

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

600.113 Definitions; provisions governing traffic or parking violation or municipal civil infraction action; determination by preponderance of evidence.

Sec. 113.

(1) As used in this act:

(a) "Civil infraction" means an act or omission that is prohibited by a law and is not a crime under that law or that is prohibited by an ordinance, as defined in section 8701, and is not a crime under that ordinance, and for which civil sanctions may be ordered. Civil infraction includes, but is not limited to, the following:

(i) A violation of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, designated as a civil infraction.

(ii) A violation of a city, township, or village ordinance substantially corresponding to a provision of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, if the ordinance designates the violation as a civil infraction.

(iii) A violation of an ordinance adopted under 1969 PA 235, MCL 257.941 to 257.943.

(iv) A violation of a city, township, or village ordinance adopting the uniform traffic code promulgated under 1956 PA 62, MCL 257.951 to 257.955, if the uniform traffic code designates the violation as a civil infraction.

(v) A violation of an ordinance adopted by the governing board of a state university or college under 1967 PA 291, MCL 390.891 to 390.893, if the ordinance designates the violation as a civil infraction.

(vi) A violation of regulations adopted by a county board of commissioners under 1945 PA 58, MCL 46.201.

(vii) A municipal civil infraction.

(viii) A state civil infraction.

(ix) A violation of the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877, designated as a civil infraction.

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

(c) "Municipal civil infraction" means a civil infraction involving a violation of an ordinance, as defined in section 8701. Municipal civil infraction includes, but is not limited to, a railway municipal civil infraction. Municipal civil infraction does not include a violation described in subdivision (a)(i) to (vi) or (ix) or any act or omission that constitutes a crime under any of the following:

(i) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(ii) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.

(iii) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(iv) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

(v) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

(vi) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.

(vii) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82161.

(viii) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81151.

(ix) The railroad code of 1993, 1993 PA 354, MCL 462.101 to 462.451.

(x) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

(d) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction. Municipal civil infraction action includes, but is not limited to, a railway municipal civil infraction action.

(e) "State civil infraction" means a civil infraction involving either of the following:

(i) A violation of state law that is designated by statute as a state civil infraction.

(ii) A violation of a city, township, village, or county ordinance that is designated by statute as a state civil infraction.

(f) "State civil infraction action" means a civil action in which the defendant is alleged to be responsible for a state civil infraction.

(g) "Railway municipal civil infraction" means a municipal civil infraction involving the operation of a vehicle on a recreational railway at a time, in a place, or in a manner prohibited by ordinance.

(h) "Railway municipal civil infraction action" means a civil infraction action in which the defendant is alleged to be responsible for a railway municipal civil infraction.

(2) Except as otherwise provided in this act:

- (a) A civil infraction action involving a traffic or parking violation is governed by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
- (b) A municipal civil infraction action is governed by chapter 87.
- (c) A state civil infraction action is governed by chapter 88.
- (3) A determination that a defendant is responsible for a civil infraction and thus subject to civil sanctions shall be by a preponderance of the evidence.

History: Add. 1978, Act 511, Eff. Aug. 1, 1979 ;-- Am. 1994, Act 12, Eff. May 1, 1994 ;-- Am. 1995, Act 54, Eff. Jan. 1, 1996 ;-- Am. 1996, Act 79, Imd. Eff. Feb. 27, 1996 ;-- Am. 2020, Act 71, Imd. Eff. Apr. 2, 2020