

Act No. 79
Public Acts of 1996
Approved by the Governor
February 25, 1996
Filed with the Secretary of State
February 26, 1996

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

Introduced by Reps. DeHart, Kelly, Scott, Agee, Tesanovich, LaForge and Cherry

ENROLLED HOUSE BILL No. 5331

AN ACT to amend sections 113 and 8511 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," section 113 as amended by Act No. 54 of the Public Acts of 1995 and section 8511 as amended by Act No. 266 of the Public Acts of 1990, being sections 600.113 and 600.8511 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 113 and 8511 of Act No. 236 of the Public Acts of 1961, section 113 as amended by Act No. 54 of the Public Acts of 1995 and section 8511 as amended by Act No. 266 of the Public Acts of 1990, being sections 600.113 and 600.8511 of the Michigan Compiled Laws, are amended to read as follows:

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

(a) "Civil infraction" means an act or omission that is prohibited by a law and is not a crime under that law or that is prohibited by an ordinance and is not a crime under that ordinance, and for which civil sanctions may be ordered. Civil infraction includes, but is not limited to, the following:

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

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

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

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

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

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

(vii) A municipal civil infraction.

(viii) A state civil infraction.

(ix) A violation of the pupil transportation act, Act No. 187 of the Public Acts of 1990, being sections 257.1801 to 257.1877 of the Michigan Compiled Laws, designated as a civil infraction.

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

(c) "Municipal civil infraction" means a civil infraction involving a violation of an ordinance. Municipal civil infraction includes, but is not limited to, a trailway municipal civil infraction. Municipal civil infraction does not include a violation described in subdivision (a)(i) to (vi) or (ix) or any act or omission that constitutes a crime under any of the following:

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

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

(iii) Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

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

(v) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(vi) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(vii) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(viii) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(ix) The railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.101 to 462.451 of the Michigan Compiled Laws.

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

(d) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction. Municipal civil infraction action includes, but is not limited to, a trailway municipal civil infraction action.

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

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

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

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

(g) "Trailway municipal civil infraction" means a municipal civil infraction involving the operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by ordinance.

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

(2) Except as otherwise provided in this act:

(a) A civil infraction action involving a traffic or parking violation is governed by Act No. 300 of the Public Acts of 1949.

(b) A municipal civil infraction action is governed by chapter 87.

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

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

Sec. 8511. A district court magistrate shall have the following jurisdiction and duties:

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

(i) Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, except for violations of sections 625 and 625b of Act No. 300 of the Public Acts of 1949, being sections 257.625 and 257.625b of the Michigan Compiled Laws. However, the magistrate may have the jurisdiction to arraign defendants and set bond with regard to violations of sections 625 and 625b of Act No. 300 of the Public Acts of 1949.

- (ii) Part 487 (sport fishing) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.48701 to 324.48740 of the Michigan Compiled Laws.
- (iii) Part 401 (wildlife conservation) of Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws.
- (iv) Part 801 (marine safety) of Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.
- (v) The motor carrier act, Act No. 254 of the Public Acts of 1933, being sections 475.1 to 479.43 of the Michigan Compiled Laws.
- (vi) Motor carrier safety act of 1963, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws.
- (vii) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.
- (viii) Dog law of 1919, Act No. 339 of the Public Acts of 1919, being sections 287.261 to 287.290 of the Michigan Compiled Laws.
- (ix) Section 33a, 33b, or 34 of the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.33a, 436.33b, and 436.34 of the Michigan Compiled Laws.
- (x) Part 5 (department of natural resources general powers and duties) of Act No. 451 of the Public Acts of 1994, being sections 324.501 to 324.511 of the Michigan Compiled Laws.
- (xi) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.
- (xii) Part 89 (littering) of Act No. 451 of the Public Acts of 1994, being sections 324.8901 to 324.8907 of the Michigan Compiled Laws.
- (xiii) Part 435 (hunting and fishing licensing) of Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws.
- (xiv) Part 731 (recreational trespass) of Act No. 451 of the Public Acts of 1994, being sections 324.73101 to 324.73111 of the Michigan Compiled Laws.
- (xv) Chapter LXXXV of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.546 to 750.552a of the Michigan Compiled Laws.
- (b) To issue warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney, except written authorization shall not be required for a vehicle law or ordinance violation within the jurisdiction of the magistrate if a police officer issued a traffic citation pursuant to section 728 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.728 of the Michigan Compiled Laws, and the defendant failed to appear.
- (c) To fix bail and accept bond in all cases.
- (d) To issue search warrants, when authorized to do so by a district court judge.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.