSUANT TO
18 SECTION 6D OF ACT NO. 59 OF THE PUBLIC ACTS OF 1935, BEING
19 SECTION 28.6D OF THE MICHIGAN COMPILED LAWS.

20 (vii) A PUBLIC SAFETY OFFICER EMPLOYED BY A UNIVERSITY AS
21 AUTHORIZED BY EITHER OF THE FOLLOWING:

22 (A) ACT NO. 278 OF THE PUBLIC ACTS OF 1965, BEING
23 SECTIONS 390.711 TO 390.717 OF THE MICHIGAN COMPILED LAWS.

24 (B) ACT NO. 120 OF THE PUBLIC ACTS OF 1990, BEING
25 SECTIONS 390.1511 TO 390.1514 OF THE MICHIGAN COMPILED LAWS.

26 (viii) IF AUTHORIZED BY THE GOVERNING BODY OF A POLITICAL
27 SUBDIVISION, A CONSTABLE OF THE POLITICAL SUBDIVISION.

1 SEC. 8803. (1) A STATE CIVIL INFRACTION ACTION IS COMMENCED
2 UPON THE ISSUANCE OF A CITATION AS PROVIDED IN SECTION 8807. THE
3 PLAINTIFF IN A STATE CIVIL INFRACTION ACTION IS THE STATE.

4 (2) THE DISTRICT COURT AND ANY MUNICIPAL COURT HAVE EXCLU-
5 SIVE JURISDICTION OVER STATE CIVIL INFRACTION ACTIONS.

6 (3) THE TIME SPECIFIED IN A CITATION FOR APPEARANCE SHALL BE
7 WITHIN A REASONABLE TIME AFTER THE CITATION IS ISSUED PURSUANT TO
8 SECTION 8807.

9 (4) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE SHALL
10 BE THE COURT REFERRED TO IN SUBSECTION (2) THAT HAS TERRITORIAL
11 JURISDICTION OF THE PLACE WHERE THE STATE CIVIL INFRACTION
12 OCCURRED. VENUE IN THE DISTRICT COURT IS GOVERNED BY
13 SECTION 8312.

14 (5) IF THE PERSON CITED IS A MINOR, THAT INDIVIDUAL SHALL BE
15 PERMITTED TO APPEAR IN COURT OR TO ADMIT RESPONSIBILITY FOR A
16 STATE CIVIL INFRACTION WITHOUT THE NECESSITY OF APPOINTMENT OF A
17 GUARDIAN OR NEXT FRIEND. THE COURTS LISTED IN SUBSECTION (2)
18 SHALL HAVE JURISDICTION OVER THE MINOR AND MAY PROCEED IN THE
19 SAME MANNER AND IN ALL RESPECTS AS IF THAT INDIVIDUAL WERE AN
20 ADULT.

21 SEC. 8805. (1) EACH CITATION SHALL BE NUMBERED CONSECUTIVE-
22 LY, BE IN A FORM AS APPROVED BY THE STATE COURT ADMINISTRATOR,
23 AND CONSIST OF THE FOLLOWING PARTS:

24 (A) THE ORIGINAL, WHICH IS A COMPLAINT AND NOTICE TO APPEAR
25 BY THE LAW ENFORCEMENT OFFICER AND SHALL BE FILED WITH THE COURT
26 IN WHICH THE APPEARANCE IS TO BE MADE.

1 (B) THE FIRST COPY, WHICH SHALL BE RETAINED BY THE LAW
2 ENFORCEMENT AGENCY.

3 (C) THE SECOND COPY, WHICH SHALL BE ISSUED TO THE ALLEGED
4 VIOLATOR IF THE VIOLATION IS A MISDEMEANOR.

5 (D) THE THIRD COPY, WHICH SHALL BE ISSUED TO THE ALLEGED
6 VIOLATOR IF THE VIOLATION IS A STATE CIVIL INFRACTION.

