



# SENATE BILL No. 348

February 9, 1993, Introduced by Senators CONROY, SCHWARZ, ARTHURHULTZ, CHERRY, BERRYMAN, STABENOW, HONIGMAN, HART, KELLY, KOIVISTO and FAXON and referred to the Committee on Local Government and Urban Development.

A bill to amend sections 113, 8302, 8313, 8375, 8379, and 8512 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 8302 as added by Act No. 438 of the Public Acts of 1980, section 8379 as amended by Act No. 54 of the Public Acts of 1990, and section 8512 as amended by Act No. 278 of the Public Acts of 1984, being sections 600.113, 600.8302, 600.8313, 600.8375, 600.8379, and 600.8512 of the Michigan Compiled Laws; and to add section 8396 and chapter 87.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 113, 8302, 8313, 8375, 8379, and 8512
- 2 of Act No. 236 of the Public Acts of 1961, section 8302 as added
- 3 by Act No. 438 of the Public Acts of 1980, section 8379 as
- 4 amended by Act No. 54 of the Public Acts of 1990, and section

1 8512 as amended by Act No. 278 of the Public Acts of 1984, being  
2 sections 600.113, 600.8302, 600.8313, 600.8375, 600.8379, and  
3 600.8512 of the Michigan Compiled Laws, are amended and section  
4 8396 and chapter 87 are added to read as follows:

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

6       (a) "Civil infraction" means an act or omission THAT IS pro-  
7 hibited by law ~~which~~ OR ORDINANCE AND THAT is not a crime as  
8 defined in section 5 of THE MICHIGAN PENAL CODE, Act No. 328 of  
9 the Public Acts of 1931, being section 750.5 of the Michigan  
10 Compiled Laws, and for which civil sanctions may be ordered.

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

14       (c) "MUNICIPAL CIVIL INFRACTION" MEANS A CIVIL INFRACTION  
15 INVOLVING A VIOLATION OF AN ORDINANCE FOR WHICH A CIVIL FINE MAY  
16 BE IMPOSED. MUNICIPAL CIVIL INFRACTION DOES NOT INCLUDE A TRAF-  
17 FIC OR PARKING VIOLATION OR AN ACT OR OMISSION THAT CONSTITUTES A  
18 CRIME AS DEFINED BY LAW OR ORDINANCE.

19       (d) "MUNICIPAL CIVIL INFRACTION ACTION" MEANS A CIVIL ACTION  
20 IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR COMMIT-  
21 TING A MUNICIPAL CIVIL INFRACTION.

22       (2) Except as otherwise provided in this act, a civil  
23 infraction action involving a traffic or parking violation shall  
24 be governed by THE MICHIGAN VEHICLE CODE, Act No. 300 of the  
25 Public Acts of 1949, as amended, being sections 257.1 to 257.923  
26 of the Michigan Compiled Laws.

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A MUNICIPAL  
2 CIVIL INFRACTION ACTION IS GOVERNED BY CHAPTER 87.

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

6 Sec. 8302. (1) In addition to the civil jurisdiction pro-  
7 vided in sections 5704 and 8301, the district court ~~shall have~~  
8 HAS equitable jurisdiction and authority concurrent with that of  
9 the circuit court in the matters and to the extent provided by  
10 this section.

11 (2) In cases brought under chapter 84, the district court  
12 may issue and enforce an injunctive order or an order rescinding  
13 or reforming a contract.

14 (3) In ~~cases brought~~ AN ACTION under chapter 57, the dis-  
15 trict court may hear and determine an equitable claim relating to  
16 or arising under ~~chapters~~ CHAPTER 31, 33, ~~and~~ OR 38 ~~,~~ or  
17 involving a right, interest, obligation, or title in land. The  
18 court may issue and enforce ~~any~~ A judgment or order necessary  
19 to effectuate the court's equitable jurisdiction as provided in  
20 this subsection, including the establishment of escrow accounts  
21 and receiverships.

22 (4) IN AN ACTION UNDER CHAPTER 87, THE DISTRICT COURT MAY  
23 ISSUE AND ENFORCE ANY JUDGMENT, WRIT, OR ORDER NECESSARY TO  
24 ENFORCE THE LOCAL ORDINANCE. THE GRANT OF EQUITABLE JURISDICTION  
25 AND AUTHORITY TO THE DISTRICT COURT UNDER THIS SUBSECTION DOES  
26 NOT AFFECT THE JURISDICTION OF THE CIRCUIT COURT TO HEAR AND

1 DECIDE CLAIMS BASED ON NUISANCE OR TO ABATE NUISANCES UNDER  
2 SECTION 2940.

3       Sec. 8313. ~~All violations~~ A VIOLATION of state criminal  
4 law shall be prosecuted in the district court by the prosecuting  
5 attorney. ~~All~~ AN ordinance ~~violations which are misdemeanors~~  
6 ~~or which are not designated as civil infractions~~ VIOLATION THAT  
7 IS A MISDEMEANOR shall be prosecuted in the district court by the  
8 attorney for the political subdivision whose ~~law~~ ORDINANCE was  
9 violated. If ~~the~~ AN ORDINANCE violation is a civil infraction,  
10 the prosecuting attorney or attorney for the political subdivi-  
11 sion shall ~~be required to~~ appear in court only ~~in these civil~~  
12 ~~infraction actions which are~~ IF THE ACTION IS contested before a  
13 judge of the district court in a formal hearing as provided in  
14 section 747 of THE MICHIGAN VEHICLE CODE, Act No. 300 of the  
15 Public Acts of 1949, being section 257.747 of the Michigan  
16 Compiled Laws, OR SECTION 8721, AS APPLICABLE.

17       Sec. 8375. The district court may assess the same costs as  
18 are permitted in the circuit court. In civil infraction actions  
19 the district court may assess costs as provided in section 907 of  
20 THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of  
21 1949, being section 257.907 of the Michigan Compiled Laws, OR  
22 SECTION 8727, AS APPLICABLE. A district court magistrate may  
23 assess costs in an amount fixed by rule of the district court.

