

# HOUSE BILL No. 4613

April 14, 2005, Introduced by Rep. Caul and referred to the Committee on Agriculture.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

**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  
3           designated 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 the

1 person cited.

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

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

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

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

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

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

17 (i) A sheriff or deputy sheriff.

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

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

21 (iv) A conservation officer.

22 (v) A security employee employed by the state pursuant to  
23 section 6c of ~~Act No. 59 of the Public Acts of 1935, being section~~  
24 ~~28.6c of the Michigan Compiled Laws 1935 PA 59, MCL 28.6C.~~

25 (vi) A motor carrier officer appointed pursuant to section 6d  
26 of 1935 PA 59, MCL 28.6d.

27 (vii) A public safety officer employed by a university as

1 authorized by either of the following:

2 (A) 1965 PA 278, MCL 390.711 to 390.717.

3 (B) 1990 PA 120, MCL 390.1511 to 390.1514.

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

6 (ix) A park and recreation officer commissioned pursuant to  
7 section 1606 of the natural resources and environmental protection  
8 act, 1994 PA 451, MCL 324.1606.

9 (x) A state forest officer commissioned pursuant to section  
10 83107 of the natural resources and environmental protection act,  
11 1994 PA 451, MCL 324.83107.

12 (xi) **AN OFFICER, EMPLOYEE, OR AGENT OF THE DEPARTMENT OF**  
13 **AGRICULTURE ENFORCING, PURSUANT TO AUTHORITY GRANTED BY THE**  
14 **DIRECTOR OF AGRICULTURE, A STATUTE ADMINISTERED, A RULE**  
15 **PROMULGATED, OR AN ORDER ISSUED BY THE DEPARTMENT OF AGRICULTURE OR**  
16 **THE DIRECTOR OF AGRICULTURE.**

17 Enacting section 1. This amendatory act does not take effect  
18 unless 1 or both of the following bills of the 93rd Legislature are  
19 enacted into law:

20 (a) House Bill No. 4560.

21 (b) House Bill No. 4562.