

HOUSE BILL No. 4693

May 18, 1999, Introduced by Reps. Minore, Jamnick, Garza and Thomas and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 615a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 615A. (1) THE DEPARTMENT OF STATE POLICE OR THE STATE
2 TRANSPORTATION DEPARTMENT OR THE COUNTY BOARD OF COMMISSIONERS,
3 BOARD OF COUNTY ROAD COMMISSIONERS, OR OTHER LOCAL AUTHORITY
4 HAVING JURISDICTION OVER A HIGHWAY OR STREET MAY AUTHORIZE THE
5 INSTALLATION AND USE OF UNMANNED TRAFFIC MONITORING DEVICES ON A
6 HIGHWAY OR STREET UNDER THEIR RESPECTIVE JURISDICTIONS. AS USED
7 IN THIS SECTION, "UNMANNED TRAFFIC MONITORING DEVICE" MEANS A
8 PHOTOGRAPHIC, VIDEO, OR ELECTRONIC DIGITAL CAMERA AND VEHICLE
9 SENSORS INSTALLED TO WORK IN CONJUNCTION WITH AN OFFICIAL TRAFFIC
10 CONTROL DEVICE TO AUTOMATICALLY PRODUCE PHOTOGRAPHS, VIDEO, OR
11 DIGITAL IMAGES OF EACH VEHICLE VIOLATING A TRAFFIC CONTROL

1 DEVICE, A SPEED RESTRICTION, OR OTHER LIMITATION PROVIDED FOR IN
2 THIS ACT.

3 (2) A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS PRO-
4 VIDED IN THIS ACT IF THE PERSON VIOLATES A TRAFFIC CONTROL
5 DEVICE, A SPEED RESTRICTION, OR OTHER LIMITATION PROVIDED FOR IN
6 THIS ACT ON THE BASIS OF EVIDENCE OBTAINED FROM AN UNMANNED TRAF-
7 FIC MONITORING DEVICE.

8 (3) A SWORN STATEMENT OF A POLICE OFFICER OF THE STATE OR
9 LOCAL AUTHORITY HAVING JURISDICTION OVER THE HIGHWAY OR STREET,
10 BASED UPON INSPECTION OF PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL
11 IMAGES PRODUCED BY AN UNMANNED TRAFFIC MONITORING DEVICE, IS
12 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE SWORN
13 STATEMENT. ANY PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL IMAGES EVI-
14 DENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN A
15 PROCEEDING TO ADJUDICATE THE LIABILITY FOR A VIOLATION OF THIS
16 ACT COVERED BY THIS SECTION.

17 (4) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS
18 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE
19 CITATION ISSUED WAS OPERATED IN VIOLATION OF THIS SECTION,
20 TOGETHER WITH PROOF THAT THE DEFENDANT OR DEFENDANTS WERE AT THE
21 TIME OF THE VIOLATION THE REGISTERED OWNER OR OWNERS OF THE VEHI-
22 CLE, CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE REGISTERED
23 OWNER OR OWNERS OF THE VEHICLE WERE THE PERSON OR PERSONS RESPON-
24 SIBLE FOR THE VIOLATION. THE PRESUMPTION MAY BE REBUTTED IF A
25 CERTIFIED COPY OF A POLICE REPORT, SHOWING THAT THE VEHICLE WAS
26 REPORTED TO THE POLICE AS STOLEN BEFORE THE TIME OF THE ALLEGED

1 VIOLATION OF THIS SECTION, IS PRESENTED TO THE COURT BEFORE THE
2 RETURN DATE ESTABLISHED ON THE CITATION ISSUED.

3 (5) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION
4 OF THIS SECTION MAY BE EXECUTED BY MAILING BY FIRST-CLASS MAIL A
5 COPY TO THE ADDRESS OF THE OWNER OR OWNERS OF THE VEHICLE AS
6 SHOWN ON THE RECORDS OF THE SECRETARY OF STATE. IF THE SUMMONED
7 PERSON OR PERSONS FAIL TO APPEAR ON THE DATE OF RETURN SET OUT IN
8 THE CITATION MAILED PURSUANT TO THIS SECTION, THE CITATION SHALL
9 BE EXECUTED IN THE MANNER PROVIDED BY LAW FOR PERSONAL SERVICE.
10 PROCEEDINGS FOR CONTEMPT OR ARREST OF A PERSON OR PERSONS SUM-
11 MONED BY MAILING SHALL BE INSTITUTED FOR FAILURE TO APPEAR ON THE
12 RETURN DATE OF THE CITATION.