

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

600.8709 Citation; contents; railway 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