



# SENATE BILL No. 731

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

A bill to amend sections 113, 8302, 8313, 8375, and 8512 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 8302 as added by Act No. 438 of the Public Acts of 1980 and section 8512 as amended by Act No. 278 of the Public Acts of 1984, being sections 600.113, 600.8302, 600.8313, 600.8375, and 600.8512 of the Michigan Compiled Laws; and to add section 8396 and chapter 87.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 113, 8302, 8313, 8375, and 8512 of Act  
2 No. 236 of the Public Acts of 1961, section 8302 as added by Act  
3 No. 438 of the Public Acts of 1980 and section 8512 as amended by  
4 Act No. 278 of the Public Acts of 1984, being sections 600.113,  
5 600.8302, 600.8313, 600.8375, and 600.8512 of the Michigan

1 Compiled Laws, are amended and section 8396 and chapter 87 are  
2 added to read as follows:

3 Sec. 113. (1) As used in this act:

4 (a) "Civil infraction" means an act or omission THAT IS pro-  
5 hibited by A law ~~which~~ AND is not a crime ~~as defined in sec-~~  
6 ~~tion 5 of Act No. 328 of the Public Acts of 1931, being section~~  
7 ~~750.5 of the Michigan Compiled Laws,~~ UNDER THAT LAW OR THAT IS  
8 PROHIBITED BY AN ORDINANCE AND IS NOT A CRIME UNDER THAT  
9 ORDINANCE, and for which civil sanctions may be ordered. CIVIL  
10 INFRACTION INCLUDES A MUNICIPAL CIVIL INFRACTION, AND A TRAFFIC  
11 OR PARKING VIOLATION THAT IS DESIGNATED AS A CIVIL INFRACTION.

12 (b) "Civil infraction action" means a civil action in which  
13 the defendant is alleged to be responsible for a civil  
14 infraction.

15 (c) "MUNICIPAL CIVIL INFRACTION" MEANS A CIVIL INFRACTION  
16 INVOLVING A VIOLATION OF AN ORDINANCE. MUNICIPAL CIVIL INFRAC-  
17 TION DOES NOT INCLUDE A TRAFFIC OR PARKING VIOLATION.

18 (d) "MUNICIPAL CIVIL INFRACTION ACTION" MEANS A CIVIL ACTION  
19 IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR A MUNICI-  
20 PAL CIVIL INFRACTION.

21 (2) Except as otherwise provided in this act, a civil  
22 infraction action involving a traffic or parking violation shall  
23 be governed by THE MICHIGAN VEHICLE CODE, Act No. 300 of the  
24 Public Acts of 1949, as amended, being sections 257.1 to 257.923  
25 of the Michigan Compiled Laws.

26 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A MUNICIPAL  
27 CIVIL INFRACTION ACTION IS GOVERNED BY CHAPTER 87.

1       (4) ~~-(3)-~~ A determination that a ~~person~~ DEFENDANT is  
2 responsible for a civil infraction and thus subject to civil  
3 sanctions shall be by a preponderance of the evidence.

4       Sec. 8302. (1) In addition to the civil jurisdiction pro-  
5 vided in sections 5704 and 8301, the district court ~~shall have~~  
6 HAS equitable jurisdiction and authority concurrent with that of  
7 the circuit court in the matters and to the extent provided by  
8 this section.

9       (2) In cases brought under chapter 84, the district court  
10 may issue and enforce an injunctive order or an order rescinding  
11 or reforming a contract.

12       (3) In ~~cases brought~~ AN ACTION under chapter 57, the dis-  
13 trict court may hear and determine an equitable claim relating to  
14 or arising under ~~chapters~~ CHAPTER 31, 33, ~~and~~ OR 38 ~~,~~ or  
15 involving a right, interest, obligation, or title in land. The  
16 court may issue and enforce ~~any~~ A judgment or order necessary  
17 to effectuate the court's equitable jurisdiction as provided in  
18 this subsection, including the establishment of escrow accounts  
19 and receiverships.

20       (4) IN AN ACTION UNDER CHAPTER 87, THE DISTRICT COURT MAY  
21 ISSUE AND ENFORCE ANY JUDGMENT, WRIT, OR ORDER NECESSARY TO  
22 ENFORCE THE LOCAL ORDINANCE. THE GRANT OF EQUITABLE JURISDICTION  
23 AND AUTHORITY TO THE DISTRICT COURT UNDER THIS SUBSECTION DOES  
24 NOT AFFECT THE JURISDICTION OF THE CIRCUIT COURT TO DO EITHER OF  
25 THE FOLLOWING:

26       (A) HEAR AND DECIDE CLAIMS BASED ON NUISANCE OR ABATE  
27 NUISANCES UNDER SECTION 2940.

1 (B) HEAR AND DECIDE ACTIONS CHALLENGING THE VALIDITY OR  
2 APPLICABILITY OF AN ORDINANCE AND, IN THOSE ACTIONS, ENJOIN A  
3 DEFENDANT FROM ENFORCING THE ORDINANCE IN THE DISTRICT COURT OR  
4 IN A MUNICIPAL COURT PENDING THE OUTCOME OF THE ACTION IN CIRCUIT  
5 COURT.

6 Sec. 8313. All violations of state criminal law shall be  
7 prosecuted in the district court by the prosecuting attorney.  
8 All ordinance violations ~~which~~ THAT are misdemeanors or ~~which~~  
9 THAT are not designated as civil infractions shall be prosecuted  
10 in the district court by the attorney for the political subdivi-  
11 sion whose ~~law~~ ORDINANCE was violated. If the violation is a  
12 civil infraction, the prosecuting attorney or attorney for the  
13 political subdivision shall be required to appear in court only  
14 in those civil infraction actions ~~which~~ THAT are contested  
15 before a judge of the district court in a formal hearing as pro-  
16 vided in section 747 of THE MICHIGAN VEHICLE CODE, Act No. 300 of  
17 the Public Acts of 1949, being section 257.747 of the Michigan  
18 Compiled Laws, OR SECTION 8721, AS APPLICABLE.

