

Act No. 51
Public Acts of 2005
Approved by the Governor
June 27, 2005
Filed with the Secretary of State
June 27, 2005
EFFECTIVE DATE: June 27, 2005

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Rep. Caul

ENROLLED HOUSE BILL No. 4613

AN ACT to amend 1961 PA 236, entitled "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; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

The People of the State of Michigan enact:

Sec. 8801. (1) This chapter applies only to a state civil infraction action involving a violation of state law that is designated as a state civil infraction.

(2) This chapter does not apply to a civil infraction action involving a traffic or parking violation.

(3) As used in this chapter:

(a) "Citation" means a written complaint or notice to appear in court upon which a law enforcement officer records the occurrence or existence of 1 or more state civil infractions by the person cited.

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

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

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

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

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

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

(i) A sheriff or deputy sheriff.

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

(iii) An officer of the Michigan state police.

(iv) A conservation officer.

(v) A security employee employed by the state pursuant to section 6c of 1935 PA 59, MCL 28.6c.

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

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

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

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

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

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

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

(xi) An officer, employee, or agent of the department of agriculture enforcing, pursuant to authority granted by the director of agriculture, a statute administered, a rule promulgated, or an order issued by the department of agriculture or the director of agriculture.

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

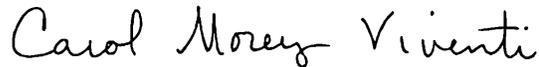
(a) House Bill No. 4560.

(b) House Bill No. 4562.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor