

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 87
MUNICIPAL CIVIL INFRACTIONS

600.8701 Definitions.

Sec. 8701. As used in this chapter:

(a) "Authorized local official" means a police officer or other personnel of a county, city, village, township, or regional parks and recreation commission created under section 2 of 1965 PA 261, MCL 46.352, legally authorized to issue municipal civil infraction citations.

(b) "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person cited.

(c) "Municipal civil infraction determination" means a determination that a defendant is responsible for a municipal civil infraction by 1 of the following:

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

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

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

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

(d) "Ordinance" includes a temporary vessel speed limit established by a county emergency management coordinator or sheriff under section 80146 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80146.

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 2020, Act 71, Imd. Eff. Apr. 2, 2020.

600.8703 Municipal civil infraction; commencement; political subdivision as plaintiff; exception under MCL 324.80146; jurisdiction of courts; time and place of appearance.

Sec. 8703. (1) A municipal civil infraction action is commenced upon the issuance of a citation as provided in section 8707. The plaintiff in a municipal civil infraction action is the political subdivision whose ordinance has been violated. If the ordinance is a temporary vessel speed limit established by the county emergency management coordinator or sheriff under section 80146 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80146, the county or municipality that requested the speed limit is considered to be the political subdivision whose ordinance has been violated.

(2) The district court and any municipal court have jurisdiction over municipal civil infraction actions.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued.

(4) The place specified in the citation for appearance shall be the court referred to in subsection (2) that has territorial jurisdiction of the place where the municipal civil infraction occurred. Venue in the district court is governed by section 8312.

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 2020, Act 71, Imd. Eff. Apr. 2, 2020.

600.8705 Citation; numbering; form; contents; modification; treatment as under oath.

Sec. 8705. (1) Each citation shall be numbered consecutively, be in a form as approved by the state court administrator, and consist of the following parts:

(a) The original, which is a complaint and notice to appear by the authorized official and shall be filed with the court in which the appearance is to be made.

(b) The first copy, which shall be retained by the ordinance enforcement agency.

(c) The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.

(d) The third copy, which shall be issued to the alleged violator if the violation is a municipal civil infraction.

(2) With the prior approval of the state court administrator, the citation may be modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for violations other than municipal civil infractions is optional.

(3) A citation for a municipal civil infraction signed by an authorized local official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the authorized local official signing the complaint and if the citation contains the following statement immediately above the date and

signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8707 Citation; preparation; issuance; service; municipal ordinance violation notice.

Sec. 8707. (1) An authorized local official who witnesses a person violate an ordinance a violation of which is a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a citation, except as provided in subsection (6).

(2) An authorized local official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction. An authorized local official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or other attorney for the political subdivision employing the authorized local official approves in writing the issuance of the citation.

(3) Except as otherwise provided under subsection (4), the authorized local official shall personally serve the third copy of the citation upon the alleged violator.

(4) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

(5) A citation served under subsection (4) for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant pursuant to subsection (1) or (2).

(6) Except under the circumstances described in section 8709(5)(a) or (b), if a county, city, village, or township has established a municipal ordinance violations bureau, an authorized local official of the county, city, village, or township may issue and serve a municipal ordinance violation notice, instead of a citation, under the same circumstances and upon the same persons as provided in this section for the service of a citation. If an authorized local official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the municipal ordinance violations bureau, a citation may be filed with the court described in section 8703(4) and a copy of the citation may be served by first-class mail upon the alleged violator at his or her last known address. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 8705 and 8709 but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the defendant how to respond to the citation. A citation issued under this subsection shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (1) or (2). As used in this subsection, "municipal ordinance violation notice" means a notice, other than a citation, directing a person to appear at a municipal ordinance violations bureau in the city, village, township, or county in which the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the violation of the ordinance.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8709 Citation; contents; trialway municipal civil infraction.

Sec. 8709. (1) A citation issued pursuant to section 8707 shall contain the name of the plaintiff, the name and address of the defendant, the municipal civil infraction alleged, the place where the defendant shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) Except as provided in subsection (5), the citation shall inform the defendant that he or she may do 1 of the following:

(a) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(b) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(c) Deny responsibility for the municipal civil infraction by doing either of the following:

(i) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the plaintiff.

(ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) Except as provided in subsection (5), the citation shall inform the defendant of all of the following:

(a) That if the defendant desires to admit responsibility "with explanation" in person or by representation, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

(b) That if the defendant desires to deny responsibility, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing unless a hearing date is specified on the citation.

(c) That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the plaintiff political subdivision.

(d) That at an informal hearing the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(e) That at a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.

(4) The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction. Except as provided in subsection (5), return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of the citation with an admission of responsibility with explanation, or timely application to the court for a scheduled date and time for an appearance under subsection (3)(a) or a hearing under subsection (3)(b) constitutes a timely appearance.