7 (2) WITH THE PRIOR APPROVAL OF THE STATE COURT ADMINISTRA-
8 TOR, THE CITATION MAY BE MODIFIED AS TO CONTENT OR NUMBER OF
9 COPIES TO ACCOMMODATE LAW ENFORCEMENT AND LOCAL COURT PROCEDURES
10 AND PRACTICES. USE OF THIS CITATION FOR VIOLATIONS OTHER THAN
11 STATE CIVIL INFRACTIONS IS OPTIONAL.

12 (3) A COMPLAINT FOR A STATE CIVIL INFRACTION SIGNED BY A LAW
13 ENFORCEMENT OFFICER SHALL BE TREATED AS MADE UNDER OATH IF THE
14 VIOLATION ALLEGED IN THE COMPLAINT OCCURRED OR WAS COMMITTED IN
15 THE SIGNING OFFICER'S PRESENCE AND IF THE COMPLAINT CONTAINS THE
16 FOLLOWING STATEMENT IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF
17 THE OFFICER: "I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE
18 STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWL-
19 EDGE, AND BELIEF."

20 SEC. 8807. (1) A LAW ENFORCEMENT OFFICER WHO WITNESSES A
21 PERSON VIOLATING STATE LAW, THE VIOLATION OF WHICH IS A STATE
22 CIVIL INFRACTION, MAY STOP THE PERSON, DETAIN THE PERSON TEMPO-
23 RARILY FOR THE PURPOSE OF ISSUING A CITATION, AND PREPARE AND
24 SUBSCRIBE, AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE, AN
25 ORIGINAL AND 3 COPIES OF A CITATION.

26 (2) A LAW ENFORCEMENT OFFICER MAY ISSUE A CITATION TO A
27 PERSON IF, BASED UPON PERSONAL INVESTIGATION, THE OFFICER HAS

1 REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A
2 STATE CIVIL INFRACTION IN CONNECTION WITH AN ACCIDENT.

3 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), A LAW
4 ENFORCEMENT OFFICER MAY ISSUE A CITATION TO A PERSON IF, BASED
5 UPON THE OFFICER'S PERSONAL INVESTIGATION OF A COMPLAINT BY SOME-
6 ONE WHO WITNESSED THE PERSON VIOLATING STATE LAW, THE VIOLATION
7 OF WHICH IS A STATE CIVIL INFRACTION, THE OFFICER HAS REASONABLE
8 CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A STATE CIVIL
9 INFRACTION AND IF THE PROSECUTING ATTORNEY APPROVES IN WRITING
10 THE ISSUANCE OF THE CITATION.

11 (4) THE LAW ENFORCEMENT OFFICER SHALL PERSONALLY SERVE THE
12 THIRD COPY OF THE CITATION UPON THE ALLEGED VIOLATOR.

13 SEC. 8809. (1) A CITATION ISSUED PURSUANT TO SECTION 8807
14 SHALL NAME THE STATE AS THE PLAINTIFF AND SHALL CONTAIN THE NAME
15 AND ADDRESS OF THE DEFENDANT, THE STATE CIVIL INFRACTION ALLEGED,
16 THE PLACE WHERE THE DEFENDANT SHALL APPEAR IN COURT, THE TELE-
17 PHONE NUMBER OF THE COURT, THE TIME AT OR BY WHICH THE APPEARANCE
18 SHALL BE MADE, AND THE ADDITIONAL INFORMATION REQUIRED BY THIS
19 SECTION.

20 (2) THE CITATION SHALL INFORM THE DEFENDANT THAT HE OR SHE,
21 AT OR BY THE TIME SPECIFIED FOR APPEARANCE, MAY DO 1 OF THE
22 FOLLOWING:

23 (A) ADMIT RESPONSIBILITY FOR THE STATE CIVIL INFRACTION IN
24 PERSON, BY REPRESENTATION, OR BY MAIL.

25 (B) ADMIT RESPONSIBILITY FOR THE STATE CIVIL INFRACTION
26 "WITH EXPLANATION" IN PERSON, BY REPRESENTATION, OR BY MAIL.