24       Sec. 8379. (1) Fines and costs assessed in the district  
25 court shall be paid to the clerk of the court who shall appropri-  
26 ate them as follows:

1 (a) A fine imposed for the violation of a penal law of this  
2 state and a civil fine ordered in a civil infraction action for  
3 THE violation of a law of this state shall be paid to the county  
4 treasurer and applied for library purposes as provided by law.

5 (b) In ~~-districts-~~ A DISTRICT of the first ~~-and-~~ OR second  
6 class, costs imposed for the violation of a penal law of this  
7 state or ordered in a civil infraction action for the violation  
8 of a law of this state shall be paid to the treasurer of the  
9 county in which the action was commenced. In ~~-districts-~~ A  
10 DISTRICT of the third class, costs imposed for the violation of a  
11 penal law of this state or ordered in a civil infraction action  
12 for the violation of a law of this state shall be paid to the  
13 treasurer of the political subdivision where the guilty plea or  
14 civil infraction admission was entered or where the trial or  
15 civil infraction action hearing took place.

16 (c) Except as provided in subsection (2), in ~~-districts-~~ A  
17 DISTRICT of the first ~~-and-~~ OR second class, 1/3 of all fines and  
18 costs, other than those imposed for the violation of a penal law  
19 of this state or ordered in a civil infraction action for the  
20 violation of a law of this state, shall be paid to the political  
21 subdivision whose law was violated and 2/3 shall be paid to the  
22 county in which the political subdivision is located. In  
23 ~~-districts-~~ A DISTRICT of the third class, all fines and costs,  
24 other than those imposed for the violation of a penal law of this  
25 state or ordered in a civil infraction action for the violation  
26 of a law of this state, shall be paid to the political  
27 subdivision whose law was violated, except that ~~-where-~~ IF fines

1 and costs are assessed in a political subdivision other than the  
2 political subdivision whose law was violated, 2/3 shall be paid  
3 to the political subdivision where the guilty plea or civil  
4 infraction admission was entered or where the trial or civil  
5 infraction action hearing took place and the balance shall be  
6 paid to the political subdivision whose law was violated. FOR  
7 MUNICIPAL CIVIL INFRACTIONS, THIS SUBDIVISION DOES NOT APPLY TO A  
8 DISTRIBUTION OF FINES AND COSTS IF A DIFFERENT DISTRIBUTION OF  
9 FINES AND COSTS IS PROVIDED FOR BY ANOTHER ACT.

10 (d) In a district of the third class, if each political sub-  
11 division within the district, by resolution of its governing  
12 body, agrees to a distribution of fines and costs, other than  
13 fines imposed for the violation of a penal law of this state or  
14 ordered in a civil infraction action for the violation of a law  
15 of this state, differently than as provided by this section, the  
16 distribution of those fines and costs among the political subdi-  
17 visions of that district shall be as agreed to. An existing  
18 agreement applicable to the distribution of fines and costs shall  
19 apply with the same effect to the distribution of civil fines and  
20 costs ordered in civil infraction actions.

21 (2) In the fifty-second JUDICIAL district, 30% of all fines  
22 and costs, other than those imposed for the violation of a penal  
23 law of this state or ordered in a civil infraction action for the  
24 violation of a law of this state, shall be paid to the political  
25 subdivision whose law was violated and 70% shall be paid to the  
26 county in which the political subdivision is located. This  
27 subsection shall apply only if the consolidation of the

1 forty-fifth-b district with the fifty-second district, as  
2 provided in section 8123, takes place pursuant to section 8177.  
3 FOR MUNICIPAL CIVIL INFRACTIONS, THIS SUBSECTION DOES NOT APPLY  
4 TO A DISTRIBUTION OF FINES AND COSTS IF A DIFFERENT DISTRIBUTION  
5 OF FINES AND COSTS IS PROVIDED FOR BY ANOTHER ACT.

6 SEC. 8396. A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY BY  
7 ORDINANCE ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU TO  
8 ACCEPT ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRAC-  
9 TIONS AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS PURSUANT TO  
10 A SCHEDULE AS PRESCRIBED BY ORDINANCE. THE EXPENSE OF OPERATING  
11 A MUNICIPAL ORDINANCE VIOLATIONS BUREAU SHALL BE BORNE BY THE  
12 COUNTY, CITY, VILLAGE, OR TOWNSHIP, AND THE PERSONNEL OF THE  
13 BUREAU SHALL BE COUNTY, CITY, VILLAGE, OR TOWNSHIP EMPLOYEES.

14 Sec. 8512. (1) A district court magistrate may hear and  
15 preside over civil infraction admissions and admissions with  
16 explanation and conduct informal hearings in civil infraction  
17 actions pursuant to section 746 of THE MICHIGAN VEHICLE CODE, Act  
18 No. 300 of the Public Acts of 1949, being section 257.746 of the  
19 Michigan Compiled Laws, OR SECTION 8719, AS APPLICABLE. In exer-  
20 cising the authority conferred by this subsection, the magistrate  
21 may administer oaths, examine witnesses, and make findings of  
22 fact and conclusions of law. If the defendant is determined to  
23 be responsible for a civil infraction, the magistrate may impose  
24 the civil sanctions authorized by section 907 of Act No. 300 of  
25 the Public Acts of 1949, being section 257.907 of the Michigan  
26 Compiled Laws, OR SECTION 8727, AS APPLICABLE.

1 (2) A district court magistrate shall not conduct an  
2 informal hearing in a civil infraction action INVOLVING A TRAFFIC  
3 OR PARKING VIOLATION GOVERNED BY ACT NO. 300 OF THE PUBLIC ACTS  
4 OF 1949, BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED  
5 LAWS, until he or she has successfully completed a special train-  
6 ing course in traffic law adjudication and sanctions. ~~—, which—~~  
7 THE course shall be given periodically by the state court  
8 administrator.

