

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 2023 PA 40 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 using a scanning lidar system.
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 that is not separated from traffic by barriers on a
11 highway or street under the jurisdiction of the state
12 transportation department. A sign must be placed 1 mile before the
13 start of a work zone where an automated speed enforcement system is
14 installed and used under this section indicating that the work zone
15 is monitored by an automated speed 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 as soon as the period for contesting
19 the violation has lapsed, including any period for appeals, or as
20 soon as the individual pays the civil fine in full, whichever
21 occurs first.

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

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

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

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

4 (5) In a proceeding for a violation of this section, prima
5 facie evidence that the vehicle described in the citation issued
6 was operated in violation of this section, together with proof that
7 the individual who was issued the citation was at the time of the
8 violation the registered owner of the vehicle, creates a rebuttable
9 presumption that the registered owner of the vehicle was the
10 individual who committed the violation. The presumption is rebutted
11 if the registered owner of the vehicle files an affidavit by
12 regular mail with the clerk of the court stating that the
13 registered owner was not the operator of the vehicle at the time of
14 the alleged violation or testifies in open court under oath that
15 the registered owner was not the operator of the vehicle at the
16 time of the alleged violation. The presumption also is rebutted if
17 a certified copy of a police report, showing that the vehicle had
18 been reported to the police as stolen before the time of the
19 alleged violation of this section, is presented before the
20 appearance date established on the citation. For purposes of this
21 subsection, the owner of a leased or rented vehicle shall provide
22 the name and address of the individual to whom the vehicle was
23 leased or rented at the time of the violation.

24 (6) Notwithstanding section 742, a citation for a violation of
25 this section may be executed by mailing by first-class mail a copy
26 to the address of the registered owner of the vehicle as shown on
27 the records of the secretary of state. If the summoned individual
28 fails to appear on the date of return set out in the citation
29 previously mailed by first-class mail under this subsection, a copy

1 must be sent by certified mail-return receipt requested. If the
2 summoned individual fails to appear on either of the dates of
3 return set out in the copies of the citation mailed under this
4 subsection, the citation must be executed in the manner provided by
5 law for personal service. The court may issue a warrant for the
6 arrest of an individual who fails to appear within the time limit
7 established on the citation if a sworn complaint is filed with the
8 court for that purpose.

9 (7) Subject to appropriation, an automated speed enforcement
10 system unit is created within the department of state police
11 composed of individuals appointed by the director of the department
12 of state police, to do both of the following:

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

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

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

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

27 (b) The age, ethnicity, race, and sex of the individuals given
28 citations under this section.

29 (c) The locations where automated speed enforcement systems

1 are installed and used, and where citations have been given.

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

5 (i) The costs of installing and using.

6 (ii) The revenue generated.

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

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

14 (2) Permission may be granted for payment of a civil fine and
15 costs to be made within a specified period of time or in specified
16 installments but, unless permission is included in the order or
17 judgment, the civil fine and costs ~~must be~~ **are** payable immediately.
18 Except as otherwise provided, a person found responsible or
19 responsible "with explanation" for a civil infraction must pay
20 costs as provided in subsection (4) and 1 or more of the following
21 civil fines, as applicable:

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

26 (b) If the civil infraction was a moving violation that
27 resulted in an at-fault collision with another vehicle, an
28 individual, or any other object, the civil fine ordered under this
29 section is increased by \$25.00 but the total civil fine must not be

1 more than \$100.00.

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

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

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

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

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

15 (h) For a violation of section 602b, the civil fine ordered
16 under this section must be as follows:

17 (i) For a violation of section 602b(1), either of the
18 following:

19 (A) If the violation does not involve an accident, \$100.00 for
20 a first offense and \$250.00 for a second or subsequent offense.

21 (B) If the violation involves an accident, \$200.00 for a first
22 offense and \$500.00 for a second or subsequent offense.

23 (ii) For a violation of section 602b(2), either of the
24 following:

25 (A) If the violation does not involve an accident, \$200.00 for
26 a first offense and \$500.00 for a second or subsequent offense.

27 (B) If the violation involves an accident, \$400.00 for a first
28 offense and \$1,000.00 for a second or subsequent offense.

29 **(i) For a violation of section 627c, the civil fine ordered**

1 under this section must not be more than \$150.00 for a second
2 violation as described in section 627c(2) (b) and \$300.00 for a
3 third or subsequent violation described in section 627c(2) (c) .

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

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

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

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

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

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

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

28 (4) If a civil fine is ordered under subsection (2) or (3),
29 the judge or district court magistrate shall summarily tax and

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

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

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

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

29 (8) The state court administrator shall annually publish and

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

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

14 (10) A default in the payment of a civil fine or costs ordered
15 under subsection (2), (3), or (4) or a justice system assessment
16 ordered under subsection (12), or an installment of the fine,
17 costs, or assessment, may be collected by a means authorized for
18 the enforcement of a judgment under chapter 40 of the revised
19 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
20 under chapter 60 of the revised judicature act of 1961, 1961 PA
21 236, MCL 600.6001 to 600.6098.

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

28 (12) In addition to any civil fines or costs ordered to be
29 paid under this section, the judge or district court magistrate

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

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

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

27 (15) If a person is determined to be responsible or
28 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, the person must
3 be ordered to pay costs as provided in subsection (4) and a civil
4 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.