

HOUSE BILL NO. 4132

February 22, 2023, Introduced by Reps. Snyder and Mueller and referred to the Committee on Transportation, Mobility and Infrastructure.

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**

1 limit with a type of speed timing device.

2 (b) Produces a recorded image of the vehicle described in
3 subdivision (a) that shows all of the following:

4 (i) A clear and legible identification of the vehicle's
5 registration plate.

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

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

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

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

19 (2) If an individual violates an applicable speed limit
20 described in section 627 by exceeding a posted speed limit by 10
21 miles per hour or more in a work zone while workers are present, on
22 the basis of a recorded image produced by an automated speed
23 enforcement system, all of the 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 Senate Bill No. ____ or House Bill No. 4133 (request no.
 24 01303'23) of the 102nd Legislature is enacted into law.