1 (C) DENY RESPONSIBILITY FOR THE STATE CIVIL INFRACTION BY
2 DOING EITHER OF THE FOLLOWING:

3 (i) APPEARING IN PERSON FOR AN INFORMAL HEARING BEFORE A
4 JUDGE OR A DISTRICT COURT MAGISTRATE, WITHOUT THE OPPORTUNITY OF
5 BEING REPRESENTED BY AN ATTORNEY.

6 (ii) APPEARING IN COURT FOR A FORMAL HEARING BEFORE A JUDGE,
7 WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

8 (3) THE CITATION SHALL INFORM THE DEFENDANT THAT IF THE
9 DEFENDANT DESIRES TO ADMIT RESPONSIBILITY "WITH EXPLANATION"
10 OTHER THAN BY MAIL OR TO HAVE AN INFORMAL HEARING OR A FORMAL
11 HEARING, THE DEFENDANT MUST APPLY TO THE COURT IN PERSON, BY
12 MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPECI-
13 FIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME TO
14 APPEAR FOR A HEARING. A HEARING DATE MAY BE SPECIFIED ON THE
15 CITATION.

16 (4) THE CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE
17 THAT THE FAILURE OF THE DEFENDANT TO APPEAR WITHIN THE TIME SPEC-
18 IFIED IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR
19 APPEARANCE WILL RESULT IN ENTRY OF A DEFAULT JUDGMENT AGAINST THE
20 DEFENDANT ON THE STATE CIVIL INFRACTION AND A REFUSAL BY THE SEC-
21 RETARY OF STATE TO ISSUE OR RENEW AN OPERATOR'S OR CHAUFFEUR'S
22 LICENSE FOR THE DEFENDANT. TIMELY APPLICATION TO THE COURT FOR A
23 HEARING, RETURN OF THE CITATION WITH AN ADMISSION OF RESPONSIBIL-
24 ITY WITH EXPLANATION, OR RETURN OF THE CITATION WITH AN ADMISSION
25 OF RESPONSIBILITY AND WITH FULL PAYMENT OF APPLICABLE CIVIL FINES
26 AND COSTS CONSTITUTES A TIMELY APPEARANCE.

1 SEC. 8811. IF A LAW ENFORCEMENT OFFICER ISSUES A CITATION
2 UNDER SECTION 8807, THE COURT MAY ACCEPT AN ADMISSION WITH
3 EXPLANATION OR AN ADMISSION OR DENIAL OF RESPONSIBILITY UPON THE
4 CITATION WITHOUT THE NECESSITY OF A SWORN COMPLAINT. IF THE
5 DEFENDANT DENIES RESPONSIBILITY FOR THE STATE CIVIL INFRACTION,
6 FURTHER PROCEEDINGS SHALL NOT BE HAD UNTIL A SWORN COMPLAINT
7 RELATING TO THE STATE CIVIL INFRACTION IS FILED WITH THE COURT.

8 SEC. 8813. A LAW ENFORCEMENT OFFICER WHO, KNOWING THE
9 STATEMENT IS FALSE, MAKES A MATERIALLY FALSE STATEMENT IN A
10 CITATION ISSUED UNDER SECTION 8807 IS GUILTY OF PERJURY, A FELONY
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, AND IN
12 ADDITION IS IN CONTEMPT OF COURT.

13 SEC. 8815. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER
14 SECTION 8807 SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE
15 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS
16 PROVIDED IN THIS SECTION.

17 (2) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE
18 STATE CIVIL INFRACTION, THE DEFENDANT MAY DO SO BY APPEARING IN
19 PERSON, BY REPRESENTATION, OR BY MAIL. IF APPEARANCE IS MADE BY
20 REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION WITH
21 THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED IN
22 COURT. UPON ACCEPTANCE OF THE ADMISSION, THE COURT MAY ORDER ANY
23 OF THE SANCTIONS PERMITTED UNDER SECTION 8827.

24 (3) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE
25 STATE CIVIL INFRACTION "WITH EXPLANATION", THE DEFENDANT MAY DO
26 SO IN EITHER OF THE FOLLOWING WAYS:

1 (A) BY APPEARING BY MAIL.

