

HOUSE BILL No. 4598

April 17, 2001, Introduced by Reps. Minore, Gilbert, Stewart, Jamnick, Garcia, Julian, Bovin, Hansen, Hart and Wojno 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; THE COUNTY BOARD OF COMMISSIONERS,
3 BOARD OF COUNTY ROAD COMMISSIONERS, OR COUNTY SHERIFF; OR OTHER
4 LOCAL AUTHORITY HAVING JURISDICTION OVER A HIGHWAY OR STREET MAY
5 AUTHORIZE BY ADOPTING A TRAFFIC MONITORING IMPLEMENTATION PLAN
6 THE INSTALLATION AND USE OF UNMANNED TRAFFIC MONITORING DEVICES
7 AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL ON A HIGHWAY OR
8 STREET UNDER THEIR RESPECTIVE JURISDICTIONS. A TRAFFIC MONITOR-
9 ING IMPLEMENTATION PLAN FOR AN INTERSECTION MAY BE ADOPTED IF THE
10 FOLLOWING CONDITIONS APPLY:

1 (A) REPEATED VIOLATIONS OF THIS ACT HAVE OCCURRED AT THE
2 INTERSECTION RELATED TO THE FAILURE OF A VEHICLE OPERATOR TO
3 COMPLY WITH A TRAFFIC CONTROL SIGNAL.

4 (B) OTHER SAFETY MEASURES, INCLUDING, BUT NOT LIMITED TO,
5 TRAFFIC CONTROL SIGNAL TIMING ADJUSTMENTS, LANE IMPROVEMENTS,
6 LINE OF SIGHT IMPROVEMENTS, MODIFIED TRAFFIC SIGNS, EDUCATION, OR
7 OTHER LAW ENFORCEMENT STRATEGIES HAVE BEEN CONSIDERED BUT HAVE
8 FAILED TO SIGNIFICANTLY REDUCE THE NUMBER OF VIOLATIONS OF THIS
9 ACT OCCURRING AT THE INTERSECTION RELATED TO THE FAILURE OF A
10 VEHICLE OPERATOR TO COMPLY WITH A TRAFFIC CONTROL SIGNAL.

11 (2) A TRAFFIC MONITORING IMPLEMENTATION PLAN ADOPTED PURSU-
12 ANT TO SUBSECTION (1) SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
13 FOLLOWING:

14 (A) A PLAN FOR THE DIRECT MANAGEMENT OF ANY UNMANNED TRAFFIC
15 MONITORING DEVICES BY AN APPROPRIATE LAW ENFORCEMENT AGENCY.

16 (B) AN UNMANNED TRAFFIC MONITORING DEVICE DATA COLLECTION
17 PLAN TO PROVIDE FOR THE COLLECTION OF DATA FOR THE PURPOSE OF
18 EVALUATING THE EFFECTIVENESS OF INSTALLED UNMANNED TRAFFIC MONI-
19 TORING DEVICES.

20 (C) A PUBLIC EDUCATION CAMPAIGN TO ENHANCE PUBLIC AWARENESS
21 OF UNMANNED TRAFFIC MONITORING DEVICES AND ENFORCEMENT
22 ACTIVITIES.

23 (3) IN DEVELOPING THE TRAFFIC MONITORING PLAN DESCRIBED IN
24 SUBSECTION (2), THE MONITORING JURISDICTION SHALL SOLICIT RECOM-
25 MENDATIONS FROM LAW ENFORCEMENT OFFICERS, PROSECUTORS, JUDGES,
26 AND OTHER INTERESTED PARTIES.

1 (4) EACH UNMANNED TRAFFIC MONITORING DEVICE SHALL BE
2 SUFFICIENTLY MARKED OR IDENTIFIED OR A SIGN SHALL BE PLACED AT OR
3 NEAR THE INTERSECTION INDICATING THAT THE INTERSECTION IS MONI-
4 TORED BY AN UNMANNED TRAFFIC MONITORING DEVICE.

5 (5) BEGINNING 61 DAYS AFTER THE INSTALLATION OF AN UNMANNED
6 TRAFFIC MONITORING DEVICE AT AN INTERSECTION WITH A TRAFFIC CON-
7 TROL SIGNAL, A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS
8 PROVIDED IN THIS ACT IF THE PERSON COMMITS A VIOLATION OF THIS
9 ACT AT THAT INTERSECTION ON THE BASIS OF EVIDENCE OBTAINED FROM
10 AN UNMANNED TRAFFIC MONITORING DEVICE. HOWEVER, FOR THE FIRST 30
11 DAYS AFTER THE INSTALLATION OF AN UNMANNED TRAFFIC MONITORING
12 DEVICE AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL, THE LAW
13 ENFORCEMENT AGENCY RESPONSIBLE FOR THE MANAGEMENT OF THE DEVICE
14 SHALL COLLECT DATA REGARDING ANY VIOLATIONS FOR THE PURPOSE OF
15 ESTABLISHING A BASELINE TO MEASURE THE EFFECTIVENESS OF THE
16 UNMANNED TRAFFIC MONITORING DEVICE. DURING THE SECOND 30 DAYS
17 AFTER THE INSTALLATION OF AN UNMANNED TRAFFIC MONITORING DEVICE
18 AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL, A PERSON OTHER-
19 WISE RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS SUBSECTION
20 SHALL BE ISSUED A WRITTEN WARNING ONLY. WHILE AN UNMANNED TRAF-
21 FIC MONITORING DEVICE IS INSTALLED AT AN INTERSECTION WITH A
22 TRAFFIC CONTROL SIGNAL, THE LAW ENFORCEMENT AGENCY RESPONSIBLE
23 FOR THE MANAGEMENT OF THE DEVICE SHALL CONTINUE TO COLLECT DATA
24 REGARDING ANY VIOLATIONS OF THIS ACT COVERED BY THIS SECTION TO
25 REGULARLY EVALUATE THE EFFECTIVENESS OF THE DEVICE.

