

**SUBSTITUTE FOR  
HOUSE BILL NO. 4132**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 907 and 909 (MCL 257.907 and 257.909), section  
907 as amended by 2020 PA 382 and section 909 as amended by 2000 PA  
94, and by adding sections 2c, 627c, and 907a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **Sec. 2c. (1) "Automated speed enforcement system" means an**  
2 **electronic traffic sensor system that does both of the following:**  
3           **(a) Automatically detects a vehicle exceeding the posted speed**  
4 **limit with a type of speed timing device.**  
5           **(b) Produces a recorded image of the vehicle described in**  
6 **subdivision (a) that shows all of the following:**  
7           **(i) A clear and legible identification of the vehicle's**



1 registration plate.

2 (ii) The location where the recorded image was taken.

3 (iii) The date and time when the recorded image was taken.

4 (2) "Automated speed enforcement system operator" means an  
5 individual trained to operate and monitor an automated speed  
6 enforcement system by the department of state police.

7 Sec. 627c. (1) The department of state police and the state  
8 transportation department may, by agreement, authorize the  
9 installation and use of an automated speed enforcement system in a  
10 work zone on a highway or street under the jurisdiction of the  
11 state transportation department. A sign must be placed 1 mile  
12 before the start of a work zone where an automated speed  
13 enforcement system is installed and used under this section  
14 indicating that the work zone is monitored by an automated speed  
15 enforcement system.

16 (2) Except for an individual operating a police vehicle, a  
17 fire department or fire patrol vehicle, or a public or private  
18 ambulance as provided in section 632, if an individual violates an  
19 applicable speed limit described in section 627 by exceeding a  
20 posted speed limit by 10 miles per hour or more in a work zone  
21 while workers are present, on the basis of a recorded image  
22 produced by an automated speed enforcement system, all of the  
23 following apply:

24 (a) An individual must be issued a written warning using a  
25 form that is authorized by the department of state police for  
26 either of the following violations as described in this subsection:

27 (i) A first violation.

28 (ii) A violation that occurs more than 3 years after that  
29 individual's most recent violation.



1 (b) For a second violation as described in this subsection  
2 that occurs less than 3 years after a written warning is issued  
3 under subdivision (a), the individual is responsible for a civil  
4 infraction and must be ordered to pay a civil fine of not more than  
5 \$150.00.

6 (c) For a third or subsequent violation as described in this  
7 subsection that occurs less than 3 years after a second or  
8 subsequent violation, the individual is responsible for a civil  
9 infraction and must be ordered to pay a civil fine of not more than  
10 \$300.00.

11 (3) A sworn statement of an automated speed enforcement system  
12 operator or a police officer from this state, based on inspecting a  
13 recorded image produced by an automated speed enforcement system,  
14 is prima facie evidence of the facts contained in the recorded  
15 image. A recorded image indicating a violation must be available  
16 for inspection in any proceeding to adjudicate the responsibility  
17 for a violation of this section. A recorded image indicating a  
18 violation must be destroyed 90 days after final disposition of the  
19 citation.

20 (4) In a proceeding for a violation of this section, prima  
21 facie evidence that the vehicle described in the citation issued  
22 was operated in violation of this section, together with proof that  
23 the individual who was issued the citation was at the time of the  
24 violation the registered owner of the vehicle, creates a rebuttable  
25 presumption that the registered owner of the vehicle was the  
26 individual who committed the violation. The presumption is rebutted  
27 if the registered owner of the vehicle files an affidavit by  
28 regular mail with the clerk of the court stating that the  
29 registered owner was not the operator of the vehicle at the time of



1 the alleged violation or testifies in open court under oath that  
2 the registered owner was not the operator of the vehicle at the  
3 time of the alleged violation. The presumption also is rebutted if  
4 a certified copy of a police report, showing that the vehicle had  
5 been reported to the police as stolen before the time of the  
6 alleged violation of this section, is presented before the  
7 appearance date established on the citation. For purposes of this  
8 subsection, the owner of a leased or rented vehicle shall provide  
9 the name and address of the individual to whom the vehicle was  
10 leased or rented at the time of the violation.

