

SENATE BILL NO. 683

September 21, 1999, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8391, 8511, and 8512 (MCL 600.8391, 600.8511, and 600.8512), section 8511 as amended by 1996 PA 79 and section 8512 as amended by 1995 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8391. (1) With the approval of the governing body of a
2 district control unit, the district court may establish within
3 the court a traffic bureau ~~which~~ THAT may be administered by
4 clerks or other personnel of the district court to accept, as
5 authorized by the judges of the district, admissions ~~for civil~~
6 ~~infractions under Act No. 300 of the Public Acts of 1949, as~~
7 ~~amended, being sections 257.1 to 257.923 of the Michigan Compiled~~
8 ~~Laws, or a local ordinance corresponding thereto,~~ and to collect

1 civil fines and costs as prescribed by the judges of the district
 2 ~~—~~ FOR THE FOLLOWING CIVIL INFRACTIONS:

3 (A) CIVIL INFRACTIONS UNDER THE MICHIGAN VEHICLE CODE, 1949
 4 PA 300, MCL 257.1 TO 257.923, OR A CORRESPONDING LOCAL
 5 ORDINANCE.

6 (B) STATE CIVIL INFRACTIONS UNDER PART 801 OF THE NATURAL
 7 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
 8 324.80101 TO 324.80199H.

9 (2) Beginning August 1, 1979, a traffic bureau ESTABLISHED
 10 UNDER SUBSECTION (1) may also accept ~~pleas~~ A PLEA of guilty for
 11 ~~such~~ A traffic ~~offenses as~~ OFFENSE, authorized by the judges
 12 of the district, except for ~~violations~~ A VIOLATION of sections
 13 625, ~~625b~~, 626, 626b, and 904 of ~~Act No. 300 of the Public~~
 14 ~~Acts of 1949, as amended, or a local ordinance corresponding~~
 15 ~~thereto~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,
 16 257.626, 257.626B, AND 257.904, OR A CORRESPONDING LOCAL
 17 ORDINANCE, and collect fines and costs as prescribed by the
 18 judges of the district, if the offense occurred before August 1,
 19 1979 and if the maximum permissible punishment for the offense at
 20 the time the offense was committed did not exceed 90 days in jail
 21 or a fine of not more than \$100.00, or both. ~~The~~

22 (3) SUBJECT TO SUPREME COURT SUPERVISION, THE presiding
 23 judge of ~~the~~ A district ~~, subject to the supervision of the~~
 24 ~~supreme court, shall have~~ HAS authority over the personnel OF A
 25 TRAFFIC BUREAU ESTABLISHED UNDER SUBSECTION (1) and SHALL deter-
 26 mine the location and number of traffic bureau offices IN THAT
 27 DISTRICT.

1 (4) ~~Appeals as of right may be taken from the~~ AN APPEAL
 2 FROM A DECISION OF A traffic bureau ESTABLISHED UNDER SUBSECTION
 3 (1) MAY BE TAKEN AS OF RIGHT to the district court. Appeals
 4 shall be taken within 7 days after the entry of the civil infrac-
 5 tion admission and shall be heard de novo.

6 Sec. 8511. A district court magistrate ~~shall have~~ HAS the
 7 following jurisdiction and duties:

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

14 (i) Michigan vehicle code, ~~Act No. 300 of the Public Acts~~
 15 ~~of 1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
 16 ~~Laws~~ 1949 PA 300, MCL 257.1 TO 257.923, except for ~~violations~~
 17 A VIOLATION of ~~sections 625 and 625b of Act No. 300 of the~~
 18 ~~Public Acts of 1949, being sections 257.625 and 257.625b of the~~
 19 ~~Michigan Compiled Laws~~ SECTION 625 OF THE MICHIGAN VEHICLE CODE,
 20 1949 PA 300, MCL 257.625. However, the magistrate may ~~have the~~
 21 ~~jurisdiction to~~ arraign ~~defendants~~ A DEFENDANT and set bond
 22 with regard to ~~violations~~ A VIOLATION of ~~sections 625 and 625b~~
 23 ~~of Act No. 300 of the Public Acts of 1949~~ SECTION 625 OF THE
 24 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625.