(5) A citation that may be issued for a railway municipal civil infraction shall be designed to allow the authorized local official to indicate that the defendant is required to appear at a formal hearing. An authorized local official issuing a citation for a railway municipal civil infraction shall require the defendant to appear at a formal hearing if either or both of the following apply:

(a) The railway municipal civil infraction caused damage to a natural resource or facility.

(b) The authorized local official impounds the vehicle.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8711 Citation; admission; denial of responsibility; filing of sworn complaint; failure to appear; warrant for arrest.

Sec. 8711. If an authorized local official issues a citation under section 8707, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the defendant denies responsibility for the municipal civil infraction, further proceedings shall not be held until a sworn complaint is filed with the court. A warrant for arrest for failure to appear on the municipal civil infraction citation under section 8727(9) shall not be issued until a sworn complaint relative to the municipal civil infraction is filed with the court.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8713 Materially false statement; penalty.

Sec. 8713. An authorized local official who, knowing the statement is false, makes a materially false statement in a citation issued under section 8707 is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8715 Citation; appearance; response to allegations; acceptance of admission; sanctions; admission of responsibility with explanation; effect; denial of responsibility; hearing.

Sec. 8715. (1) A person to whom a citation is issued under section 8707 shall appear by or at the time specified in the citation and, except as otherwise provided by section 8709(5), may respond to the allegations in the citation as provided in this section.

(2) If the defendant wishes to admit responsibility for the municipal civil infraction, the defendant may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the defendant personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 8727.

(3) If the defendant wishes to admit responsibility for the municipal civil infraction "with explanation", the defendant may do so in either of the following ways:

(a) By appearing by mail.

(b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time for an appearance, at which time the defendant shall appear in court in person or by representation.

(4) If a defendant admits responsibility for a municipal civil infraction "with explanation" under subsection (3), the court shall accept the admission as though the defendant has admitted responsibility under subsection (2) and may consider the defendant's explanation by way of mitigating any sanction that the court may order under section 8727. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the defendant personally appeared in court, but the court may require the defendant to provide a further explanation or to appear in court.

(5) If the defendant wishes to deny responsibility for a municipal civil infraction, the defendant shall do so by appearing for an informal or formal hearing. If the hearing date is not specified on the citation, the defendant shall contact the court in person, by representation, by mail, or by telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. If the hearing date is specified on the citation, the defendant shall appear on that date. The hearing shall be an informal hearing, unless a formal hearing is requested by the defendant or the plaintiff as provided by section 8717. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address that is furnished by the defendant. An informal hearing shall be conducted pursuant to section 8719, and a formal hearing shall be conducted pursuant to section 8721.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8717 Request for formal hearing.

Sec. 8717. (1) The court shall schedule a formal hearing if either the defendant or the plaintiff expressly requests a formal hearing as provided by this section.

(2) A request for a formal hearing must be received by the court at least 10 days before the hearing date. The request may be made in person, by representation, by mail, or by telephone.

(3) The party requesting a formal hearing shall notify the other party or parties of the request. Notification of the request must be received by the other parties at least 10 days before the hearing date. The notification of a request for a formal hearing may be made in person, by representation, by mail, or by telephone.

(4) In a railway municipal civil infraction action, the court shall also schedule a formal hearing if either or both of the following apply:

(a) The railway municipal civil infraction caused damage to a natural resource or facility.

(b) The authorized local official impounded the vehicle.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8719 Informal hearing.

Sec. 8719. (1) An informal hearing shall be conducted by a district court magistrate, if authorized by the judge or judges of the district court district, or by a judge of the district court or a municipal court. A district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law, but is not bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing is not required.

(2) At an informal hearing, the defendant shall not be represented by an attorney and the plaintiff shall not be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the plaintiff. The plaintiff and defendant may subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, or by the city or village if the hearing involves an ordinance violation in a district where the district court is not functioning.

(4) If the judge or district court magistrate determines by a preponderance of the evidence that the defendant is responsible for a municipal civil infraction, the judge or magistrate shall enter an order against the defendant as provided in section 8727. Otherwise, a judgment shall be entered for the defendant, but the defendant is not entitled to costs of the action.

(5) The plaintiff and defendant are entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances, an appeal shall be de novo in the form of a scheduled formal hearing as follows:

- (a) The appeal from a judge of the district court shall be heard by a different judge of the district.
- (b) The appeal from a district court magistrate shall be heard by a judge of the district.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8721 Formal hearing.

Sec. 8721. (1) A formal hearing shall be conducted only by a judge of the district court or a municipal court.

(2) In a formal hearing, the defendant may be represented by an attorney, but is not entitled to counsel appointed at public expense.

(3) Notice of a formal hearing shall be given to the prosecuting attorney or the attorney who represents the plaintiff political subdivision. That attorney shall appear in court for a formal hearing and is responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, or by the city or village if the hearing involves an ordinance violation in a district where the district court is not functioning.