11 (5) Notwithstanding section 742, a citation for a violation of  
12 this section may be executed by mailing by first-class mail a copy  
13 to the address of the registered owner of the vehicle as shown on  
14 the records of the secretary of state. If the summoned individual  
15 fails to appear on the date of return set out in the citation  
16 previously mailed by first-class mail under this subsection, a copy  
17 must be sent by certified mail-return receipt requested. If the  
18 summoned individual fails to appear on either of the dates of  
19 return set out in the copies of the citation mailed under this  
20 subsection, the citation must be executed in the manner provided by  
21 law for personal service. The court may issue a warrant for the  
22 arrest of an individual who fails to appear within the time limit  
23 established on the citation if a sworn complaint is filed with the  
24 court for that purpose.

25 (6) Subject to appropriation, an automated speed enforcement  
26 system unit is created within the department of state police  
27 composed of individuals appointed by the director of the department  
28 of state police, to do both of the following:

29 (a) Oversee the implementation and use of automated speed



1 enforcement systems under this section.

2 (b) Train automated speed enforcement system operators to  
3 operate and monitor automated speed enforcement systems and provide  
4 sworn statements under subsection (3).

5 (7) Not later than 5 years after the effective date of the  
6 amendatory act that added this section, the department of state  
7 police shall submit to the members of the house of representatives  
8 and senate committees with jurisdiction over transportation a  
9 report on the use of automated speed enforcement systems in this  
10 state that includes, at a minimum, both of the following:

11 (a) The number of citations given under this section.

12 (b) An accounting of both of the following relating to  
13 automated speed enforcement systems installed and used under this  
14 section:

15 (i) The costs of installing and using.

16 (ii) The revenue generated.

17 (8) As used in this section, "present" means located in  
18 proximity to a roadway that is not protected by a guardrail or  
19 barrier.

20 Sec. 907. (1) A violation of this act, or a local ordinance  
21 that substantially corresponds to a provision of this act, that is  
22 designated a civil infraction must not be considered a lesser  
23 included offense of a criminal offense.

24 (2) Permission may be granted for payment of a civil fine and  
25 costs to be made within a specified period of time or in specified  
26 installments but, unless permission is included in the order or  
27 judgment, the civil fine and costs ~~must be~~ **are** payable immediately.  
28 Except as otherwise provided, a person found responsible or  
29 responsible "with explanation" for a civil infraction must pay



1 costs as provided in subsection (4) and 1 or more of the following  
2 civil fines, as applicable:

3 (a) Except as otherwise provided, for a civil infraction under  
4 this act or a local ordinance that substantially corresponds to a  
5 provision of this act, the person ~~shall~~**must** be ordered to pay a  
6 civil fine of not more than \$100.00.

7 (b) If the civil infraction was a moving violation that  
8 resulted in an at-fault collision with another vehicle, ~~a person,~~  
9 **an individual**, or any other object, the civil fine ordered under  
10 this section is increased by \$25.00 but the total civil fine must  
11 not be more than \$100.00.

12 (c) For a violation of section 240, the civil fine ordered  
13 under this subsection is \$15.00.

14 (d) For a violation of section 312a(4) (a), the civil fine  
15 ordered under this section must not be more than \$250.00.

16 (e) For a first violation of section 319f(1), the civil fine  
17 ordered under this section must not be less than \$2,500.00 or more  
18 than \$2,750.00; for a second or subsequent violation, the civil  
19 fine must not be less than \$5,000.00 or more than \$5,500.00.

20 (f) For a violation of section 319g(1) (a), the civil fine  
21 ordered under this section must not be more than \$10,000.00.

22 (g) For a violation of section 319g(1) (g), the civil fine  
23 ordered under this section must not be less than \$2,750.00 or more  
24 than \$25,000.00.

25 (h) For a violation of section 602b, the civil fine ordered  
26 under this section must not be more than \$100.00 for a first  
27 offense and \$200.00 for a second or subsequent offense.

28 **(i) For a violation of section 627c, the civil fine ordered**  
29 **under this section must not be more than \$150.00 for a second**



1 violation as described in section 627c(2)(b) and \$300.00 for a  
 2 third or subsequent violation described in section 627c(2)(c).

3 (j) ~~(i)~~—For a violation of section 674(1)(s) or a local  
 4 ordinance that substantially corresponds to section 674(1)(s), the  
 5 civil fine ordered under this section must not be less than \$100.00  
 6 or more than \$250.00.

7 (k) ~~(j)~~—For a violation of section 676a(3), the civil fine  
 8 ordered under this section must not be more than \$10.00.

9 (l) ~~(k)~~—For a violation of section 676c, the civil fine ordered  
 10 under this section is \$1,000.00.