26 (6) A SWORN STATEMENT OF A POLICE OFFICER OF THE STATE OR
27 LOCAL AUTHORITY HAVING JURISDICTION OVER THE HIGHWAY OR STREET,

1 BASED UPON INSPECTION OF PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL
2 IMAGES PRODUCED BY AN UNMANNED TRAFFIC MONITORING DEVICE, IS
3 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE SWORN
4 STATEMENT. ANY PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL IMAGES EVI-
5 DENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN A
6 PROCEEDING TO ADJUDICATE THE LIABILITY FOR A VIOLATION OF THIS
7 ACT COVERED BY THIS SECTION.

8 (7) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS
9 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE
10 CITATION ISSUED WAS OPERATED IN VIOLATION OF THIS SECTION,
11 TOGETHER WITH PROOF THAT THE DEFENDANT OR DEFENDANTS WERE AT THE
12 TIME OF THE VIOLATION THE REGISTERED OWNER OR OWNERS OF THE VEHI-
13 CLE, CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE REGISTERED
14 OWNER OR OWNERS OF THE VEHICLE WERE THE PERSON OR PERSONS RESPON-
15 SIBLE FOR THE VIOLATION. THE PRESUMPTION MAY BE REBUTTED IF THE
16 REGISTERED OWNER OF THE VEHICLE FILES AN AFFIDAVIT BY REGULAR
17 MAIL WITH THE CLERK OF THE COURT THAT HE OR SHE WAS NOT THE OPER-
18 ATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION OR TES-
19 TIFIES IN OPEN COURT UNDER OATH THAT HE OR SHE WAS NOT THE OPERA-
20 TOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION. THE
21 PRESUMPTION ALSO MAY BE REBUTTED IF A CERTIFIED COPY OF A POLICE
22 REPORT, SHOWING THAT THE VEHICLE WAS REPORTED TO THE POLICE AS
23 STOLEN BEFORE THE TIME OF THE ALLEGED VIOLATION OF THIS SECTION,
24 IS PRESENTED TO THE COURT BEFORE THE RETURN DATE ESTABLISHED ON
25 THE CITATION ISSUED. FOR PURPOSES OF THIS SUBSECTION, THE OWNER
26 OF A LEASED OR RENTAL VEHICLE SHALL PROVIDE THE NAME AND ADDRESS

1 OF THE PERSON TO WHOM THE VEHICLE WAS LEASED OR RENTED AT THE
2 TIME OF THE VIOLATION.

3 (8) 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 FAILS TO APPEAR ON THE DATE OF RETURN SET OUT IN THE
8 CITATION PREVIOUSLY MAILED BY FIRST-CLASS MAIL PURSUANT TO THIS
9 SUBSECTION, A COPY SHALL BE SENT BY CERTIFIED MAIL--RETURN
10 RECEIPT REQUESTED. IF THE SUMMONED PERSON OR PERSONS FAIL TO
11 APPEAR ON EITHER OF THE DATES OF RETURN SET OUT IN THE CITATION
12 MAILED PURSUANT TO THIS SECTION, THE CITATION SHALL BE EXECUTED
13 IN THE MANNER PROVIDED BY LAW FOR PERSONAL SERVICE. PROCEEDINGS
14 FOR CONTEMPT OR ARREST OF A PERSON OR PERSONS SUMMONED BY MAILING
15 SHALL BE INSTITUTED FOR FAILURE TO APPEAR ON THE RETURN DATE OF
16 THE CITATION IF A SWORN COMPLAINT IS FILED WITH THE COURT FOR
17 THAT PURPOSE AS REQUIRED FOR OTHER CIVIL INFRACTIONS UNDER SEC-
18 TION 744.

19 (9) AS USED IN THIS SECTION:

20 (A) "MONITORING JURISDICTION" MEANS A LOCAL AUTHORITY HAVING
21 JURISDICTION OVER A HIGHWAY OR STREET THAT HAS APPROVED A TRAFFIC
22 MONITORING IMPLEMENTATION PLAN PURSUANT TO SUBSECTION (1).

23 (B) "UNMANNED TRAFFIC MONITORING DEVICE" MEANS A PHOTOGRAPH-
24 IC, VIDEO, OR ELECTRONIC DIGITAL CAMERA AND VEHICLE SENSORS
25 INSTALLED TO WORK IN CONJUNCTION WITH AN OFFICIAL TRAFFIC CONTROL
26 DEVICE TO AUTOMATICALLY PRODUCE PHOTOGRAPHS, VIDEO, OR DIGITAL

- 1 IMAGES OF EACH VEHICLE COMMITTING A VIOLATION OF THIS ACT AT AN
- 2 INTERSECTION WITH A TRAFFIC CONTROL SIGNAL.