2 (B) BY CONTACTING THE COURT IN PERSON, BY MAIL, BY
3 TELEPHONE, OR BY REPRESENTATION TO OBTAIN FROM THE COURT A SCHED-
4 ULED DATE AND TIME TO APPEAR, AT WHICH TIME THE DEFENDANT SHALL
5 APPEAR IN PERSON OR BY REPRESENTATION.

6 (4) IF A DEFENDANT ADMITS RESPONSIBILITY FOR A STATE CIVIL
7 INFRACTION "WITH EXPLANATION" UNDER SUBSECTION (3), THE COURT
8 SHALL ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS ADMITTED
9 RESPONSIBILITY UNDER SUBSECTION (2) AND MAY CONSIDER THE
10 DEFENDANT'S EXPLANATION BY WAY OF MITIGATING ANY SANCTION THAT
11 THE COURT MAY ORDER UNDER SECTION 8827. IF APPEARANCE IS MADE BY
12 REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION WITH
13 THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED IN
14 COURT, BUT THE COURT MAY REQUIRE THE DEFENDANT TO PROVIDE A FUR-
15 THER EXPLANATION OR TO APPEAR IN COURT.

16 (5) IF THE DEFENDANT WISHES TO DENY RESPONSIBILITY FOR A
17 STATE CIVIL INFRACTION, THE DEFENDANT SHALL DO SO BY APPEARING
18 FOR AN INFORMAL OR FORMAL HEARING. IF THE HEARING DATE IS NOT
19 SPECIFIED ON THE CITATION, THE DEFENDANT SHALL CONTACT THE COURT
20 IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELEPHONE, AND
21 OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN INFORMAL OR
22 FORMAL HEARING. IF THE HEARING DATE IS SPECIFIED ON THE
23 CITATION, THE DEFENDANT SHALL APPEAR ON THAT DATE FOR AN INFORMAL
24 HEARING UNLESS THE DEFENDANT CONTACTS THE COURT AT LEAST 10 DAYS
25 BEFORE THAT DATE IN PERSON, BY REPRESENTATION, BY MAIL, OR BY
26 TELEPHONE TO REQUEST A FORMAL HEARING. THE COURT SHALL SCHEDULE
27 AN INFORMAL HEARING, UNLESS THE DEFENDANT EXPRESSLY REQUESTS A

1 FORMAL HEARING. IF THE DEFENDANT EXPRESSLY REQUESTS A FORMAL
2 HEARING, THE COURT SHALL SCHEDULE A FORMAL HEARING. IF AN INFOR-
3 MAL OR FORMAL HEARING IS SCHEDULED BY TELEPHONE, THE COURT SHALL
4 MAIL THE DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY REGULAR
5 MAIL TO THE ADDRESS APPEARING ON THE CITATION OR TO AN ADDRESS
6 THAT IS FURNISHED BY THE DEFENDANT. AN INFORMAL HEARING SHALL BE
7 CONDUCTED PURSUANT TO SECTION 8819, AND A FORMAL HEARING SHALL BE
8 CONDUCTED PURSUANT TO SECTION 8821.

9 SEC. 8819. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A
10 DISTRICT COURT MAGISTRATE, IF AUTHORIZED BY THE JUDGE OR JUDGES
11 OF THE DISTRICT COURT DISTRICT, OR BY A JUDGE OF THE DISTRICT
12 COURT OR A MUNICIPAL COURT. A DISTRICT COURT MAGISTRATE MAY
13 ADMINISTER OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT
14 AND CONCLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DIS-
15 TRICT COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN
16 INFORMAL MANNER SO AS TO DO SUBSTANTIAL JUSTICE ACCORDING TO THE
17 RULES OF SUBSTANTIVE LAW, BUT IS NOT BOUND BY THE STATUTORY PRO-
18 VISIONS OR RULES OF PRACTICE, PROCEDURE, PLEADING, OR EVIDENCE,
19 EXCEPT PROVISIONS RELATING TO PRIVILEGED COMMUNICATIONS. THERE
20 SHALL NOT BE A JURY AT AN INFORMAL HEARING. A VERBATIM RECORD OF
21 AN INFORMAL HEARING IS NOT REQUIRED.