11 (m) ~~(l)~~—For a violation of section 682 or a local ordinance  
 12 that substantially corresponds to section 682, the civil fine  
 13 ordered under this section must not be less than \$100.00 or more  
 14 than \$500.00.

15 (n) ~~(m)~~—For a violation of section 710d, the civil fine  
 16 ordered under this section must not be more than \$10.00, subject to  
 17 subsection (11).

18 (o) ~~(n)~~—For a violation of section 710e, the civil fine and  
 19 court costs ordered under this subsection must be \$25.00.

20 (3) Except as provided in this section, if ~~a person an~~  
 21 **individual** is determined to be responsible or responsible "with  
 22 explanation" for a civil infraction under this act or a local  
 23 ordinance that substantially corresponds to a provision of this act  
 24 while driving a commercial motor vehicle, ~~he or she~~ **the individual**  
 25 must be ordered to pay costs as provided in subsection (4) and a  
 26 civil fine of not more than \$250.00.

27 (4) If a civil fine is ordered under subsection (2) or (3),  
 28 the judge or district court magistrate shall summarily tax and  
 29 determine the costs of the action, which are not limited to the



1 costs taxable in ordinary civil actions, and may include all  
2 expenses, direct and indirect, to which the plaintiff has been put  
3 in connection with the civil infraction, up to the entry of  
4 judgment. Costs must not be ordered in excess of \$100.00. A civil  
5 fine ordered under subsection (2) or (3) must not be waived unless  
6 costs ordered under this subsection are waived. Except as otherwise  
7 provided by law, costs are payable to the general fund of the  
8 plaintiff.

9 (5) In addition to a civil fine and costs ordered under  
10 subsection (2) or (3) and subsection (4) and the justice system  
11 assessment ordered under subsection (12), the judge or district  
12 court magistrate may order the ~~person~~**individual** to attend and  
13 complete a program of treatment, education, or rehabilitation.

14 (6) A district court magistrate shall impose the sanctions  
15 permitted under subsections (2), (3), and (5) only to the extent  
16 expressly authorized by the chief judge or only judge of the  
17 district court district.

18 (7) Each district of the district court and each municipal  
19 court may establish a schedule of civil fines, costs, and  
20 assessments to be imposed for civil infractions that occur within  
21 the respective district or city. If a schedule is established, it  
22 must be prominently posted and readily available for public  
23 inspection. A schedule need not include all violations that are  
24 designated by law or ordinance as civil infractions. A schedule may  
25 exclude cases on the basis of a defendant's prior record of civil  
26 infractions or traffic offenses, or a combination of civil  
27 infractions and traffic offenses.

28 (8) The state court administrator shall annually publish and  
29 distribute to each district and court a recommended range of civil





1 fines and costs for first-time civil infractions. This  
2 recommendation is not binding on the courts having jurisdiction  
3 over civil infractions but is intended to act as a normative guide  
4 for judges and district court magistrates and a basis for public  
5 evaluation of disparities in the imposition of civil fines and  
6 costs throughout this state.

7 (9) If a person has received a civil infraction citation for  
8 defective safety equipment on a vehicle under section 683, the  
9 court shall waive a civil fine, costs, and assessments on receipt  
10 of certification by a law enforcement agency that repair of the  
11 defective equipment was made before the appearance date on the  
12 citation.

13 (10) A default in the payment of a civil fine or costs ordered  
14 under subsection (2), (3), or (4) or a justice system assessment  
15 ordered under subsection (12), or an installment of the fine,  
16 costs, or assessment, may be collected by a means authorized for  
17 the enforcement of a judgment under chapter 40 of the revised  
18 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
19 under chapter 60 of the revised judicature act of 1961, 1961 PA  
20 236, MCL 600.6001 to 600.6098.

21 (11) The court may waive any civil fine, cost, or assessment  
22 against ~~a person~~ **an individual** who received a civil infraction  
23 citation for a violation of section 710d if the ~~person,~~ **individual**,  
24 before the appearance date on the citation, supplies the court with  
25 evidence of acquisition, purchase, or rental of a child seating  
26 system meeting the requirements of section 710d.

27 (12) In addition to any civil fines or costs ordered to be  
28 paid under this section, the judge or district court magistrate  
29 shall order the defendant to pay a justice system assessment of



1 \$40.00 for each civil infraction determination, except for a  
2 parking violation or a violation for which the total fine and costs  
3 imposed are \$10.00 or less. On payment of the assessment, the clerk  
4 of the court shall transmit the assessment collected to the state  
5 treasury to be deposited into the justice system fund created in  
6 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL  
7 600.181. An assessment levied under this subsection is not a civil  
8 fine for purposes of section 909.