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

13 CHAPTER 87.

14 MUNICIPAL CIVIL INFRACTIONS

15 SEC. 8701. AS USED IN THIS CHAPTER:

16 (A) "AUTHORIZED LOCAL OFFICIAL" MEANS A POLICE OFFICER OR  
17 OTHER PERSONNEL OF A COUNTY, CITY, VILLAGE, OR TOWNSHIP AUTHO-  
18 RIZED BY ORDINANCE TO ISSUE MUNICIPAL CIVIL INFRACTION  
19 CITATIONS.

20 (B) "CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE TO APPEAR  
21 IN COURT UPON WHICH AN AUTHORIZED LOCAL OFFICIAL RECORDS THE  
22 OCCURRENCE OR EXISTENCE OF 1 OR MORE MUNICIPAL CIVIL INFRACTIONS  
23 BY THE PERSON CITED.

24 (C) "MUNICIPAL CIVIL INFRACTION DETERMINATION" MEANS A  
25 DETERMINATION THAT A DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL  
26 CIVIL INFRACTION BY 1 OF THE FOLLOWING:



1 (i) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL  
2 INFRACTION.

3 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL  
4 INFRACTION, "WITH EXPLANATION".

5 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING  
6 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 8719 OR 8721,  
7 RESPECTIVELY.

8 (iv) A DEFAULT JUDGMENT FOR FAILING TO APPEAR AS DIRECTED BY  
9 A CITATION OR OTHER NOTICE AT A SCHEDULED APPEARANCE UNDER  
10 SECTION 8715(3)(B) OR (4), AT AN INFORMAL HEARING UNDER  
11 SECTION 8719, OR AT A FORMAL HEARING UNDER SECTION 8721.

12 SEC. 8703. (1) A MUNICIPAL CIVIL INFRACTION ACTION IS COM-  
13 MENCED UPON THE ISSUANCE OF A CITATION AS PROVIDED IN  
14 SECTION 8707. THE PLAINTIFF IN A MUNICIPAL CIVIL INFRACTION  
15 ACTION IS THE POLITICAL SUBDIVISION WHOSE ORDINANCE HAS BEEN  
16 VIOLATED.

17 (2) EXCEPT AS PROVIDED IN SUBSECTION (5), THE DISTRICT COURT  
18 AND ANY MUNICIPAL COURT HAVE JURISDICTION OVER MUNICIPAL CIVIL  
19 INFRACTION ACTIONS.

20 (3) THE TIME SPECIFIED IN A CITATION FOR APPEARANCE SHALL BE  
21 WITHIN A REASONABLE TIME AFTER THE CITATION IS ISSUED.

22 (4) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE SHALL  
23 BE THE COURT REFERRED TO IN SUBSECTION (2) THAT HAS TERRITORIAL  
24 JURISDICTION OF THE PLACE WHERE THE MUNICIPAL CIVIL INFRACTION  
25 OCCURRED. VENUE IN THE DISTRICT COURT IS GOVERNED BY  
26 SECTION 8312.

1 (5) IF THE PERSON CITED FOR A MUNICIPAL CIVIL INFRACTION IS  
2 UNDER THE AGE OF 17 AT THE TIME OF THE COMMISSION OF THE  
3 VIOLATION, THE JUVENILE DIVISION OF THE PROBATE COURT OF THE  
4 COUNTY WHERE THE VIOLATION IS ALLEGED TO HAVE BEEN COMMITTED HAS  
5 JURISDICTION OVER THE PROCEEDINGS AND SHALL PROCEED TO HEAR AND  
6 DISPOSE OF THE CASE, AS PROVIDED BY CHAPTER XIIA OF ACT NO. 288  
7 OF THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO 712A.28 OF  
8 THE MICHIGAN COMPILED LAWS.

9 SEC. 8705. (1) EACH CITATION SHALL BE NUMBERED CONSECUTIVE-  
10 LY, BE IN A FORM AS APPROVED BY THE STATE COURT ADMINISTRATOR,  
11 AND CONSIST OF THE FOLLOWING PARTS:

12 (A) THE ORIGINAL, WHICH IS A COMPLAINT AND NOTICE TO APPEAR  
13 BY THE AUTHORIZED OFFICIAL AND SHALL BE FILED WITH THE COURT IN  
14 WHICH THE APPEARANCE IS TO BE MADE.

15 (B) THE FIRST COPY, WHICH SHALL BE RETAINED BY THE LOCAL  
16 ORDINANCE ENFORCEMENT AGENCY.

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

19 (D) THE THIRD COPY, WHICH SHALL BE ISSUED TO THE ALLEGED  
20 VIOLATOR IF THE VIOLATION IS A MUNICIPAL CIVIL INFRACTION.

21 (2) WITH THE PRIOR APPROVAL OF THE STATE COURT ADMINISTRA-  
22 TOR, THE CITATION MAY BE MODIFIED AS TO CONTENT OR NUMBER OF  
23 COPIES TO ACCOMMODATE LAW ENFORCEMENT AND LOCAL COURT PROCEDURES  
24 AND PRACTICES. USE OF THIS CITATION FOR VIOLATIONS OTHER THAN  
25 MUNICIPAL CIVIL INFRACTIONS IS OPTIONAL.

26 (3) A CITATION FOR A MUNICIPAL CIVIL INFRACTION SIGNED BY AN  
27 AUTHORIZED LOCAL OFFICIAL SHALL BE TREATED AS MADE UNDER OATH IF

1 THE VIOLATION ALLEGED IN THE CITATION OCCURRED OR WAS COMMITTED  
2 IN THE PRESENCE OF THE AUTHORIZED LOCAL OFFICIAL SIGNING THE COM-  
3 PLAIN AND IF THE CITATION CONTAINS THE FOLLOWING STATEMENT IMME-  
4 DIATELY ABOVE THE DATE AND SIGNATURE OF THE OFFICIAL: "I DECLARE  
5 UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE  
6 TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF."