19 Sec. 8375. The district court may assess the same costs as  
20 are permitted in the circuit court. In civil infraction actions  
21 the district court may assess costs as provided in section 907 of  
22 THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of  
23 1949, being section 257.907 of the Michigan Compiled Laws, OR  
24 SECTION 8727, AS APPLICABLE. A district court magistrate may  
25 assess costs in an amount fixed by rule of the district court.

26 SEC. 8396. A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY BY  
27 ORDINANCE ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU TO

1 ACCEPT ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL  
2 INFRACTIONS AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS PUR-  
3 SUANT TO A SCHEDULE AS PRESCRIBED BY ORDINANCE. THE EXPENSE OF  
4 OPERATING A MUNICIPAL ORDINANCE VIOLATIONS BUREAU SHALL BE BORNE  
5 BY THE COUNTY, CITY, VILLAGE, OR TOWNSHIP, AND THE PERSONNEL OF  
6 THE BUREAU SHALL BE COUNTY, CITY, VILLAGE, OR TOWNSHIP EMPLOYEES.

7       Sec. 8512. (1) A district court magistrate may hear and  
8 preside over civil infraction admissions and admissions with  
9 explanation and conduct informal hearings in civil infraction  
10 actions pursuant to section 746 of THE MICHIGAN VEHICLE CODE, Act  
11 No. 300 of the Public Acts of 1949, being section 257.746 of the  
12 Michigan Compiled Laws, OR SECTION 8719, AS APPLICABLE. In exer-  
13 cising the authority conferred by this subsection, the magistrate  
14 may administer oaths, examine witnesses, and make findings of  
15 fact and conclusions of law. If the defendant is determined to  
16 be responsible for a civil infraction, the magistrate may impose  
17 the civil sanctions authorized by section 907 of Act No. 300 of  
18 the Public Acts of 1949, being section 257.907 of the Michigan  
19 Compiled Laws, OR SECTION 8727, AS APPLICABLE.

20       (2) A district court magistrate shall not conduct an infor-  
21 mal hearing in a civil infraction action INVOLVING A TRAFFIC OR  
22 PARKING VIOLATION GOVERNED BY ACT NO. 300 OF THE PUBLIC ACTS OF  
23 1949, BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED  
24 LAWS, until he or she has successfully completed a special train-  
25 ing course in traffic law adjudication and sanctions. ~~—, which~~  
26 THE course shall be given periodically by the state court  
27 administrator.

1 (3) A district court magistrate may exercise the authority  
2 conferred by this section only to the extent expressly authorized  
3 by the chief judge, presiding judge, or only judge of the dis-  
4 trict court district.

5 CHAPTER 87.

6 MUNICIPAL CIVIL INFRACTIONS

7 SEC. 8701. AS USED IN THIS CHAPTER:

8 (A) "AUTHORIZED LOCAL OFFICIAL" MEANS A POLICE OFFICER OR  
9 OTHER PERSONNEL OF A COUNTY, CITY, VILLAGE, OR TOWNSHIP AUTHO-  
10 RIZED BY ORDINANCE TO ISSUE MUNICIPAL CIVIL INFRACTION  
11 CITATIONS.

12 (B) "CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE TO APPEAR  
13 IN COURT UPON WHICH AN AUTHORIZED LOCAL OFFICIAL RECORDS THE  
14 OCCURRENCE OR EXISTENCE OF 1 OR MORE MUNICIPAL CIVIL INFRACTIONS  
15 BY THE PERSON CITED.

16 (C) "MUNICIPAL CIVIL INFRACTION DETERMINATION" MEANS A  
17 DETERMINATION THAT A DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL  
18 CIVIL INFRACTION BY 1 OF THE FOLLOWING:

19 (i) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL  
20 INFRACTION.

21 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL  
22 INFRACTION, "WITH EXPLANATION".

23 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING  
24 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 8719 OR 8721,  
25 RESPECTIVELY.

26 (iv) A DEFAULT JUDGMENT FOR FAILING TO APPEAR AS DIRECTED BY  
27 A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER

1 SECTION 8715(3)(B) OR (4), AT AN INFORMAL HEARING UNDER  
2 SECTION 8719, OR AT A FORMAL HEARING UNDER SECTION 8721.

3 SEC. 8703. (1) A MUNICIPAL CIVIL INFRACTION ACTION IS COM-  
4 MENCED UPON THE ISSUANCE OF A CITATION AS PROVIDED IN  
5 SECTION 8707. THE PLAINTIFF IN A MUNICIPAL CIVIL INFRACTION  
6 ACTION IS THE POLITICAL SUBDIVISION WHOSE ORDINANCE HAS BEEN  
7 VIOLATED.

8 (2) EXCEPT AS PROVIDED IN SUBSECTION (5), THE DISTRICT COURT  
9 AND ANY MUNICIPAL COURT HAVE JURISDICTION OVER MUNICIPAL CIVIL  
10 INFRACTION ACTIONS.

11 (3) THE TIME SPECIFIED IN A CITATION FOR APPEARANCE SHALL BE  
12 WITHIN A REASONABLE TIME AFTER THE CITATION IS ISSUED.

13 (4) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE SHALL  
14 BE THE COURT REFERRED TO IN SUBSECTION (2) THAT HAS TERRITORIAL  
15 JURISDICTION OF THE PLACE WHERE THE MUNICIPAL CIVIL INFRACTION  
16 OCCURRED. VENUE IN THE DISTRICT COURT IS GOVERNED BY  
17 SECTION 8312.

18 (5) IF THE PERSON CITED FOR A MUNICIPAL CIVIL INFRACTION IS  
19 UNDER THE AGE OF 17 AT THE TIME OF THE OCCURRENCE OF THE VIOLA-  
20 TION, THE JUVENILE DIVISION OF THE PROBATE COURT OF THE COUNTY  
21 WHERE THE VIOLATION IS ALLEGED TO HAVE OCCURRED HAS JURISDICTION  
22 OVER THE PROCEEDINGS AND SHALL PROCEED TO HEAR AND DISPOSE OF THE  
23 CASE, AS PROVIDED BY CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC  
24 ACTS OF 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN  
25 COMPILED LAWS.