25 (ii) Part 487 ~~(sport fishing)~~ of the natural resources and
 26 environmental protection act, ~~Act No. 451 of the Public Acts of~~

1 ~~1994, being sections 324.48701 to 324.48740 of the Michigan~~
2 ~~Compiled Laws~~ 1994 PA 451, MCL 324.48701 TO 324.48740.

3 (iii) Part 401 ~~(wildlife conservation)~~ of ~~Act No. 451 of~~
4 ~~the Public Acts of 1994, being sections 324.40101 to 324.40119 of~~
5 ~~the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMEN-
6 TAL PROTECTION ACT, 1994 PA 451, MCL 324.40101 TO 324.40119.

7 (iv) Part 801 ~~(marine safety)~~ of ~~Act No. 451 of the~~
8 ~~Public Acts of 1994, being sections 324.80101 to 324.80199 of the~~
9 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
10 PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO 324.80199H, EXCEPT
11 FOR A VIOLATION OF SECTION 80171(1) AND (3) OF THE NATURAL
12 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
13 324.80171. HOWEVER, THE MAGISTRATE MAY ARRAIGN A DEFENDANT AND
14 SET BOND FOR A VIOLATION OF SECTION 80171(1) AND (3) OF THE NATU-
15 RAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
16 324.80171.

17 (v) The motor carrier act, ~~Act No. 254 of the Public Acts~~
18 ~~of 1933, being sections 475.1 to 479.43 of the Michigan Compiled~~
19 ~~Laws~~ 1933 PA 254, MCL 475.1 TO 479.43.

20 (vi) Motor carrier safety act of 1963, ~~Act No. 181 of the~~
21 ~~Public Acts of 1963, being sections 480.11 to 480.21 of the~~
22 ~~Michigan Compiled Laws~~ 1963 PA 181, MCL 480.11 TO 480.22.

23 (vii) Part 821 ~~(snowmobiles)~~ of ~~Act No. 451 of the Public~~
24 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
25 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
26 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82160.

1 (viii) Dog law of 1919, ~~Act No. 339 of the Public Acts of~~
2 ~~1919, being sections 287.261 to 287.290 of the Michigan Compiled~~
3 ~~Laws~~ 1919 PA 339, MCL 287.261 TO 287.290.

4 (ix) Section ~~33a, 33b, or 34 of the Michigan liquor control~~
5 ~~act, Act No. 8 of the Public Acts of the Extra Session of 1933,~~
6 ~~being sections 436.33a, 436.33b, and 436.34 of the Michigan~~
7 ~~Compiled Laws~~ 703 OR 915 OF THE MICHIGAN LIQUOR CONTROL CODE OF
8 1998, 1998 PA 58, MCL 436.1703 AND 436.1915.

9 (x) Part 5 ~~(department of natural resources general powers~~
10 ~~and duties)~~ of ~~Act No. 451 of the Public Acts of 1994, being~~
11 ~~sections 324.501 to 324.511 of the Michigan Compiled Laws~~ THE
12 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
13 MCL 324.501 TO 324.511.

14 (xi) Part 811 ~~(off-road recreation vehicles)~~ of ~~Act~~
15 ~~No. 451 of the Public Acts of 1994, being sections 324.81101 to~~
16 ~~324.81150 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES
17 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
18 324.81150.

19 (xii) Part 89 ~~(littering)~~ of ~~Act No. 451 of the Public~~
20 ~~Acts of 1994, being sections 324.8901 to 324.8907 of the Michigan~~
21 ~~Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
22 ACT, 1994 PA 451, MCL 324.8901 TO 324.8907.

23 (xiii) Part 435 ~~(hunting and fishing licensing)~~ of ~~Act~~
24 ~~No. 451 of the Public Acts of 1994, being sections 324.43501 to~~
25 ~~324.43561 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES
26 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.43501 TO
27 324.43561.