22 (2) AT AN INFORMAL HEARING, THE DEFENDANT MAY NOT BE REPRE-
23 SENTED BY AN ATTORNEY AND THE PLAINTIFF MAY NOT BE REPRESENTED BY
24 THE PROSECUTING ATTORNEY.

25 (3) NOTICE OF A SCHEDULED INFORMAL HEARING SHALL BE GIVEN TO
26 THE PLAINTIFF. THE PLAINTIFF AND DEFENDANT MAY SUBPOENA
27 WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A

1 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF
2 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT
3 FOR THE PLACE WHERE THE HEARING OCCURS.

4 (4) IF THE JUDGE OR DISTRICT COURT MAGISTRATE DETERMINES BY
5 A PREPONDERANCE OF THE EVIDENCE THAT THE DEFENDANT IS RESPONSIBLE
6 FOR A STATE CIVIL INFRACTION, THE JUDGE OR MAGISTRATE SHALL ENTER
7 AN ORDER AGAINST THE DEFENDANT AS PROVIDED IN SECTION 8827.

8 OTHERWISE, A JUDGMENT SHALL BE ENTERED FOR THE DEFENDANT, BUT THE
9 DEFENDANT IS NOT ENTITLED TO COSTS OF THE ACTION.

10 (5) THE PLAINTIFF OR DEFENDANT MAY APPEAL AN ADVERSE JUDG-
11 MENT ENTERED AT AN INFORMAL HEARING. AN APPEAL FROM A MUNICIPAL
12 JUDGE SHALL BE A TRIAL DE NOVO IN THE CIRCUIT COURT. IN OTHER
13 INSTANCES, AN APPEAL SHALL BE DE NOVO IN THE FORM OF A SCHEDULED
14 FORMAL HEARING AS FOLLOWS:

15 (A) THE APPEAL FROM A JUDGE OF THE DISTRICT COURT SHALL BE
16 HEARD BY A DIFFERENT JUDGE OF THE DISTRICT.

17 (B) THE APPEAL FROM A DISTRICT COURT MAGISTRATE SHALL BE
18 HEARD BY A JUDGE OF THE DISTRICT.

19 SEC. 8821. (1) A FORMAL HEARING SHALL BE CONDUCTED ONLY BY
20 A JUDGE OF THE DISTRICT COURT OR A MUNICIPAL COURT.

21 (2) IN A FORMAL HEARING, THE DEFENDANT MAY BE REPRESENTED BY
22 AN ATTORNEY, BUT IS NOT ENTITLED TO COUNSEL APPOINTED AT PUBLIC
23 EXPENSE.

24 (3) NOTICE OF A FORMAL HEARING SHALL BE GIVEN TO THE PROSE-
25 CUTING ATTORNEY. THE PROSECUTING ATTORNEY SHALL APPEAR IN COURT
26 FOR A FORMAL HEARING AND IS RESPONSIBLE FOR THE ISSUANCE OF A
27 SUBPOENA TO EACH WITNESS FOR THE PLAINTIFF. THE DEFENDANT MAY

1 ALSO SUBPOENA WITNESSES. WITNESS FEES NEED NOT BE PAID IN
2 ADVANCE TO A WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF
3 THE PLAINTIFF ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE
4 DISTRICT COURT FOR THE PLACE WHERE THE HEARING OCCURS.

5 (4) THERE SHALL NOT BE A JURY TRIAL IN A FORMAL HEARING.

6 (5) IF THE JUDGE DETERMINES BY A PREPONDERANCE OF THE EVI-
7 DENCE THAT THE DEFENDANT IS RESPONSIBLE FOR A STATE CIVIL INFRAC-
8 TION, THE JUDGE SHALL ENTER AN ORDER AGAINST THE DEFENDANT AS
9 PROVIDED IN SECTION 8827. OTHERWISE, A JUDGMENT SHALL BE ENTERED
10 FOR THE DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO COSTS OF
11 THE ACTION.