1        SEC. 8705. (1) EACH CITATION SHALL BE NUMBERED  
2 CONSECUTIVELY, BE IN A FORM AS APPROVED BY THE STATE COURT  
3 ADMINISTRATOR, AND CONSIST OF THE FOLLOWING PARTS:

4        (A) THE ORIGINAL, WHICH IS A COMPLAINT AND NOTICE TO APPEAR  
5 BY THE AUTHORIZED OFFICIAL AND SHALL BE FILED WITH THE COURT IN  
6 WHICH THE APPEARANCE IS TO BE MADE.

7        (B) THE FIRST COPY, WHICH SHALL BE RETAINED BY THE LOCAL  
8 ORDINANCE ENFORCEMENT AGENCY.

9        (C) THE SECOND COPY, WHICH SHALL BE ISSUED TO THE ALLEGED  
10 VIOLATOR IF THE VIOLATION IS A MISDEMEANOR.

11       (D) THE THIRD COPY, WHICH SHALL BE ISSUED TO THE ALLEGED  
12 VIOLATOR IF THE VIOLATION IS A MUNICIPAL CIVIL INFRACTION.

13       (2) WITH THE PRIOR APPROVAL OF THE STATE COURT ADMINISTRA-  
14 TOR, THE CITATION MAY BE MODIFIED AS TO CONTENT OR NUMBER OF  
15 COPIES TO ACCOMMODATE LAW ENFORCEMENT AND LOCAL COURT PROCEDURES  
16 AND PRACTICES. USE OF THIS CITATION FOR VIOLATIONS OTHER THAN  
17 MUNICIPAL CIVIL INFRACTIONS IS OPTIONAL.

18       (3) A CITATION FOR A MUNICIPAL CIVIL INFRACTION SIGNED BY AN  
19 AUTHORIZED LOCAL OFFICIAL SHALL BE TREATED AS MADE UNDER OATH IF  
20 THE VIOLATION ALLEGED IN THE CITATION OCCURRED IN THE PRESENCE OF  
21 THE AUTHORIZED LOCAL OFFICIAL SIGNING THE COMPLAINT AND IF THE  
22 CITATION CONTAINS THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE  
23 DATE AND SIGNATURE OF THE OFFICIAL: "I DECLARE UNDER THE PENAL-  
24 TIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF  
25 MY INFORMATION, KNOWLEDGE, AND BELIEF."

26       SEC. 8707. (1) AFTER SEPTEMBER 30, 1993, AN AUTHORIZED  
27 LOCAL OFFICIAL WHO WITNESSES A PERSON VIOLATE A LOCAL ORDINANCE A



1 VIOLATION OF WHICH IS A MUNICIPAL CIVIL INFRACTION SHALL PREPARE  
2 AND SUBSCRIBE, AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE,  
3 AN ORIGINAL AND 3 COPIES OF A CITATION.

4 (2) AFTER SEPTEMBER 30, 1993, AN AUTHORIZED LOCAL OFFICIAL  
5 MAY ISSUE A CITATION TO A PERSON IF, BASED UPON INVESTIGATION,  
6 THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS  
7 RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION. AFTER SEPTEMBER  
8 30, 1993, AN AUTHORIZED LOCAL OFFICIAL MAY ISSUE A CITATION TO A  
9 PERSON IF, BASED UPON INVESTIGATION OF A COMPLAINT BY SOMEONE WHO  
10 ALLEGEDLY WITNESSED THE PERSON VIOLATE A LOCAL ORDINANCE A VIOLA-  
11 TION OF WHICH IS A MUNICIPAL CIVIL INFRACTION, THE OFFICIAL HAS  
12 REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A  
13 MUNICIPAL CIVIL INFRACTION AND IF THE PROSECUTING ATTORNEY OR  
14 OTHER ATTORNEY FOR THE POLITICAL SUBDIVISION EMPLOYING THE AUTHO-  
15 RIZED LOCAL OFFICIAL APPROVES IN WRITING THE ISSUANCE OF THE  
16 CITATION.

17 (3) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (4), THE  
18 AUTHORIZED LOCAL OFFICIAL SHALL PERSONALLY SERVE THE THIRD COPY  
19 OF THE CITATION UPON THE ALLEGED VIOLATOR.

20 (4) IN A MUNICIPAL CIVIL INFRACTION ACTION INVOLVING THE USE  
21 OR OCCUPANCY OF LAND OR A BUILDING OR OTHER STRUCTURE, A COPY OF  
22 THE CITATION NEED NOT BE PERSONALLY SERVED UPON THE ALLEGED VIO-  
23 LATOR BUT MAY BE SERVED UPON AN OWNER OR OCCUPANT OF THE LAND,  
24 BUILDING, OR STRUCTURE BY POSTING THE COPY ON THE LAND OR ATTACH-  
25 ING THE COPY TO THE BUILDING OR STRUCTURE. IN ADDITION, A COPY  
26 OF THE CITATION SHALL BE SENT BY FIRST-CLASS MAIL TO THE OWNER OF

1 THE LAND, BUILDING, OR STRUCTURE AT THE OWNER'S LAST KNOWN  
2 ADDRESS.

3 (5) A CITATION SERVED UNDER SUBSECTION (4) FOR A VIOLATION  
4 INVOLVING THE USE OR OCCUPANCY OF LAND OR A BUILDING OR OTHER  
5 STRUCTURE SHALL BE PROCESSED IN THE SAME MANNER AS A CITATION  
6 SERVED PERSONALLY UPON A DEFENDANT PURSUANT TO SUBSECTION (1) OR  
7 (2).