(4) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the defendant is responsible for a municipal civil infraction, the judge shall enter an order against the defendant as provided in section 8727. Otherwise, a judgment shall be entered for the defendant, but the defendant is not entitled to costs of the action.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8723 Failure to appear; default judgment.

Sec. 8723. If the defendant fails to appear as directed by the citation or other notice at a scheduled appearance under section 8715(3)(b) or (4), at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against the defendant.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8725 Issuance of citation; fee prohibited; violation.

Sec. 8725. (1) An authorized local official issuing a citation under this chapter for a municipal civil infraction shall not accept a fee for issuing the citation.

(2) An authorized local official who violates this section is guilty of misconduct in office and subject to removal from office.

History: Add. 1994, Act 12, Eff. May 1, 1994.

600.8727 Municipal civil infraction; civil fine, costs, justice system assessments, damages, and expenses.

Sec. 8727. (1) A municipal civil infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

(2) If a defendant is determined to be responsible or responsible "with explanation" for a municipal civil infraction, the judge or district court magistrate may order the defendant to pay a civil fine, costs as provided in subsection (3), the justice system assessment as provided in subsection (4), and, if applicable, damages and expenses as provided in section 8733(2). In the order of judgment, the judge or district court magistrate may grant a defendant permission to pay a civil fine, costs, assessment, and damages and expenses within a specified period of time or in specified installments. Otherwise, the civil fine, costs, assessment, and damages and expenses are due immediately.

(3) If a defendant is ordered to pay a civil fine under subsection (2), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Until September 30, 2003, the amount of costs ordered shall be not less than \$9.00. Except as otherwise provided by law, costs shall be payable to the general fund of the plaintiff.

(4) Effective October 1, 2003, in addition to any fine or cost ordered to be paid under subsection (2), the judge or district court magistrate shall order the defendant to pay a justice system assessment of \$10.00. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasurer for deposit in the justice system fund created in section 181.

(5) In addition to ordering the defendant to pay a civil fine, costs, a justice system assessment, and damages and expenses, the judge or district court magistrate may issue a writ or order under section 8302.

(6) A district court magistrate shall impose the sanctions permitted under subsections (2) and (5) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(7) Each district of the district court and each municipal court may establish a schedule of civil fines, costs, and assessments to be imposed for municipal civil infractions that occur within the district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all municipal civil infractions. A schedule may exclude cases on the basis of a defendant's prior record of municipal civil infractions.

(8) A default in the payment of a civil fine, costs, assessment, or damages or expenses ordered under subsection (2), (3), or (4) or an installment of the fine, costs, assessment, or damages or expenses may be collected by a means authorized for the enforcement of a judgment under chapter 40 or chapter 60.

(9) If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under section 8729, 8731, or 8733, as applicable.

(10) A defendant who fails to answer a citation or notice to appear in court for a municipal civil infraction is guilty of a misdemeanor.

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 2003, Act 95, Eff. Oct. 1, 2003.

600.8729 Payment of fine, costs, assessment, damages, or expenses; default as civil contempt.

Sec. 8729. (1) If a defendant defaults in the payment of a civil fine, costs, assessment, or, if applicable, damages or expenses as provided in section 8733(2) if applicable, or any installment, as ordered pursuant to section 8727, the court, upon the motion of the plaintiff or upon its own motion, may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, an order to show cause, or a bench warrant of arrest for the defendant's appearance.

(2) If a corporation or an association is ordered to pay a civil fine, costs, assessment, or damages or expenses, the individuals authorized to make disbursement shall pay the fine, costs, assessment, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this section.

(3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

(4) If it appears that the default in the payment of a fine, costs, assessment, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment, or revoking the fine, costs, assessment, or damages or expenses.

(5) The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, assessment, or damages or expenses shall be specified in the order of commitment and shall not exceed 1 day for each \$30.00 due. A person committed for nonpayment of a civil fine, costs, assessment, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of \$30.00 per day.

(6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, assessment, or damages or expenses shall not be discharged from custody until 1 of the following occurs:

- (a) The defendant is credited with the amount due pursuant to subsection (5).
- (b) The amount due is collected through execution of process or otherwise.
- (c) The amount due is satisfied pursuant to a combination of subdivisions (a) and (b).
- (7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6).

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 2003, Act 95, Eff. Oct. 1, 2003.

600.8731 Violation involving land, building, or other structure; nonpayment of civil fine, costs, or installment; lien.

Sec. 8731. (1) If a defendant does not pay a civil fine, costs, or assessment or an installment ordered under section 8727 within 30 days after the date on which payment is due under section 8727 in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the plaintiff may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, and assessment with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order. The lien is effective immediately upon recording of the court order with the register of deeds.