7 SEC. 8707. (1) AN AUTHORIZED LOCAL OFFICIAL WHO WITNESSES A  
8 PERSON COMMIT A MUNICIPAL CIVIL INFRACTION SHALL PREPARE AND SUB-  
9 SCRIBE, AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE, AN  
10 ORIGINAL AND 3 COPIES OF A CITATION.

11 (2) AN AUTHORIZED LOCAL OFFICIAL MAY ISSUE A CITATION TO A  
12 PERSON IF, BASED UPON INVESTIGATION, THE OFFICIAL HAS REASONABLE  
13 CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A MUNICIPAL  
14 CIVIL INFRACTION. AN AUTHORIZED LOCAL OFFICIAL MAY ISSUE A  
15 CITATION TO A PERSON IF, BASED UPON INVESTIGATION OF A COMPLAINT  
16 BY SOMEONE WHO ALLEGEDLY WITNESSED THE PERSON COMMIT A MUNICIPAL  
17 CIVIL INFRACTION, THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE  
18 THAT THE PERSON IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION  
19 AND IF THE PROSECUTING ATTORNEY OR OTHER ATTORNEY FOR THE POLITI-  
20 CAL SUBDIVISION EMPLOYING THE AUTHORIZED LOCAL OFFICIAL APPROVES  
21 IN WRITING THE ISSUANCE OF THE CITATION.

22 (3) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (4), THE  
23 AUTHORIZED LOCAL OFFICIAL SHALL PERSONALLY SERVE THE THIRD COPY  
24 OF THE CITATION UPON THE ALLEGED VIOLATOR.

25 (4) IN A MUNICIPAL CIVIL INFRACTION ACTION INVOLVING THE USE  
26 OR OCCUPANCY OF LAND OR A BUILDING OR OTHER STRUCTURE, A COPY OF  
27 THE CITATION NEED NOT BE PERSONALLY SERVED UPON THE ALLEGED

1 VIOLATOR BUT MAY BE SERVED UPON AN OWNER OR OCCUPANT OF THE LAND,  
2 BUILDING, OR STRUCTURE BY POSTING THE COPY ON THE LAND OR ATTACH-  
3 ING THE COPY TO THE BUILDING OR STRUCTURE. IN ADDITION, A COPY  
4 OF THE CITATION SHALL BE SENT BY FIRST-CLASS MAIL TO THE OWNER OF  
5 THE LAND, BUILDING, OR STRUCTURE AT THE OWNER'S LAST KNOWN  
6 ADDRESS.

7 (5) A CITATION SERVED UNDER SUBSECTION (4) FOR A VIOLATION  
8 INVOLVING THE USE OR OCCUPANCY OF LAND OR A BUILDING OR OTHER  
9 STRUCTURE SHALL BE PROCESSED IN THE SAME MANNER AS A CITATION  
10 SERVED PERSONALLY UPON A DEFENDANT PURSUANT TO SUBSECTION (1) OR  
11 (2).

12 SEC. 8709. (1) A CITATION ISSUED PURSUANT TO SECTION 8707  
13 SHALL CONTAIN THE NAME OF THE PLAINTIFF, THE NAME AND ADDRESS OF  
14 THE DEFENDANT, THE MUNICIPAL CIVIL INFRACTION ALLEGED, THE PLACE  
15 WHERE THE DEFENDANT SHALL APPEAR IN COURT, THE TELEPHONE NUMBER  
16 OF THE COURT, THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE  
17 MADE, AND THE ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

18 (2) THE CITATION SHALL INFORM THE DEFENDANT THAT HE OR SHE  
19 MAY DO 1 OF THE FOLLOWING:

20 (A) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
21 BY MAIL BY THE TIME SPECIFIED FOR APPEARANCE OR IN PERSON OR BY  
22 REPRESENTATION AT THE TIME SPECIFIED FOR APPEARANCE.

23 (B) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
24 "WITH EXPLANATION" BY MAIL BY THE TIME SPECIFIED FOR APPEARANCE  
25 OR AT AN INFORMAL OR FORMAL HEARING.

26 (C) DENY RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
27 AT AN INFORMAL OR FORMAL HEARING.

1 (3) THE CITATION SHALL INFORM THE DEFENDANT OF ALL OF THE  
2 FOLLOWING:

3 (A) THAT IF THE DEFENDANT DESIRES TO ADMIT RESPONSIBILITY  
4 "WITH EXPLANATION" IN PERSON OR BY REPRESENTATION OR TO DENY  
5 RESPONSIBILITY, THE DEFENDANT MUST APPLY TO THE COURT IN PERSON,  
6 BY MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPEC-  
7 IFIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME TO  
8 APPEAR FOR A HEARING UNLESS A HEARING DATE IS SPECIFIED ON THE  
9 CITATION.

10 (B) THAT A HEARING SHALL BE AN INFORMAL HEARING UNLESS A  
11 FORMAL HEARING IS REQUESTED BY THE DEFENDANT OR THE PLAINTIFF  
12 POLITICAL SUBDIVISION.

13 (C) THAT AT AN INFORMAL HEARING THE DEFENDANT MUST APPEAR IN  
14 PERSON BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE, WITHOUT THE  
15 OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

16 (D) THAT AT A FORMAL HEARING THE DEFENDANT MUST APPEAR IN  
17 PERSON BEFORE A DISTRICT COURT JUDGE WITH THE OPPORTUNITY OF  
18 BEING REPRESENTED BY AN ATTORNEY.