8 SEC. 8709. (1) A CITATION ISSUED PURSUANT TO SECTION 8707  
9 SHALL CONTAIN THE NAME OF THE PLAINTIFF, THE NAME AND ADDRESS OF  
10 THE DEFENDANT, THE MUNICIPAL CIVIL INFRACTION ALLEGED, THE PLACE  
11 WHERE THE DEFENDANT SHALL APPEAR IN COURT, THE TELEPHONE NUMBER  
12 OF THE COURT, THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE  
13 MADE, AND THE ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

14 (2) THE CITATION SHALL INFORM THE DEFENDANT THAT HE OR SHE  
15 MAY DO 1 OF THE FOLLOWING:

16 (A) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
17 BY MAIL BY THE TIME SPECIFIED FOR APPEARANCE OR IN PERSON OR BY  
18 REPRESENTATION AT THE TIME SPECIFIED FOR APPEARANCE.

19 (B) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
20 "WITH EXPLANATION" BY MAIL BY THE TIME SPECIFIED FOR APPEARANCE  
21 OR AT AN INFORMAL OR FORMAL HEARING.

22 (C) DENY RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION  
23 AT AN INFORMAL OR FORMAL HEARING.

24 (3) THE CITATION SHALL INFORM THE DEFENDANT OF ALL OF THE  
25 FOLLOWING:

26 (A) THAT IF THE DEFENDANT DESIRES TO ADMIT RESPONSIBILITY  
27 "WITH EXPLANATION" IN PERSON OR BY REPRESENTATION OR TO DENY

1 RESPONSIBILITY, THE DEFENDANT MUST APPLY TO THE COURT IN PERSON,  
2 BY MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPEC-  
3 IFIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME TO  
4 APPEAR FOR A HEARING UNLESS A HEARING DATE IS SPECIFIED ON THE  
5 CITATION.

6 (B) THAT A HEARING SHALL BE AN INFORMAL HEARING UNLESS A  
7 FORMAL HEARING IS REQUESTED BY THE DEFENDANT OR THE PLAINTIFF  
8 POLITICAL SUBDIVISION.

9 (C) THAT AT AN INFORMAL HEARING THE DEFENDANT MUST APPEAR IN  
10 PERSON BEFORE A DISTRICT COURT MAGISTRATE OR JUDGE, WITHOUT THE  
11 OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

12 (D) THAT AT A FORMAL HEARING THE DEFENDANT MUST APPEAR IN  
13 PERSON BEFORE A DISTRICT COURT JUDGE WITH THE OPPORTUNITY OF  
14 BEING REPRESENTED BY AN ATTORNEY.

15 (4) THE CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE  
16 THAT THE FAILURE OF THE DEFENDANT TO APPEAR WITHIN THE TIME SPEC-  
17 IFIED IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR  
18 APPEARANCE IS A MISDEMEANOR AND WILL RESULT IN ENTRY OF A DEFAULT  
19 JUDGMENT AGAINST THE DEFENDANT ON THE MUNICIPAL CIVIL  
20 INFRACTION. RETURN OF THE CITATION WITH AN ADMISSION OF RESPON-  
21 SIBILITY AND WITH FULL PAYMENT OF APPLICABLE CIVIL FINES AND  
22 COSTS, RETURN OF THE CITATION WITH AN ADMISSION OF RESPONSIBILITY  
23 WITH EXPLANATION, OR TIMELY APPLICATION TO THE COURT FOR A HEAR-  
24 ING CONSTITUTES A TIMELY APPEARANCE.

25 SEC. 8711. IF AN AUTHORIZED LOCAL OFFICIAL ISSUES A  
26 CITATION UNDER SECTION 8707, THE COURT MAY ACCEPT AN ADMISSION  
27 WITH EXPLANATION OR AN ADMISSION OR DENIAL OF RESPONSIBILITY UPON

1 THE CITATION WITHOUT THE NECESSITY OF A SWORN COMPLAINT. IF THE  
2 DEFENDANT DENIES RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRAC-  
3 TION, FURTHER PROCEEDINGS SHALL NOT BE HELD UNTIL A SWORN COM-  
4 PLAINT IS FILED WITH THE COURT. A WARRANT FOR ARREST FOR FAILURE  
5 TO APPEAR ON THE MUNICIPAL CIVIL INFRACTION CITATION UNDER SEC-  
6 TION 8727(9) SHALL NOT BE ISSUED UNTIL A SWORN COMPLAINT RELATIVE  
7 TO THE MUNICIPAL CIVIL INFRACTION IS FILED WITH THE COURT.

8 SEC. 8713. AN AUTHORIZED LOCAL OFFICIAL WHO, KNOWING THE  
9 STATEMENT IS FALSE, MAKES A MATERIALLY FALSE STATEMENT IN A  
10 CITATION ISSUED UNDER SECTION 8707 IS GUILTY OF PERJURY, A FELONY  
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, AND IN  
12 ADDITION IS IN CONTEMPT OF COURT.

13 SEC. 8715. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER  
14 SECTION 8707 SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE  
15 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS  
16 PROVIDED IN THIS SECTION.

17 (2) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE  
18 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT MAY DO SO BY APPEARING  
19 IN PERSON, BY REPRESENTATION, OR BY MAIL. IF APPEARANCE IS MADE  
20 BY REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION  
21 WITH THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED  
22 IN COURT. UPON ACCEPTANCE OF THE ADMISSION, THE COURT MAY ORDER  
23 ANY OF THE SANCTIONS PERMITTED UNDER SECTION 8727.