12 SEC. 8823. (1) IF THE DEFENDANT FAILS TO APPEAR AS DIRECTED
13 BY THE CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
14 SECTION 8817(3)(B) OR (4), AT A SCHEDULED INFORMAL HEARING, OR AT
15 A SCHEDULED FORMAL HEARING, THE COURT SHALL ENTER A DEFAULT JUDG-
16 MENT AGAINST THE DEFENDANT.

17 (2) IF THE LAW ENFORCEMENT OFFICER WHO ISSUED THE CITATION
18 FOR A STATE CIVIL INFRACTION FAILS TO APPEAR AT A SCHEDULED
19 INFORMAL HEARING OR IF THE PROSECUTING ATTORNEY FAILS TO APPEAR
20 AT A SCHEDULED FORMAL HEARING, THE COURT SHALL ENTER A JUDGMENT
21 FOR THE DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO COSTS OF
22 THE ACTION.

23 SEC. 8825. (1) A LAW ENFORCEMENT OFFICER ISSUING A CITATION
24 UNDER THIS CHAPTER FOR A STATE CIVIL INFRACTION SHALL NOT ACCEPT
25 A FEE FOR ISSUING THE CITATION.

1 (2) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS
2 GUILTY OF MISCONDUCT IN OFFICE AND SUBJECT TO REMOVAL FROM
3 OFFICE.

4 SEC. 8827. (1) A STATE CIVIL INFRACTION IS NOT A LESSER
5 INCLUDED OFFENSE OF A CRIMINAL OFFENSE.

6 (2) IF A DEFENDANT IS DETERMINED TO BE RESPONSIBLE OR
7 RESPONSIBLE "WITH EXPLANATION" FOR A STATE CIVIL INFRACTION, THE
8 JUDGE OR DISTRICT COURT MAGISTRATE MAY ORDER THE DEFENDANT TO PAY
9 A CIVIL FINE AS PROVIDED BY LAW AND COSTS AS PROVIDED IN SUBSEC-
10 TION (3). IN THE ORDER OF JUDGMENT, THE JUDGE OR DISTRICT COURT
11 MAGISTRATE MAY GRANT A DEFENDANT PERMISSION TO PAY A CIVIL FINE
12 AND COSTS WITHIN A SPECIFIED PERIOD OF TIME OR IN SPECIFIED
13 INSTALLMENTS. OTHERWISE, THE CIVIL FINE AND COSTS ARE PAYABLE
14 IMMEDIATELY.

15 (3) IF A DEFENDANT IS ORDERED TO PAY A CIVIL FINE UNDER
16 SUBSECTION (2), THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL SUM-
17 MARILY TAX AND DETERMINE THE COSTS OF THE ACTION, WHICH ARE NOT
18 LIMITED TO THE COSTS TAXABLE IN ORDINARY CIVIL ACTIONS AND MAY
19 INCLUDE ALL EXPENSES, DIRECT AND INDIRECT, TO WHICH THE PLAINTIFF
20 HAS BEEN PUT IN CONNECTION WITH THE STATE CIVIL INFRACTION, UP TO
21 THE ENTRY OF JUDGMENT. COSTS OF NOT LESS THAN \$9.00 SHALL BE
22 ORDERED. COSTS SHALL NOT BE ORDERED IN EXCESS OF \$500.00. COSTS
23 IN A STATE CIVIL INFRACTION ACTION IN THE DISTRICT COURT SHALL BE
24 DISTRIBUTED AS PROVIDED IN SECTIONS 8379 AND 8381. COSTS IN A
25 STATE CIVIL INFRACTION ACTION IN A MUNICIPAL COURT SHALL BE PAID
26 TO THE COUNTY.