19 (4) THE CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE  
20 THAT THE FAILURE OF THE DEFENDANT TO APPEAR WITHIN THE TIME SPEC-  
21 IFIED IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR  
22 APPEARANCE IS A MISDEMEANOR AND WILL RESULT IN ENTRY OF A DEFAULT  
23 JUDGMENT AGAINST THE DEFENDANT ON THE MUNICIPAL CIVIL  
24 INFRACTION. RETURN OF THE CITATION WITH AN ADMISSION OF RESPON-  
25 SIBILITY AND WITH FULL PAYMENT OF APPLICABLE CIVIL FINES AND  
26 COSTS, RETURN OF THE CITATION WITH AN ADMISSION OF RESPONSIBILITY

1 WITH EXPLANATION, OR TIMELY APPLICATION TO THE COURT FOR A  
2 HEARING CONSTITUTES A TIMELY APPEARANCE.

3 SEC. 8711. IF AN AUTHORIZED LOCAL OFFICIAL ISSUES A  
4 CITATION UNDER SECTION 8707, THE COURT MAY ACCEPT AN ADMISSION  
5 WITH EXPLANATION OR AN ADMISSION OR DENIAL OF RESPONSIBILITY UPON  
6 THE CITATION WITHOUT THE NECESSITY OF A SWORN COMPLAINT. IF THE  
7 DEFENDANT DENIES RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRAC-  
8 TION, FURTHER PROCEEDINGS SHALL NOT BE HELD UNTIL A SWORN COM-  
9 PLAINT IS FILED WITH THE COURT. A WARRANT FOR ARREST FOR FAILURE  
10 TO APPEAR ON THE MUNICIPAL CIVIL INFRACTION CITATION UNDER SEC-  
11 TION 8727(9) SHALL NOT BE ISSUED UNTIL A SWORN COMPLAINT RELATIVE  
12 TO THE MUNICIPAL CIVIL INFRACTION IS FILED WITH THE COURT.

13 SEC. 8713. AN AUTHORIZED LOCAL OFFICIAL WHO, KNOWING THE  
14 STATEMENT IS FALSE, MAKES A MATERIALLY FALSE STATEMENT IN A  
15 CITATION ISSUED UNDER SECTION 8707 IS GUILTY OF PERJURY, A FELONY  
16 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, AND IN  
17 ADDITION IS IN CONTEMPT OF COURT.

18 SEC. 8715. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER  
19 SECTION 8707 SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE  
20 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS  
21 PROVIDED IN THIS SECTION.

22 (2) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE  
23 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT MAY DO SO BY APPEARING  
24 IN PERSON, BY REPRESENTATION, OR BY MAIL. IF APPEARANCE IS MADE  
25 BY REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION  
26 WITH THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED

1 IN COURT. UPON ACCEPTANCE OF THE ADMISSION, THE COURT MAY ORDER  
2 ANY OF THE SANCTIONS PERMITTED UNDER SECTION 8727.

3 (3) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE  
4 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE DEFENDANT MAY  
5 DO SO IN EITHER OF THE FOLLOWING WAYS:

6 (A) BY APPEARING BY MAIL. IF THE DEFENDANT APPEARS BY MAIL,  
7 THE COURT MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH  
8 THE DEFENDANT APPEARED FOR A HEARING OR THE COURT MAY REQUIRE THE  
9 DEFENDANT TO PROVIDE A FURTHER EXPLANATION OR TO APPEAR IN COURT  
10 FOR A HEARING. THE COURT SHALL ACCEPT THE ADMISSION AS THOUGH  
11 THE DEFENDANT HAS ADMITTED RESPONSIBILITY UNDER SUBSECTION (2)  
12 AND MAY CONSIDER THE DEFENDANT'S EXPLANATION BY WAY OF MITIGATING  
13 ANY SANCTION THAT THE COURT MAY ORDER UNDER SECTION 8727.

14 (B) BY APPEARING FOR AN INFORMAL OR FORMAL HEARING SUBJECT  
15 TO SUBSECTION (5).

16 (4) IF THE DEFENDANT WISHES TO DENY RESPONSIBILITY FOR A  
17 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT SHALL DO SO BY APPEAR-  
18 ING FOR AN INFORMAL OR FORMAL HEARING.

19 (5) IF THE HEARING DATE FOR A HEARING UNDER SUBSECTION (3)  
20 OR (4) IS NOT SPECIFIED ON THE CITATION, THE DEFENDANT SHALL CON-  
21 TACT THE COURT IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELE-  
22 PHONE, AND OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN  
23 INFORMAL OR FORMAL HEARING. IF THE HEARING DATE IS SPECIFIED ON  
24 THE CITATION, THE DEFENDANT SHALL APPEAR ON THAT DATE. THE HEAR-  
25 ING SHALL BE AN INFORMAL HEARING, UNLESS A FORMAL HEARING IS  
26 REQUESTED BY THE DEFENDANT OR THE PLAINTIFF AS PROVIDED BY  
27 SECTION 8717. IF A HEARING IS SCHEDULED BY TELEPHONE, THE COURT

1 SHALL MAIL THE DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY  
2 REGULAR MAIL TO THE ADDRESS APPEARING ON THE CITATION OR TO AN  
3 ADDRESS THAT IS FURNISHED BY THE DEFENDANT. AN INFORMAL HEARING  
4 SHALL BE CONDUCTED PURSUANT TO SECTION 8719, AND A FORMAL HEARING  
5 SHALL BE CONDUCTED PURSUANT TO SECTION 8721.

6 SEC. 8717. (1) THE COURT SHALL SCHEDULE A FORMAL HEARING IF  
7 EITHER THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY WITH EXPLANA-  
8 TION OR DENY RESPONSIBILITY FOR A MUNICIPAL CIVIL INFRACTION OR  
9 THE PLAINTIFF EXPRESSLY REQUESTS A FORMAL HEARING AS PROVIDED BY  
10 THIS SECTION.