24 (3) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE  
25 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE DEFENDANT MAY  
26 DO SO IN EITHER OF THE FOLLOWING WAYS:

1 (A) BY APPEARING BY MAIL. IF THE DEFENDANT APPEARS BY MAIL,  
2 THE COURT MAY ACCEPT THE ADMISSION WITH THE SAME EFFECT AS THOUGH  
3 THE DEFENDANT APPEARED FOR A HEARING OR THE COURT MAY REQUIRE THE  
4 DEFENDANT TO PROVIDE A FURTHER EXPLANATION OR TO APPEAR IN COURT  
5 FOR A HEARING. THE COURT SHALL ACCEPT THE ADMISSION AS THOUGH  
6 THE DEFENDANT HAS ADMITTED RESPONSIBILITY UNDER SUBSECTION (2)  
7 AND MAY CONSIDER THE DEFENDANT'S EXPLANATION BY WAY OF MITIGATING  
8 ANY SANCTION THAT THE COURT MAY ORDER UNDER SECTION 8727.

9 (B) BY APPEARING FOR AN INFORMAL OR FORMAL HEARING SUBJECT  
10 TO SUBSECTION (5).

11 (4) IF THE DEFENDANT WISHES TO DENY RESPONSIBILITY FOR A  
12 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT SHALL DO SO BY APPEAR-  
13 ING FOR AN INFORMAL OR FORMAL HEARING.

14 (5) IF THE HEARING DATE FOR A HEARING UNDER SUBSECTION (3)  
15 OR (4) IS NOT SPECIFIED ON THE CITATION, THE DEFENDANT SHALL CON-  
16 TACT THE COURT IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELE-  
17 PHONE, AND OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN  
18 INFORMAL OR FORMAL HEARING. IF THE HEARING DATE IS SPECIFIED ON  
19 THE CITATION, THE DEFENDANT SHALL APPEAR ON THAT DATE. THE HEAR-  
20 ING SHALL BE AN INFORMAL HEARING, UNLESS A FORMAL HEARING IS  
21 REQUESTED BY THE DEFENDANT OR THE PLAINTIFF AS PROVIDED BY  
22 SECTION 8717. IF A HEARING IS SCHEDULED BY TELEPHONE, THE COURT  
23 SHALL MAIL THE DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY  
24 REGULAR MAIL TO THE ADDRESS APPEARING ON THE CITATION OR TO AN  
25 ADDRESS THAT IS FURNISHED BY THE DEFENDANT. AN INFORMAL HEARING  
26 SHALL BE CONDUCTED PURSUANT TO SECTION 8719, AND A FORMAL HEARING  
27 SHALL BE CONDUCTED PURSUANT TO SECTION 8721.

1        SEC. 8717. (1) THE COURT SHALL SCHEDULE A FORMAL HEARING IF  
2 EITHER A DEFENDANT WHO WISHES TO ADMIT RESPONSIBILITY WITH EXPLA-  
3 NATION OR DENY RESPONSIBILITY FOR A MUNICIPAL CIVIL INFRACTION OR  
4 THE PLAINTIFF EXPRESSLY REQUESTS A FORMAL HEARING AS PROVIDED BY  
5 THIS SECTION.

6        (2) A REQUEST FOR A FORMAL HEARING MUST BE RECEIVED BY THE  
7 COURT AT LEAST 10 DAYS BEFORE THE HEARING DATE. THE REQUEST MAY  
8 BE MADE IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELEPHONE.

9        (3) THE PARTY REQUESTING A FORMAL HEARING SHALL NOTIFY THE  
10 OTHER PARTY OR PARTIES OF THE REQUEST. NOTIFICATION OF THE  
11 REQUEST MUST BE RECEIVED BY THE OTHER PARTIES AT LEAST 10 DAYS  
12 BEFORE THE HEARING DATE. THE NOTIFICATION OF A REQUEST FOR A  
13 FORMAL HEARING MAY BE MADE IN PERSON, BY REPRESENTATION, BY MAIL,  
14 OR BY TELEPHONE.

15        SEC. 8719. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A  
16 DISTRICT COURT MAGISTRATE, IF AUTHORIZED BY THE JUDGE OR JUDGES  
17 OF THE DISTRICT COURT DISTRICT, OR BY A JUDGE OF THE DISTRICT  
18 COURT OR A MUNICIPAL COURT. A DISTRICT COURT MAGISTRATE MAY  
19 ADMINISTER OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT  
20 AND CONCLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DIS-  
21 TRICT COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN  
22 INFORMAL MANNER SO AS TO DO SUBSTANTIAL JUSTICE ACCORDING TO THE  
23 RULES OF SUBSTANTIVE LAW, BUT IS NOT BOUND BY THE STATUTORY PRO-  
24 VISIONS OR RULES OF PRACTICE, PROCEDURE, PLEADING, OR EVIDENCE,  
25 EXCEPT PROVISIONS RELATING TO PRIVILEGED COMMUNICATIONS. THERE  
26 SHALL NOT BE A JURY AT AN INFORMAL HEARING. A VERBATIM RECORD OF  
27 AN INFORMAL HEARING IS NOT REQUIRED.

1 (2) AT AN INFORMAL HEARING, THE DEFENDANT SHALL NOT BE  
2 REPRESENTED BY AN ATTORNEY AND THE PLAINTIFF SHALL NOT BE REPRE-  
3 SENTED BY THE PROSECUTING ATTORNEY OR ATTORNEY FOR A POLITICAL  
4 SUBDIVISION.

5 (3) NOTICE OF A SCHEDULED INFORMAL HEARING SHALL BE GIVEN TO  
6 THE PLAINTIFF. THE PLAINTIFF AND DEFENDANT MAY SUBPOENA  
7 WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A  
8 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF  
9 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT  
10 FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE CITY OR VILLAGE  
11 IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT  
12 WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

13 (4) IF THE DEFENDANT HAS ADMITTED RESPONSIBILITY FOR THE  
14 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE JUDGE OR MAG-  
15 ISTRATE SHALL ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS  
16 ADMITTED RESPONSIBILITY UNDER SECTION 8715(2) AND MAY CONSIDER  
17 THE DEFENDANT'S EXPLANATION BY WAY OF MITIGATING ANY SANCTION  
18 THAT THE COURT MAY ORDER UNDER SECTION 8727.