1 (4) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS
2 PERMITTED UNDER SUBSECTION (2) ONLY TO THE EXTENT EXPRESSLY
3 AUTHORIZED BY THE CHIEF JUDGE OR ONLY JUDGE OF THE DISTRICT COURT
4 DISTRICT.

5 (5) EACH DISTRICT OF THE DISTRICT COURT AND EACH MUNICIPAL
6 COURT MAY ESTABLISH A SCHEDULE OF CIVIL FINES AND COSTS TO BE
7 IMPOSED FOR STATE CIVIL INFRACTIONS THAT OCCUR WITHIN THE DIS-
8 TRICT OR CITY. IF A SCHEDULE IS ESTABLISHED, IT SHALL BE PROMI-
9 NENTLY POSTED AND READILY AVAILABLE FOR PUBLIC INSPECTION. A
10 SCHEDULE NEED NOT INCLUDE ALL VIOLATIONS THAT ARE DESIGNATED BY
11 LAW AS STATE CIVIL INFRACTIONS.

12 (6) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS
13 ORDERED UNDER SUBSECTION (2) OR (3) OR AN INSTALLMENT OF THE FINE
14 OR COSTS MAY BE COLLECTED BY A MEANS AUTHORIZED FOR THE ENFORCE-
15 MENT OF A JUDGMENT UNDER CHAPTER 40 OR CHAPTER 60.

16 (7) NOT LESS THAN 28 DAYS AFTER A DEFENDANT FAILS TO APPEAR
17 IN RESPONSE TO A CITATION ISSUED FOR, OR FAILS TO COMPLY WITH AN
18 ORDER OR JUDGMENT INVOLVING, A STATE CIVIL INFRACTION, THE COURT
19 SHALL GIVE NOTICE BY ORDINARY MAIL, ADDRESSED TO THE DEFENDANT'S
20 LAST KNOWN ADDRESS, THAT IF THE DEFENDANT FAILS TO APPEAR OR
21 FAILS TO COMPLY WITH THE ORDER OR JUDGMENT DESCRIBED IN THIS SUB-
22 SECTION WITHIN 14 DAYS AFTER THE NOTICE IS ISSUED, THE COURT WILL
23 GIVE TO THE SECRETARY OF STATE NOTICE OF THAT FAILURE. UPON
24 RECEIVING NOTICE OF THAT FAILURE, THE SECRETARY OF STATE SHALL
25 NOT ISSUE OR RENEW AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE
26 DEFENDANT UNTIL BOTH OF THE FOLLOWING OCCUR:

1 (A) THE COURT INFORMS THE SECRETARY OF STATE THAT THE
2 DEFENDANT HAS RESOLVED ALL OUTSTANDING MATTERS REGARDING EACH
3 NOTICE OR CITATION.

4 (B) THE DEFENDANT HAS PAID TO THE COURT A \$25.00 DRIVER
5 LICENSE REINSTATEMENT FEE. IF THE COURT DETERMINES THAT THE
6 DEFENDANT IS NOT RESPONSIBLE FOR ANY VIOLATION FOR WHICH THE
7 DEFENDANT'S LICENSE WAS NOT ISSUED OR RENEWED UNDER THIS SUBSEC-
8 TION, THE COURT SHALL WAIVE THE DRIVER LICENSE REINSTATEMENT
9 FEE.

10 (8) A DEFENDANT WHO FAILS TO COMPLY WITH AN ORDER OR JUDG-
11 MENT ISSUED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR.

12 SEC. 8829. (1) IF A DEFENDANT DEFAULTS IN THE PAYMENT OF A
13 CIVIL FINE OR COSTS OR OF ANY INSTALLMENT, AS ORDERED PURSUANT TO
14 SECTION 8827, THE COURT, UPON THE MOTION OF THE PLAINTIFF OR UPON
15 ITS OWN MOTION, MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY THE
16 DEFAULT SHOULD NOT BE TREATED AS IN CIVIL CONTEMPT AND MAY ISSUE
17 A SUMMONS, ORDER TO SHOW CAUSE, OR A BENCH WARRANT OF ARREST FOR
18 THE DEFENDANT'S APPEARANCE.