9 (13) If ~~a person~~**an individual** has received a citation for a  
10 violation of section 223, the court shall waive any civil fine,  
11 costs, and assessment, on receipt of certification by a law  
12 enforcement agency that the ~~person,~~**individual**, before the  
13 appearance date on the citation, produced a valid registration  
14 certificate that was valid on the date the violation of section 223  
15 occurred.

16 (14) If ~~a person~~**an individual** has received a citation for a  
17 violation of section 328(1) for failing to produce a certificate of  
18 insurance under section 328(2), the court may waive the fee  
19 described in section 328(3)(c) and shall waive any fine, costs, and  
20 any other fee or assessment otherwise authorized under this act on  
21 receipt of verification by the court that the ~~person,~~**individual**,  
22 before the appearance date on the citation, produced valid proof of  
23 insurance that was in effect at the time the violation of section  
24 328(1) occurred. Insurance obtained subsequent to the time of the  
25 violation does not make the ~~person~~**individual** eligible for a waiver  
26 under this subsection.

27 (15) If ~~a person~~**an individual** is determined to be responsible  
28 or responsible "with explanation" for a civil infraction under this  
29 act or a local ordinance that substantially corresponds to a



1 provision of this act and the civil infraction arises out of the  
 2 ownership or operation of a commercial quadricycle, ~~he or she~~ **the**  
 3 **individual** must be ordered to pay costs as provided in subsection  
 4 (4) and a civil fine of not more than \$500.00.

5 (16) As used in this section, "moving violation" means an act  
 6 or omission prohibited under this act or a local ordinance that  
 7 substantially corresponds to this act that involves the operation  
 8 of a motor vehicle and for which a fine may be assessed.

9 **Sec. 907a. (1) The work zone safety fund is created in the**  
 10 **state treasury.**

11 (2) **The state treasurer shall deposit money and other assets**  
 12 **received from any other source in the fund. The state treasurer**  
 13 **shall direct the investment of money in the fund and credit**  
 14 **interest and earnings from the investments to the fund.**

15 (3) **The state transportation department is the administrator**  
 16 **of the fund for audits of the fund.**

17 (4) **The state transportation department shall expend money**  
 18 **from the fund, on appropriation, only for the purpose of improving**  
 19 **worker safety at work zones by doing both of the following:**

20 (a) **Coordinating with the department of state police and local**  
 21 **law enforcement agencies to increase police presence at work zones.**

22 (b) **Funding the use of traffic control devices at work zones**  
 23 **that provide greater protection for workers.**

24 (5) **As used in this section, "fund" means the work zone safety**  
 25 **fund created in subsection (1).**

26 **Sec. 909. (1) Except as provided in ~~subsection~~ **subsections** (2)**  
 27 **and (3), a civil fine ~~which~~ **that** is ordered under section 907 for a**  
 28 **violation of this act or other state statute ~~shall~~ **must** be**  
 29 **exclusively applied to the support of public libraries and county**



1 law libraries in the same manner as is provided by law for penal  
2 fines assessed and collected for violation of a penal law of ~~the~~  
3 **this** state. A civil fine ordered for a violation of a code or  
4 ordinance of a local authority regulating the operation of  
5 commercial motor vehicles and substantially corresponding to a  
6 provision of this act ~~shall~~**must** be paid to the county treasurer  
7 and ~~shall~~**must** be allocated as follows:

8 (a) Seventy percent to the local authority in which the  
9 citation is issued.

10 (b) Thirty percent for library purposes as provided by law.

11 (2) Subsection (1) is intended to maintain a source of revenue  
12 for public libraries ~~which~~**that** previously received penal fines for  
13 misdemeanor violations of this act ~~which~~**that** are now civil  
14 infractions.

15 (3) **A civil fine that is ordered under section 907 for a**  
16 **violation of section 627c must be paid to the state transportation**  
17 **department. The state transportation department shall deposit any**  
18 **civil fines described in this subsection in excess of the cost of**  
19 **installing and using automated speed enforcement systems under**  
20 **section 627c into the work zone safety fund created in section**  
21 **907a.**

22 Enacting section 1. This amendatory act does not take effect  
23 unless House Bill No. 4133 of the 102nd Legislature is enacted into  
24 law.

