

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.627c Installation and use of automated speed enforcement systems in work zones; violations; report to legislature.

Sec. 627c.

(1) Beginning 1 year after the effective date of the amendatory act that added section 2c, the state transportation department may install and use or authorize the installation and use of an automated speed enforcement system in a work zone that is not separated from traffic by concrete barriers on a street or highway under the jurisdiction of the state transportation department. The installation and use of automated speed enforcement systems is subject to all of the following:

(a) A sign must be placed 1 mile before the start of a work zone where an automated speed enforcement system is installed and used under this section indicating that the work zone is monitored by an automated speed enforcement system.

(b) A digital display must be placed on or near the automated speed enforcement system that shows the speed of an approaching vehicle as measured by the automated speed enforcement system.

(c) Prioritization must be given to work zones that meet the following factors:

(i) The work zone is active and located on a freeway with a speed limit of 45 miles per hour or more.

(ii) Workers are exposed or there are traffic hazards, including, but not limited to, lane shifts, lane splits, lane width reductions, closed shoulders, and rough pavement.

(iii) The work zone will be active for 30 days or more.

(iv) There are no significant obstructions to line of sight for the automated speed enforcement system.

(d) Automated speed enforcement systems must be used in an equitable manner to avoid causing a disparate impact on specific communities.

(e) Not more than 4 automated speed enforcement systems may be installed and used at the same time within the jurisdiction of a state transportation department region office.

(f) The state transportation department may install and use an automated speed enforcement system only by contracting with a third-party vendor.

(g) An automated speed enforcement system must be activated and detecting vehicle speed for the purpose of enforcing this section only while workers are present in the work zone.

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

(a) An individual must be issued a written warning using a form that is created by the automated speed enforcement unit under subsection (7) for either of the following violations as described in this subsection:

(i) A first violation.

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

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

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

(3) A sworn statement of an automated speed enforcement system operator, based on inspecting a recorded image produced by an automated speed enforcement system, is prima facie evidence of the facts contained in the recorded image. A recorded image indicating a violation must be available for inspection in any proceeding to adjudicate the responsibility for a violation of this section. A recorded image indicating a violation must be destroyed as soon as the period for contesting the violation has lapsed, including any period for appeals, or as soon as the individual pays the civil fine in full, whichever occurs first.

(4) All of the following apply to a recorded image and any other data collected by an automated speed enforcement system:

(a) The image and data may be used only for the purpose of adjudicating a violation of this section.

(b) Except to the extent necessary to adjudicate a violation of this section, the image and data are confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) The image and data must not be shared with or sold to any private or public third party not involved with installing and using the automated speed enforcement system.

(5) In a proceeding for a violation of this section, prima facie evidence that the vehicle described in the citation

issued was operated in violation of this section, together with proof that the individual who was issued the citation was at the time of the violation the registered owner of the vehicle, creates a rebuttable presumption that the registered owner of the vehicle was the individual who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court stating that the registered owner was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that the registered owner was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rented vehicle shall provide the name and address of the individual to whom the vehicle was leased or rented at the time of the violation.

(6) Notwithstanding section 742, a citation for a violation of this section may be executed by the state transportation department or a person designated by the state transportation department by mailing by first-class mail a copy to the address of the registered owner of the vehicle as shown on the records of the secretary of state. The state transportation department shall also file the citation with the court having jurisdiction over the offense. If the summoned individual fails to appear on the date of return set out in the citation mailed under this subsection, the clerk of the court shall enter a default after certifying, on a form furnished by the court, that the defendant has not made a scheduled appearance or has not answered the citation within the time provided by law.

(7) Subject to appropriation, an automated speed enforcement unit is created within the state transportation department composed of individuals appointed by the director of the state transportation department, to do all of the following:

(a) Oversee the implementation and use of automated speed enforcement systems under this section.

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

(c) Create a form for the written warning described in subsection (2) and any other new written forms or notices necessary for enforcing this section.

(8) The state transportation department shall develop guidelines for installing and using automated speed enforcement systems. In developing the guidelines, the state transportation department shall consider best practices for installing and using automated speed enforcement systems and recommendations from the manufacturers of automated speed enforcement systems. The guidelines must include, but are not limited to, procedures for each of the following:

(a) Determining where to place an automated speed enforcement system.

(b) Regular calibration and maintenance of an automated speed enforcement system.

(9) By not later than March 1 of each year after the effective date of the amendatory act that added this section, the state transportation department shall submit to the members of the house of representatives and senate committees with jurisdiction over transportation, and make publicly available on the state transportation department website, a report on the use of automated speed enforcement systems in this state that includes, at a minimum, all of the following:

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

(b) The age and sex of the individuals given citations under this section.

(c) The locations where automated speed enforcement systems are installed and used, and where citations have been given.

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

(i) The costs of installing and using.

(ii) The revenue generated.

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

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