19 (5) IF THE DEFENDANT HAS DENIED RESPONSIBILITY FOR THE  
20 MUNICIPAL CIVIL INFRACTION AND THE JUDGE OR DISTRICT COURT MAGIS-  
21 TRATE DETERMINES BY A PREPONDERANCE OF THE EVIDENCE THAT THE  
22 DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, THE  
23 JUDGE OR MAGISTRATE SHALL ENTER AN ORDER AGAINST THE DEFENDANT AS  
24 PROVIDED IN SECTION 8727. OTHERWISE, A JUDGMENT SHALL BE ENTERED  
25 FOR THE DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO COSTS OF  
26 THE ACTION.

1 (6) THE PLAINTIFF AND DEFENDANT ARE ENTITLED TO APPEAL AN  
2 ADVERSE JUDGMENT ENTERED AT AN INFORMAL HEARING. AN APPEAL FROM  
3 A MUNICIPAL JUDGE SHALL BE A TRIAL DE NOVO IN THE CIRCUIT COURT.  
4 IN OTHER INSTANCES, AN APPEAL SHALL BE DE NOVO IN THE FORM OF A  
5 SCHEDULED FORMAL HEARING AS FOLLOWS:

6 (A) THE APPEAL FROM A JUDGE OF THE DISTRICT COURT SHALL BE  
7 HEARD BY A DIFFERENT JUDGE OF THE DISTRICT.

8 (B) THE APPEAL FROM A DISTRICT COURT MAGISTRATE SHALL BE  
9 HEARD BY A JUDGE OF THE DISTRICT.

10 SEC. 8721. (1) A FORMAL HEARING SHALL BE CONDUCTED ONLY BY  
11 A JUDGE OF THE DISTRICT COURT OR A MUNICIPAL COURT.

12 (2) IN A FORMAL HEARING, THE DEFENDANT MAY BE REPRESENTED BY  
13 AN ATTORNEY, BUT IS NOT ENTITLED TO COUNSEL APPOINTED AT PUBLIC  
14 EXPENSE.

15 (3) NOTICE OF A FORMAL HEARING SHALL BE GIVEN TO THE PROSE-  
16 CUTING ATTORNEY OR THE ATTORNEY WHO REPRESENTS THE PLAINTIFF  
17 POLITICAL SUBDIVISION. THAT ATTORNEY SHALL APPEAR IN COURT FOR A  
18 FORMAL HEARING AND IS RESPONSIBLE FOR THE ISSUANCE OF A SUBPOENA  
19 TO EACH WITNESS FOR THE PLAINTIFF. THE DEFENDANT MAY ALSO SUB-  
20 POENA WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A  
21 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF  
22 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT  
23 FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE CITY OR VILLAGE  
24 IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT  
25 WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

26 (4) THERE SHALL NOT BE A JURY TRIAL IN A FORMAL HEARING.



1 (5) IF THE DEFENDANT HAS ADMITTED RESPONSIBILITY FOR THE  
2 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE JUDGE SHALL  
3 ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS ADMITTED RESPON-  
4 SIBILITY UNDER SECTION 8715(2) AND MAY CONSIDER THE DEFENDANT'S  
5 EXPLANATION BY WAY OF MITIGATING ANY SANCTION THAT THE COURT MAY  
6 ORDER UNDER SECTION 8727.

7 (6) IF THE DEFENDANT HAS DENIED RESPONSIBILITY FOR THE  
8 MUNICIPAL CIVIL INFRACTION AND THE JUDGE DETERMINES BY A PREPON-  
9 DERANCE OF THE EVIDENCE THAT THE DEFENDANT IS RESPONSIBLE FOR A  
10 MUNICIPAL CIVIL INFRACTION, THE JUDGE SHALL ENTER AN ORDER  
11 AGAINST THE DEFENDANT AS PROVIDED IN SECTION 8727. OTHERWISE, A  
12 JUDGMENT SHALL BE ENTERED FOR THE DEFENDANT, BUT THE DEFENDANT IS  
13 NOT ENTITLED TO COSTS OF THE ACTION.

14 SEC. 8723. IF THE DEFENDANT FAILS TO APPEAR AS DIRECTED BY  
15 THE CITATION OR OTHER NOTICE, AT A SCHEDULED INFORMAL HEARING, OR  
16 AT A SCHEDULED FORMAL HEARING, THE COURT SHALL ENTER A DEFAULT  
17 JUDGMENT AGAINST THE DEFENDANT.

18 SEC. 8725. (1) AN AUTHORIZED LOCAL OFFICIAL ISSUING A  
19 CITATION UNDER THIS CHAPTER FOR A MUNICIPAL CIVIL INFRACTION  
20 SHALL NOT ACCEPT A FEE FOR ISSUING THE CITATION.

21 (2) AN AUTHORIZED LOCAL OFFICIAL WHO VIOLATES THIS SECTION  
22 IS GUILTY OF MISCONDUCT IN OFFICE AND SUBJECT TO REMOVAL FROM  
23 OFFICE.

24 SEC. 8727. (1) A MUNICIPAL CIVIL INFRACTION IS NOT A LESSER  
25 INCLUDED OFFENSE OF A CRIMINAL OFFENSE.

26 (2) IF A DEFENDANT IS DETERMINED TO BE RESPONSIBLE OR  
27 RESPONSIBLE "WITH EXPLANATION" FOR A MUNICIPAL CIVIL INFRACTION,

1 THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ORDER THE DEFENDANT TO  
2 PAY A CIVIL FINE AND COSTS AS PROVIDED IN SUBSECTION (3). IN THE  
3 ORDER OF JUDGMENT, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY  
4 GRANT A DEFENDANT PERMISSION TO PAY A CIVIL FINE AND COSTS WITHIN  
5 A SPECIFIED PERIOD OF TIME OR IN SPECIFIED INSTALLMENTS.  
6 OTHERWISE, THE CIVIL FINE AND COSTS ARE DUE IMMEDIATELY.