(2) The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the plaintiff by first-class mail to the owner of record of the land, building, or structure at the owner's last known address.

(3) The lien may be enforced and discharged by a county, city, village, or township in the manner prescribed by its charter, by the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, or by an ordinance duly passed by the governing body of the county, city, village, or township. However, property is not subject to sale under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, for nonpayment of a civil fine, costs, or assessment or an installment ordered under section 8727 unless the property is also subject to sale under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, for delinquent property taxes.

(4) A lien created under this section has priority over any other lien unless 1 or more of the following apply:

- (a) The other lien is a lien for taxes or special assessments.
- (b) The other lien is created before May 1, 1994.
- (c) Federal law provides that the other lien has priority.
- (d) The other lien is recorded before the lien under this section is recorded.

(5) A political subdivision may institute an action in a court of competent jurisdiction for the collection of the judgment imposed by a court order for a municipal civil infraction. However, an attempt by a county, city, village, or township to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

(6) A lien provided for by this section shall not continue for a period longer than 5 years after a copy of the court order imposing a fine, costs, or assessment is recorded, unless within that time an action to enforce the lien is commenced.

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 2003, Act 95, Eff. Oct. 1, 2003;—Am. 2003, Act 178, Eff. Oct. 1, 2003.

600.8733 Trailway municipal civil infraction; seizure and impoundment of vehicle; lien; bond; payments; forfeiture and application of bond; enforcement of lien by foreclosure sale; notice; distribution of proceeds.

Sec. 8733. (1) An authorized local official may seize and impound a vehicle operated in the commission of a trailway municipal civil infraction. Upon impoundment, the vehicle is subject to a lien, subordinate to a prior lien of record, in the amount of any fine, costs, or assessment that the defendant may be ordered to pay under section 8727 and any expenses described in subsection (2) that the defendant may be ordered to pay under section 8727. The defendant or a person with an ownership interest in the vehicle may post with the court a cash or surety bond in the amount of \$750.00. If such a bond is posted, the vehicle shall be released from impoundment. The vehicle shall also be released, and the lien shall be discharged, upon a judicial determination that the defendant is not responsible for the trailway municipal civil infraction or upon payment of the fine, costs, assessment, and damages and expenses.

(2) In a trailway municipal civil infraction action, an order under section 8727 may require the defendant to pay 1 or both of the following:

(a) The amount of damages to any land, water, wildlife, vegetation, or other natural resource or to any facility damaged by the violation of the ordinance. Money collected under this subdivision shall be distributed to the governmental entity that has jurisdiction over the recreational trailway.

(b) The reasonable expense of impoundment under subsection (1). Money collected under this subdivision shall be distributed to the governmental entity employing the authorized local official who impounded the vehicle involved in the trailway municipal civil infraction.

(3) If the court determines that the defendant is responsible for the trailway municipal civil infraction and the defendant defaults in the payment of the fine, costs, assessment, or damages or expenses, or in any installment, as ordered pursuant to section 8727, any bond posted under subsection (1) shall be forfeited and applied to the fine, costs, assessment, damages, expenses, or installment. The court shall certify any remaining unpaid amount to the attorney for the governmental entity whose ordinance was violated. The attorney for the governmental entity may enforce the lien by a foreclosure sale. The foreclosure sale shall be conducted in the manner provided and subject to the same rights as apply in the case of execution sales under sections 6031, 6032, 6041, 6042, and 6044 to 6047.

(4) Not less than 21 days before the foreclosure sale, the attorney for the governmental entity whose ordinance was violated shall by certified mail send written notice of the time and place of the foreclosure sale to each person with a known ownership interest in or lien of record on the vehicle. In addition, not less than 10 days before the foreclosure sale, the attorney shall twice publish notice of the time and place of the foreclosure sale in a newspaper of general circulation in the county in which the vehicle was seized. The

proceeds of the foreclosure sale shall be distributed in the following order of priority:

- (a) To discharge any lien on the vehicle that was recorded prior to the creation of the lien under subsection (1).
- (b) To the clerk of the court for the payment of the fine, costs, assessment, damages, and expenses that the defendant was ordered to pay under section 8727.
- (c) To discharge any lien on the vehicle that was recorded after the creation of the lien under subsection (1).
- (d) To the owner of the vehicle.

History: Add. 1994, Act 12, Eff. May 1, 1994;—Am. 2003, Act 95, Eff. Oct. 1, 2003.

600.8735 Municipal civil infraction; additional costs.

Sec. 8735. If the defendant in a municipal civil infraction action is determined responsible for a municipal civil infraction, the judge or district court magistrate, in addition to any fine, costs, and assessment imposed under section 8727, may assess additional costs incurred in compelling the appearance of the defendant, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

History: Add. 1995, Act 54, Eff. Jan. 1, 1996;—Am. 2003, Act 95, Eff. Oct. 1, 2003.