

HOUSE BILL No. 4762

May 22, 2013, Introduced by Reps. Stallworth, Durhal, Schmidt, Banks, McCready, Stanley, Yanez and Dianda and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8701 (MCL 600.8701), as added by 1994 PA 12.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8701. As used in this chapter:

2 (a) "Authorized local official" means a police officer or
3 other personnel of a county, city, village, township, or regional
4 parks and recreation commission created under section 2 of ~~Act No.~~
5 ~~265 of the Public Acts of 1961, being section 46.352 of the~~
6 ~~Michigan Compiled Laws, 1965 PA 261, MCL 46.352~~, legally authorized
7 to issue municipal civil infraction citations.

8 (b) "Citation" means a written complaint or notice to appear

1 in court upon which an authorized local official records the
 2 occurrence or existence of 1 or more municipal civil infractions by
 3 the person cited.

4 (C) "CIVIL OFFENSE" MEANS A VIOLATION OF A TRAFFIC LAW THAT IS
 5 OR MAY BE PROSECUTED UNDER THE AUTOMATED TRAFFIC ENFORCEMENT
 6 DIVISION OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.751 TO
 7 257.762.

8 (D) ~~(e)~~—"Municipal civil infraction determination" means a
 9 determination that a defendant is responsible for a municipal civil
 10 infraction **OR A CIVIL OFFENSE** by 1 of the following:

11 (i) An admission of responsibility for the municipal civil
 12 infraction **OR CIVIL OFFENSE**.

13 (ii) An admission of responsibility for the municipal civil
 14 infraction, **OR CIVIL OFFENSE** "with explanation".

15 (iii) A preponderance of the evidence at an informal hearing or
 16 formal hearing on the question under section 8719 or 8721,
 17 respectively.

18 (iv) A default judgment for failing to appear as directed by a
 19 citation or other notice, at a scheduled appearance under section
 20 8715(3)(b) or (4), at an informal hearing under section 8719, or at
 21 a formal hearing under section 8721.

22 Enacting section 1. This amendatory act does not take effect
 23 unless Senate Bill No. ____ or House Bill No. 4763(request no.
 24 00880'13) of the 97th Legislature is enacted into law.