7 (3) IF A DEFENDANT IS ORDERED TO PAY A CIVIL FINE UNDER  
8 SUBSECTION (2), THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL SUM-  
9 MARILY TAX AND DETERMINE THE COSTS OF THE ACTION, WHICH ARE NOT  
10 LIMITED TO THE COSTS TAXABLE IN ORDINARY CIVIL ACTIONS AND MAY  
11 INCLUDE ALL EXPENSES, DIRECT AND INDIRECT, TO WHICH THE PLAINTIFF  
12 HAS BEEN PUT IN CONNECTION WITH THE MUNICIPAL CIVIL INFRACTION,  
13 UP TO THE ENTRY OF JUDGMENT. COSTS OF NOT LESS THAN \$5.00 SHALL  
14 BE ORDERED. COSTS SHALL NOT BE ORDERED IN EXCESS OF \$100.00.  
15 EXCEPT AS OTHERWISE PROVIDED BY LAW, COSTS SHALL BE PAYABLE TO  
16 THE GENERAL FUND OF THE PLAINTIFF.

17 (4) IN ADDITION TO ORDERING THE DEFENDANT TO PAY A CIVIL  
18 FINE AND COSTS, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ISSUE  
19 A WRIT OR ORDER UNDER SECTION 8302.

20 (5) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS  
21 PERMITTED UNDER SUBSECTIONS (2) AND (4) ONLY TO THE EXTENT  
22 EXPRESSLY AUTHORIZED BY THE CHIEF JUDGE OR ONLY JUDGE OF THE DIS-  
23 TRICT COURT DISTRICT.

24 (6) EACH DISTRICT OF THE DISTRICT COURT AND EACH MUNICIPAL  
25 COURT MAY ESTABLISH A SCHEDULE OF CIVIL FINES AND COSTS TO BE  
26 IMPOSED FOR MUNICIPAL CIVIL INFRACTIONS THAT OCCUR WITHIN THE  
27 DISTRICT OR CITY. IF A SCHEDULE IS ESTABLISHED, IT SHALL BE

1 PROMINENTLY POSTED AND READILY AVAILABLE FOR PUBLIC INSPECTION.  
2 A SCHEDULE NEED NOT INCLUDE ALL VIOLATIONS THAT ARE DESIGNATED BY  
3 ORDINANCE AS MUNICIPAL CIVIL INFRACTIONS. A SCHEDULE MAY EXCLUDE  
4 CASES ON THE BASIS OF A DEFENDANT'S PRIOR RECORD OF MUNICIPAL  
5 CIVIL INFRACTIONS.

6 (7) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS  
7 ORDERED UNDER SUBSECTION (2) OR (3) OR AN INSTALLMENT OF THE FINE  
8 OR COSTS MAY BE COLLECTED BY A MEANS AUTHORIZED FOR THE ENFORCE-  
9 MENT OF A JUDGMENT UNDER CHAPTER 40 OR CHAPTER 60.

10 (8) IF A DEFENDANT FAILS TO COMPLY WITH AN ORDER OR JUDGMENT  
11 ISSUED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED BY THE  
12 COURT, THE COURT MAY PROCEED UNDER SECTION 8729 OR 8731, OR BOTH,  
13 AS APPLICABLE.

14 (9) A DEFENDANT WHO FAILS TO ANSWER A CITATION OR NOTICE TO  
15 APPEAR IN COURT FOR A MUNICIPAL CIVIL INFRACTION IS GUILTY OF A  
16 MISDEMEANOR.

17 SEC. 8729. (1) IF A DEFENDANT DEFAULTS IN THE PAYMENT OF A  
18 CIVIL FINE OR COSTS OR OF ANY INSTALLMENT, AS ORDERED PURSUANT TO  
19 SECTION 8727, THE COURT, UPON THE MOTION OF THE PLAINTIFF OR UPON  
20 ITS OWN MOTION, MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY THE  
21 DEFENDANT SHOULD NOT BE HELD IN CIVIL CONTEMPT AND MAY ISSUE A  
22 SUMMONS, ORDER TO SHOW CAUSE, OR A BENCH WARRANT OF ARREST FOR  
23 THE DEFENDANT'S APPEARANCE.

24 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A  
25 CIVIL FINE OR COSTS, THE INDIVIDUALS AUTHORIZED TO MAKE DISBURSE-  
26 MENT SHALL PAY THE FINE OR COSTS, AND THEIR FAILURE TO DO SO

1 SHALL BE CIVIL CONTEMPT UNLESS THEY MAKE THE SHOWING REQUIRED IN  
2 THIS SECTION.

3 (3) UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT  
4 ATTRIBUTABLE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE  
5 COURT OR TO A FAILURE ON HIS OR HER PART TO MAKE A GOOD FAITH  
6 EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAYMENT, THE COURT SHALL  
7 FIND THAT THE DEFAULT CONSTITUTES A CIVIL CONTEMPT AND MAY ORDER  
8 THE DEFENDANT COMMITTED UNTIL ALL OR A SPECIFIED PART OF THE  
9 CIVIL FINE, COSTS, OR BOTH, IS PAID.

10 (4) IF IT APPEARS THAT THE DEFAULT IN THE PAYMENT OF A FINE  
11 OR COSTS DOES NOT CONSTITUTE CIVIL CONTEMPT, THE COURT MAY ENTER  
12 AN ORDER ALLOWING THE DEFENDANT ADDITIONAL TIME FOR PAYMENT,  
13 REDUCING THE AMOUNT OF PAYMENT OR OF EACH INSTALLMENT, OR REVOK-  
14 ING THE FINE OR COSTS.

15 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-  
16 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF  
17 COMMITMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$10.00 OF THE  
18 FINE AND COSTS. A PERSON COMMITTED FOR NONPAYMENT OF A CIVIL  
19 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY  
20 OF IMPRISONMENT AND EACH DAY OF DETENTION IN DEFAULT OF RECOGNI-  
21 ZANCE BEFORE JUDGMENT AT THE RATE OF \$10.00 PER DAY.