11 (2) A REQUEST FOR A FORMAL HEARING MUST BE RECEIVED BY THE  
12 COURT AT LEAST 10 DAYS BEFORE THE HEARING DATE. THE REQUEST MAY  
13 BE MADE IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELEPHONE.

14 (3) THE PARTY REQUESTING A FORMAL HEARING SHALL NOTIFY THE  
15 OTHER PARTY OR PARTIES OF THE REQUEST. NOTIFICATION OF THE  
16 REQUEST MUST BE RECEIVED BY THE OTHER PARTIES AT LEAST 10 DAYS  
17 BEFORE THE HEARING DATE. THE NOTIFICATION OF A REQUEST FOR A  
18 FORMAL HEARING MAY BE MADE IN PERSON, BY REPRESENTATION, BY MAIL,  
19 OR BY TELEPHONE.

20 SEC. 8719. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A  
21 DISTRICT COURT MAGISTRATE, IF AUTHORIZED BY THE JUDGE OR JUDGES  
22 OF THE DISTRICT COURT DISTRICT, OR BY A JUDGE OF THE DISTRICT  
23 COURT OR A MUNICIPAL COURT. A DISTRICT COURT MAGISTRATE MAY  
24 ADMINISTER OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT  
25 AND CONCLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DIS-  
26 TRICT COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN  
27 INFORMAL MANNER SO AS TO DO SUBSTANTIAL JUSTICE ACCORDING TO THE



1 RULES OF SUBSTANTIVE LAW, BUT IS NOT BOUND BY THE STATUTORY  
2 PROVISIONS OR RULES OF PRACTICE, PROCEDURE, PLEADING, OR EVI-  
3 DENCE, EXCEPT PROVISIONS RELATING TO PRIVILEGED COMMUNICATIONS.  
4 THERE SHALL NOT BE A JURY AT AN INFORMAL HEARING. A VERBATIM  
5 RECORD OF AN INFORMAL HEARING IS NOT REQUIRED.

6 (2) AT AN INFORMAL HEARING, THE DEFENDANT SHALL NOT BE REP-  
7 RESENTED BY AN ATTORNEY AND THE PLAINTIFF SHALL NOT BE REPRE-  
8 SENTED BY THE PROSECUTING ATTORNEY OR ATTORNEY FOR A POLITICAL  
9 SUBDIVISION.

10 (3) NOTICE OF A SCHEDULED INFORMAL HEARING SHALL BE GIVEN TO  
11 THE PLAINTIFF. THE PLAINTIFF AND DEFENDANT MAY SUBPOENA  
12 WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A  
13 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF  
14 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT  
15 FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE CITY OR VILLAGE  
16 IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT  
17 WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

18 (4) IF THE DEFENDANT HAS ADMITTED RESPONSIBILITY FOR THE  
19 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE JUDGE OR MAG-  
20 ISTRATE SHALL ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS  
21 ADMITTED RESPONSIBILITY UNDER SECTION 8715(2) AND MAY CONSIDER  
22 THE DEFENDANT'S EXPLANATION BY WAY OF MITIGATING ANY SANCTION  
23 THAT THE COURT MAY ORDER UNDER SECTION 8727.

24 (5) IF THE DEFENDANT HAS DENIED RESPONSIBILITY FOR THE  
25 MUNICIPAL CIVIL INFRACTION AND THE JUDGE OR DISTRICT COURT MAGIS-  
26 TRATE DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT THE  
27 DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, THE

1 JUDGE OR MAGISTRATE SHALL ENTER AN ORDER AGAINST THE DEFENDANT AS  
2 PROVIDED IN SECTION 8727. OTHERWISE, A JUDGMENT SHALL BE ENTERED  
3 FOR THE DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO COSTS OF  
4 THE ACTION.

5 (6) THE PLAINTIFF AND DEFENDANT ARE ENTITLED TO APPEAL AN  
6 ADVERSE JUDGMENT ENTERED AT AN INFORMAL HEARING. AN APPEAL FROM  
7 A MUNICIPAL JUDGE SHALL BE A TRIAL DE NOVO IN THE CIRCUIT COURT.  
8 IN OTHER INSTANCES, AN APPEAL SHALL BE DE NOVO IN THE FORM OF A  
9 SCHEDULED FORMAL HEARING AS FOLLOWS:

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

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

14 SEC. 8721. (1) A FORMAL HEARING SHALL BE CONDUCTED ONLY BY  
15 A JUDGE OF THE DISTRICT COURT OR A MUNICIPAL COURT.

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

19 (3) NOTICE OF A FORMAL HEARING SHALL BE GIVEN TO THE PROSE-  
20 CUTING ATTORNEY OR THE ATTORNEY WHO REPRESENTS THE PLAINTIFF  
21 POLITICAL SUBDIVISION. THAT ATTORNEY SHALL APPEAR IN COURT FOR A  
22 FORMAL HEARING AND IS RESPONSIBLE FOR THE ISSUANCE OF A SUBPOENA  
23 TO EACH WITNESS FOR THE PLAINTIFF. THE DEFENDANT MAY ALSO SUB-  
24 POENA WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A  
25 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF  
26 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT  
27 FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE CITY OR VILLAGE

1 IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT  
2 WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

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

4 (5) IF THE DEFENDANT HAS ADMITTED RESPONSIBILITY FOR THE  
5 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE JUDGE SHALL  
6 ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS ADMITTED RESPON-  
7 SIBILITY UNDER SECTION 8715(2) AND MAY CONSIDER THE DEFENDANT'S  
8 EXPLANATION BY WAY OF MITIGATING ANY SANCTION THAT THE COURT MAY  
9 ORDER UNDER SECTION 8727.

