

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.746 Informal hearing; procedure.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district or by a judge of a court listed in section 741(2). 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 shall not be 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 shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses 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, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act 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 person cited is responsible for a civil infraction, the judge or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be 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. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.