22 (6) A DEFENDANT COMMITTED TO IMPRISONMENT FOR CIVIL CONTEMPT  
23 FOR NONPAYMENT OF A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED  
24 FROM CUSTODY UNTIL 1 OF THE FOLLOWING OCCURS:

25 (A) THE DEFENDANT IS CREDITED WITH THE AMOUNT DUE PURSUANT  
26 TO SUBSECTION (5).

1 (B) THE AMOUNT DUE IS COLLECTED THROUGH EXECUTION OF PROCESS  
2 OR OTHERWISE.

3 (C) THE AMOUNT DUE IS SATISFIED PURSUANT TO A COMBINATION OF  
4 SUBDIVISIONS (A) AND (B).

5 (7) THE CIVIL CONTEMPT SHALL BE PURGED UPON DISCHARGE OF THE  
6 DEFENDANT PURSUANT TO SUBSECTION (6).

7 SEC. 8731. (1) IF A DEFENDANT DOES NOT PAY A CIVIL FINE OR  
8 COSTS OR AN INSTALLMENT ORDERED UNDER SECTION 8727 WITHIN 30 DAYS  
9 AFTER THE DATE ON WHICH PAYMENT IS DUE UNDER SECTION 8727 IN A  
10 MUNICIPAL CIVIL INFRACTION ACTION BROUGHT FOR A VIOLATION INVOLV-  
11 ING THE USE OR OCCUPATION OF LAND OR A BUILDING OR OTHER STRUC-  
12 TURE, THE PLAINTIFF MAY OBTAIN A LIEN AGAINST THE LAND, BUILDING,  
13 OR STRUCTURE INVOLVED IN THE VIOLATION BY RECORDING A COPY OF THE  
14 COURT ORDER REQUIRING PAYMENT OF THE FINE AND COSTS WITH THE REG-  
15 ISTER OF DEEDS FOR THE COUNTY IN WHICH THE LAND, BUILDING, OR  
16 STRUCTURE IS LOCATED. THE COURT ORDER SHALL NOT BE RECORDED  
17 UNLESS A LEGAL DESCRIPTION OF THE PROPERTY IS INCORPORATED IN OR  
18 ATTACHED TO THE COURT ORDER. THE LIEN IS EFFECTIVE IMMEDIATELY  
19 UPON RECORDING OF THE COURT ORDER WITH THE REGISTER OF DEEDS.

20 (2) THE COURT ORDER RECORDED WITH THE REGISTER OF DEEDS  
21 SHALL CONSTITUTE NOTICE OF THE PENDENCY OF THE LIEN. IN ADDI-  
22 TION, A WRITTEN NOTICE OF THE LIEN SHALL BE SENT BY THE PLAINTIFF  
23 BY FIRST-CLASS MAIL TO THE OWNER OF RECORD OF THE LAND, BUILDING,  
24 OR STRUCTURE AT THE OWNER'S LAST KNOWN ADDRESS.

25 (3) THE LIEN MAY BE ENFORCED AND DISCHARGED BY A COUNTY,  
26 CITY, VILLAGE, OR TOWNSHIP IN THE MANNER PRESCRIBED BY ITS  
27 CHARTER, BY THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF THE

1 PUBLIC ACTS OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE  
2 MICHIGAN COMPILED LAWS, OR BY AN ORDINANCE DULY PASSED BY THE  
3 GOVERNING BODY OF THE COUNTY, CITY, VILLAGE, OR TOWNSHIP.  
4 HOWEVER, PROPERTY IS NOT SUBJECT TO SALE UNDER SECTION 60 OF ACT  
5 NO. 206 OF THE PUBLIC ACTS OF 1893, BEING SECTION 211.60 OF THE  
6 MICHIGAN COMPILED LAWS, FOR NONPAYMENT OF A CIVIL FINE OR COSTS  
7 OR AN INSTALLMENT ORDERED UNDER SECTION 8727 UNLESS THE PROPERTY  
8 IS ALSO SUBJECT TO SALE UNDER SECTION 60 OF ACT NO. 206 OF THE  
9 PUBLIC ACTS OF 1893 FOR DELINQUENT PROPERTY TAXES.

10 (4) A LIEN CREATED UNDER THIS SECTION HAS PRIORITY OVER ANY  
11 OTHER LIEN UNLESS 1 OR MORE OF THE FOLLOWING APPLY:

12 (A) THE OTHER LIEN IS A LIEN FOR TAXES OR SPECIAL  
13 ASSESSMENTS.

14 (B) THE OTHER LIEN IS CREATED BEFORE THE EFFECTIVE DATE OF  
15 THE AMENDATORY ACT THAT ADDED THIS SECTION.

16 (C) FEDERAL LAW PROVIDES THAT THE OTHER LIEN HAS PRIORITY.

17 (D) THE OTHER LIEN IS RECORDED BEFORE THE LIEN UNDER THIS  
18 SECTION IS RECORDED.

19 (5) A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY INSTITUTE AN  
20 ACTION IN A COURT OF COMPETENT JURISDICTION FOR THE COLLECTION OF  
21 THE FINES AND COSTS IMPOSED BY A COURT ORDER FOR A MUNICIPAL  
22 CIVIL INFRACTION. HOWEVER, AN ATTEMPT BY A COUNTY, CITY, VIL-  
23 LAGE, OR TOWNSHIP TO COLLECT THE FINES OR COSTS BY ANY PROCESS  
24 DOES NOT INVALIDATE OR WAIVE THE LIEN UPON THE LAND, BUILDING, OR  
25 STRUCTURE.

26 (6) A LIEN PROVIDED FOR BY THIS SECTION SHALL NOT CONTINUE  
27 FOR A PERIOD LONGER THAN 5 YEARS AFTER A COPY OF THE COURT ORDER

- 1 IMPOSING A FINE OR COSTS IS RECORDED, UNLESS WITHIN THAT TIME AN
- 2 ACTION TO ENFORCE THE LIEN IS COMMENCED.