

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.747 Formal hearing; procedure.

Sec. 747.

(1) A formal hearing shall be conducted only by a judge of a court having jurisdiction over civil infraction actions under section 741(2).

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

(3) Notice of a formal hearing shall be given to the prosecuting attorney or attorney for the political subdivision who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be 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, 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) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge 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.

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