

SENATE BILL No. 876

November 2, 1999, Introduced by Senators HOFFMAN, GAST, NORTH and GOSCHKA
and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8801 (MCL 600.8801), as amended by 1996 PA
211.

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 des-
3 ignated 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
10 the person cited.

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

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

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

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

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

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

16 (i) A sheriff or deputy sheriff.

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

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

20 (iv) A conservation officer.

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

24 (vi) A motor carrier officer appointed pursuant to
25 section 6d of ~~Act No. 59 of the Public Acts of 1935, being~~
26 ~~section 28.6d of the Michigan Compiled Laws~~ 1935 PA 59, MCL
27 28.6D.

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

3 (A) ~~Act No. 278 of the Public Acts of 1965, being~~
4 ~~sections 390.711 to 390.717 of the Michigan Compiled Laws 1965~~
5 PA 278, MCL 390.711 TO 390.717.

6 (B) ~~Act No. 120 of the Public Acts of 1990, being~~
7 ~~sections 390.1511 to 390.1514 of the Michigan Compiled Laws 1990~~
8 PA 120, MCL 390.1511 TO 390.1514.

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

11 (ix) A park and recreation officer commissioned pursuant to
12 section 1606 ~~of part 16 (enforcement of laws for protection of~~
13 ~~wild birds, wild animals and fish)~~ of the natural resources and
14 environmental protection act, ~~Act No. 451 of the Public Acts of~~
15 ~~1994, being section 324.1606 of the Michigan Compiled Laws 1994~~
16 PA 451, MCL 324.1606.

17 (x) A STATE FOREST OFFICER COMMISSIONED PURSUANT TO SECTION
18 83107 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
19 1994 PA 451, MCL 324.83107.