1 (xiv) Part 731 ~~(recreational trespass)~~ of ~~Act No. 451~~ of
 2 ~~the Public Acts of 1994, being sections 324.73101 to 324.73111~~ of
 3 ~~the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMEN-
 4 TAL PROTECTION ACT, 1994 PA 451, MCL 324.73101 TO 324.73111.

5 (xv) Chapter LXXXV of the Michigan penal code, ~~Act No. 328~~
 6 ~~of the Public Acts of 1931, being sections 750.546 to 750.552a~~ of
 7 ~~the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.546 TO
 8 750.552B.

9 (b) To issue ~~warrants~~ A WARRANT for the arrest of a person
 10 upon the written authorization of the prosecuting or municipal
 11 attorney, except written authorization ~~shall~~ IS not ~~be~~
 12 required for a vehicle law or ordinance violation within the
 13 jurisdiction of the magistrate if a police officer issued a traf-
 14 fic citation pursuant to section 728 of the Michigan vehicle
 15 code, ~~Act No. 300 of the Public Acts of 1949, being~~
 16 ~~section 257.728 of the Michigan Compiled Laws~~ 1949 PA 300, MCL
 17 257.728, and the defendant failed to appear.

18 (c) To fix bail and accept bond in all cases.

19 (d) To issue A search ~~warrants~~ WARRANT, ~~when~~ IF autho-
 20 rized to do so by a district court judge.

21 Sec. 8512. (1) A district court magistrate may hear and
 22 preside over civil infraction admissions and admissions with
 23 explanation and conduct informal hearings in civil infraction
 24 actions pursuant to section 746 of the Michigan vehicle code,
 25 ~~Act No. 300 of the Public Acts of 1949, being section 257.746~~ of
 26 ~~the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.746, section
 27 8719, or section 8819, as applicable. In exercising the

1 authority conferred by this subsection, the magistrate may
2 administer oaths, examine witnesses, and make findings of fact
3 and conclusions of law. If the defendant is determined to be
4 responsible for a civil infraction, the magistrate may impose the
5 civil sanctions authorized by section 907 of ~~Act No. 300 of the~~
6 ~~Public Acts of 1949, being section 257.907 of the Michigan~~
7 ~~Compiled Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
8 257.907, section 8727, or section 8827, as applicable.

9 (2) A district court magistrate shall not conduct an infor-
10 mal hearing in a civil infraction action involving a traffic or
11 parking violation governed by ~~Act No. 300 of the Public Acts of~~
12 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
13 ~~Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
14 257.923, until he or she has successfully completed a special
15 training course in traffic law adjudication and sanctions. ~~The~~
16 ~~course shall be given periodically by the~~

17 (3) A DISTRICT COURT MAGISTRATE SHALL NOT CONDUCT AN INFOR-
18 MAL HEARING IN A STATE CIVIL INFRACTION ACTION INVOLVING A VIOLA-
19 TION OF PART 801 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
20 TECTION ACT, 1994 PA 451, MCL 324.80101 TO 324.80199H, UNTIL HE
21 OR SHE HAS SUCCESSFULLY COMPLETED A SPECIAL TRAINING COURSE IN
22 MARINE LAW ADJUDICATIONS AND SANCTIONS.

23 (4) THE state court administrator SHALL PERIODICALLY PROVIDE
24 A SPECIAL TRAINING COURSE IN TRAFFIC AND MARINE LAW ADJUDICATIONS
25 AND SANCTIONS FOR DISTRICT COURT MAGISTRATES.

26 (5) ~~(3)~~ A district court magistrate may exercise the
27 authority conferred by this section only to the extent expressly

1 authorized by the chief judge, presiding judge, or only judge of
2 the district court district.

3 Enacting section 1. This amendatory act takes effect April
4 1, 2000.

5 Enacting section 2. This amendatory act does not take
6 effect unless all of the following bills of the 90th Legislature
7 are enacted into law:

8 (a) Senate Bill No. 682.

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10 (b) Senate Bill No. 684.

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12 (c) Senate Bill No. 685.

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14 (d) Senate Bill No. 686.

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16 (e) Senate Bill No. 687.

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18 (f) Senate Bill No. 688.

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20 (g) Senate Bill No. 689.

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22 (h) Senate Bill No. 690.

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