19 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A
20 CIVIL FINE OR COSTS, THE INDIVIDUALS AUTHORIZED TO MAKE DISBURSE-
21 MENT SHALL PAY THE FINE OR COSTS, AND THEIR FAILURE TO DO SO
22 SHALL BE CIVIL CONTEMPT UNLESS THEY MAKE THE SHOWING REQUIRED IN
23 THIS SECTION.

24 (3) UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT
25 ATTRIBUTABLE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE
26 COURT OR TO A FAILURE ON HIS OR HER PART TO MAKE A GOOD FAITH
27 EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAYMENT, THE COURT SHALL

1 FIND THAT THE DEFAULT CONSTITUTES A CIVIL CONTEMPT AND MAY ORDER
2 THE DEFENDANT COMMITTED UNTIL ALL OR A SPECIFIED PART OF THE
3 CIVIL FINE, COSTS, OR BOTH, IS PAID.

4 (4) IF IT APPEARS THAT THE DEFAULT IN THE PAYMENT OF A FINE
5 OR COSTS DOES NOT CONSTITUTE CIVIL CONTEMPT, THE COURT MAY ENTER
6 AN ORDER ALLOWING THE DEFENDANT ADDITIONAL TIME FOR PAYMENT,
7 REDUCING THE AMOUNT OF PAYMENT OR OF EACH INSTALLMENT, OR REVOK-
8 ING THE FINE OR COSTS.

9 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-
10 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF
11 COMMITMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$30.00 OF THE
12 FINE AND COSTS. A PERSON COMMITTED FOR NONPAYMENT OF A CIVIL
13 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY
14 OF IMPRISONMENT AND EACH DAY OF DETENTION IN DEFAULT OF RECOGNI-
15 ZANCE BEFORE JUDGMENT AT THE RATE OF \$30.00 PER DAY.

16 (6) A DEFENDANT COMMITTED TO IMPRISONMENT FOR CIVIL CONTEMPT
17 FOR NONPAYMENT OF A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED
18 FROM CUSTODY UNTIL 1 OF THE FOLLOWING OCCURS:

19 (A) THE DEFENDANT IS CREDITED WITH THE AMOUNT DUE PURSUANT
20 TO SUBSECTION (5).

21 (B) THE AMOUNT DUE IS COLLECTED THROUGH EXECUTION OF PROCESS
22 OR OTHERWISE.

23 (C) THE AMOUNT DUE IS SATISFIED PURSUANT TO A COMBINATION OF
24 SUBDIVISIONS (A) AND (B).

25 (7) THE CIVIL CONTEMPT SHALL BE PURGED UPON DISCHARGE OF THE
26 DEFENDANT PURSUANT TO SUBSECTION (6).

1 SEC. 8831. (1) A CIVIL FINE WHICH IS ORDERED UNDER SECTION
2 8827 FOR A VIOLATION OF STATE STATUTE SHALL BE EXCLUSIVELY
3 APPLIED TO THE SUPPORT OF PUBLIC LIBRARIES AND COUNTY LAW LIBRAR-
4 IES IN THE SAME MANNER AS IS PROVIDED BY LAW FOR PENAL FINES
5 ASSESSED AND COLLECTED FOR VIOLATION OF A PENAL LAW OF THE
6 STATE.

7 (2) SUBSECTION (1) IS INTENDED TO MAINTAIN A SOURCE OF REVE-
8 NUE FOR PUBLIC LIBRARIES WHICH PREVIOUSLY RECEIVED PENAL FINES
9 FOR MISDEMEANOR VIOLATIONS OF STATE STATUTE WHICH ARE NOW DESIG-
10 NATED STATE CIVIL INFRACTIONS.

11 Section 2. This amendatory act shall take effect January 1,
12 1996.

13 Section 3. This amendatory act shall not take effect unless
14 Senate Bill No. _____ or House Bill No. 4427 (request
15 no. 01781'95 a) of the 88th Legislature is enacted into law.