10 (6) IF THE DEFENDANT HAS DENIED RESPONSIBILITY FOR THE  
11 MUNICIPAL CIVIL INFRACTION AND THE JUDGE DETERMINES BY A PREPON-  
12 DERANCE OF THE EVIDENCE THAT THE DEFENDANT IS RESPONSIBLE FOR A  
13 MUNICIPAL CIVIL INFRACTION, THE JUDGE SHALL ENTER AN ORDER  
14 AGAINST THE DEFENDANT AS PROVIDED IN SECTION 8727. OTHERWISE, A  
15 JUDGMENT SHALL BE ENTERED FOR THE DEFENDANT, BUT THE DEFENDANT IS  
16 NOT ENTITLED TO COSTS OF THE ACTION.

17 SEC. 8723. IF THE DEFENDANT FAILS TO APPEAR AS DIRECTED BY  
18 THE CITATION OR OTHER NOTICE, AT A SCHEDULED INFORMAL HEARING, OR  
19 AT A SCHEDULED FORMAL HEARING, THE COURT SHALL ENTER A DEFAULT  
20 JUDGMENT AGAINST THE DEFENDANT.

21 SEC. 8725. (1) AN AUTHORIZED LOCAL OFFICIAL ISSUING A  
22 CITATION UNDER THIS CHAPTER FOR A MUNICIPAL CIVIL INFRACTION  
23 SHALL NOT ACCEPT A FEE FOR ISSUING THE CITATION.

24 (2) AN AUTHORIZED LOCAL OFFICIAL WHO VIOLATES THIS SECTION  
25 IS GUILTY OF MISCONDUCT IN OFFICE AND SUBJECT TO REMOVAL FROM  
26 OFFICE.

1        SEC. 8727. (1) A MUNICIPAL CIVIL INFRACTION IS NOT A LESSER  
2 INCLUDED OFFENSE OF A CRIMINAL OFFENSE.

3        (2) IF A DEFENDANT IS DETERMINED TO BE RESPONSIBLE OR  
4 RESPONSIBLE "WITH EXPLANATION" FOR A MUNICIPAL CIVIL INFRACTION,  
5 THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ORDER THE DEFENDANT TO  
6 PAY A CIVIL FINE AND COSTS AS PROVIDED IN SUBSECTION (3). IN THE  
7 ORDER OF JUDGMENT, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY  
8 GRANT A DEFENDANT PERMISSION TO PAY A CIVIL FINE AND COSTS WITHIN  
9 A SPECIFIED PERIOD OF TIME OR IN SPECIFIED INSTALLMENTS.  
10 OTHERWISE, THE CIVIL FINE AND COSTS ARE DUE IMMEDIATELY.

11        (3) IF A DEFENDANT IS ORDERED TO PAY A CIVIL FINE UNDER  
12 SUBSECTION (2), THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL SUM-  
13 MARILY TAX AND DETERMINE THE COSTS OF THE ACTION, WHICH ARE NOT  
14 LIMITED TO THE COSTS TAXABLE IN ORDINARY CIVIL ACTIONS AND MAY  
15 INCLUDE ALL EXPENSES, DIRECT AND INDIRECT, TO WHICH THE PLAINTIFF  
16 HAS BEEN PUT IN CONNECTION WITH THE MUNICIPAL CIVIL INFRACTION,  
17 UP TO THE ENTRY OF JUDGMENT. COSTS OF NOT LESS THAN \$5.00 SHALL  
18 BE ORDERED. COSTS SHALL NOT BE ORDERED IN EXCESS OF \$100.00.  
19 EXCEPT AS OTHERWISE PROVIDED BY LAW, COSTS SHALL BE PAYABLE TO  
20 THE GENERAL FUND OF THE PLAINTIFF.

21        (4) IN ADDITION TO ORDERING THE DEFENDANT TO PAY A CIVIL  
22 FINE AND COSTS, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ISSUE  
23 A WRIT OR ORDER UNDER SECTION 8302.

24        (5) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS  
25 PERMITTED UNDER SUBSECTIONS (2) AND (4) ONLY TO THE EXTENT  
26 EXPRESSLY AUTHORIZED BY THE CHIEF JUDGE OR ONLY JUDGE OF THE  
27 DISTRICT COURT DISTRICT.

1       (6) EACH DISTRICT OF THE DISTRICT COURT AND EACH MUNICIPAL  
2 COURT MAY ESTABLISH A SCHEDULE OF CIVIL FINES AND COSTS TO BE  
3 IMPOSED FOR MUNICIPAL CIVIL INFRACTIONS THAT OCCUR WITHIN THE  
4 DISTRICT OR CITY. IF A SCHEDULE IS ESTABLISHED, IT SHALL BE  
5 PROMINENTLY POSTED AND READILY AVAILABLE FOR PUBLIC INSPECTION.  
6 A SCHEDULE NEED NOT INCLUDE ALL VIOLATIONS THAT ARE DESIGNATED BY  
7 ORDINANCE AS MUNICIPAL CIVIL INFRACTIONS. A SCHEDULE MAY EXCLUDE  
8 CASES ON THE BASIS OF A DEFENDANT'S PRIOR RECORD OF MUNICIPAL  
9 CIVIL INFRACTIONS.

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

14       (8) IF A DEFENDANT FAILS TO COMPLY WITH AN ORDER OR JUDGMENT  
15 ISSUED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED BY THE  
16 COURT, THE COURT MAY PROCEED UNDER SECTION 8729 OR 8731, OR BOTH,  
17 AS APPLICABLE.

18       (9) A DEFENDANT WHO FAILS TO ANSWER A CITATION OR NOTICE TO  
19 APPEAR IN COURT FOR A MUNICIPAL CIVIL INFRACTION IS GUILTY OF A  
20 MISDEMEANOR.

21       SEC. 8729. (1) IF A DEFENDANT DEFAULTS IN THE PAYMENT OF A  
22 CIVIL FINE OR COSTS OR OF ANY INSTALLMENT, AS ORDERED PURSUANT TO  
23 SECTION 8727, THE COURT, UPON THE MOTION OF THE PLAINTIFF OR UPON  
24 ITS OWN MOTION, MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY THE  
25 DEFENDANT SHOULD NOT BE HELD IN CIVIL CONTEMPT AND MAY ISSUE A  
26 SUMMONS, ORDER TO SHOW CAUSE, OR A BENCH WARRANT OF ARREST FOR  
27 THE DEFENDANT'S APPEARANCE.

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

6 (3) UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT  
7 ATTRIBUTABLE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE  
8 COURT OR TO A FAILURE ON HIS OR HER PART TO MAKE A GOOD FAITH  
9 EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAYMENT, THE COURT SHALL  
10 FIND THAT THE DEFAULT CONSTITUTES A CIVIL CONTEMPT AND MAY ORDER  
11 THE DEFENDANT COMMITTED UNTIL ALL OR A SPECIFIED PART OF THE  
12 CIVIL FINE, COSTS, OR BOTH, IS PAID.

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

18 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-  
19 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF  
20 COMMITMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$10.00 OF THE  
21 FINE AND COSTS. A PERSON COMMITTED FOR NONPAYMENT OF A CIVIL  
22 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY  
23 OF IMPRISONMENT AND EACH DAY OF DETENTION IN DEFAULT OF RECOGNI-  
24 ZANCE BEFORE JUDGMENT AT THE RATE OF \$10.00 PER DAY.

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

1 (A) THE DEFENDANT IS CREDITED WITH THE AMOUNT DUE PURSUANT  
2 TO SUBSECTION (5).

3 (B) THE AMOUNT DUE IS COLLECTED THROUGH EXECUTION OF PROCESS  
4 OR OTHERWISE.

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

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

9 SEC. 8731. (1) IF A DEFENDANT DOES NOT PAY A CIVIL FINE OR  
10 COSTS OR AN INSTALLMENT ORDERED UNDER SECTION 8727 WITHIN 30 DAYS  
11 AFTER THE DATE ON WHICH PAYMENT IS DUE UNDER SECTION 8727 IN A  
12 MUNICIPAL CIVIL INFRACTION ACTION BROUGHT FOR A VIOLATION INVOLV-  
13 ING THE USE OR OCCUPATION OF LAND OR A BUILDING OR OTHER STRUC-  
14 TURE, THE PLAINTIFF MAY OBTAIN A LIEN AGAINST THE LAND, BUILDING,  
15 OR STRUCTURE INVOLVED IN THE VIOLATION BY RECORDING A COPY OF THE  
16 COURT ORDER REQUIRING PAYMENT OF THE FINE AND COSTS WITH THE REG-  
17 ISTER OF DEEDS FOR THE COUNTY IN WHICH THE LAND, BUILDING, OR  
18 STRUCTURE IS LOCATED. THE LIEN IS EFFECTIVE IMMEDIATELY UPON  
19 RECORDING OF THE COURT ORDER WITH THE REGISTER OF DEEDS.

20 (2) THE COURT ORDER RECORDED WITH THE REGISTER OF DEEDS  
21 SHALL CONSTITUTE NOTICE OF THE PENDENCY OF THE LIEN. IN ADDI-  
22 TION, A WRITTEN NOTICE OF THE LIEN SHALL BE SENT BY THE PLAINTIFF  
23 BY FIRST-CLASS MAIL TO THE OWNER OF RECORD OF THE LAND, BUILDING,  
24 OR STRUCTURE AT THE OWNER'S LAST KNOWN ADDRESS.

25 (3) THE LIEN MAY BE ENFORCED AND DISCHARGED BY A COUNTY,  
26 CITY, VILLAGE, OR TOWNSHIP IN THE MANNER PRESCRIBED BY ITS  
27 CHARTER, BY THE GENERAL LAWS OF THE STATE PROVIDING FOR THE

1 ENFORCEMENT AND DISCHARGING OF TAX LIENS, OR BY AN ORDINANCE DULY  
2 PASSED BY THE GOVERNING BODY OF THE COUNTY, CITY, VILLAGE, OR  
3 TOWNSHIP.

4 (4) A LIEN CREATED UNDER THIS SECTION HAS PRIORITY OVER ANY  
5 OTHER LIEN, WHETHER OR NOT THE OTHER LIEN IS CREATED OR RECORDED  
6 BEFORE THE CREATION OF THE LIEN UNDER THIS SECTION, UNLESS 1 OR  
7 MORE OF THE FOLLOWING APPLY:

8 (A) THE OTHER LIEN IS A LIEN FOR TAXES OR SPECIAL  
9 ASSESSMENTS.

10 (B) THE OTHER LIEN IS CREATED BEFORE THE EFFECTIVE DATE OF  
11 THE AMENDATORY ACT THAT ADDED THIS SECTION.

12 (C) FEDERAL LAW PROVIDES THAT THE OTHER LIEN HAS PRIORITY.

13 (5) A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY INSTITUTE AN  
14 ACTION IN A COURT OF COMPETENT JURISDICTION FOR THE COLLECTION OF  
15 THE FINES AND COSTS IMPOSED BY A COURT ORDER FOR A MUNICIPAL  
16 CIVIL INFRACTION. HOWEVER, AN ATTEMPT BY A COUNTY, CITY, VIL-  
17 LAGE, OR TOWNSHIP TO COLLECT THE FINES OR COSTS BY ANY PROCESS  
18 DOES NOT INVALIDATE OR WAIVE THE LIEN UPON THE LAND, BUILDING, OR  
19 STRUCTURE.

20 (6) A LIEN PROVIDED FOR BY THIS SECTION SHALL NOT CONTINUE  
21 FOR A PERIOD LONGER THAN 5 YEARS AFTER A COPY OF THE COURT ORDER  
22 IMPOSING A FINE OR COSTS IS RECORDED, UNLESS WITHIN THAT TIME AN  
23 ACTION TO ENFORCE THE LIEN IS COMMENCED.