

HOUSE BILL No. 5454

March 6, 2012, Introduced by Reps. Roy Schmidt, Slavens, Lyons, Wayne Schmidt, Foster, Haveman, Byrum, Geiss, Yonker and Lipton and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 751.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 751. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 LAW ENFORCEMENT AGENCY SHALL NOT USE AN UNMANNED TRAFFIC MONITORING
3 DEVICE TO DETECT OR ENFORCE ANY OF THE FOLLOWING:

4 (A) MOVING VIOLATIONS INVOLVING TRAFFIC SIGNS, SIGNALS, OR
5 MARKINGS.

6 (B) SPEED LIMITATIONS.

7 (C) PROOF OF FINANCIAL RESPONSIBILITY REQUIREMENTS.

8 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

9 (A) RAILROAD CROSSING VIOLATIONS UNDER SECTIONS 667 AND 667A.

10 (B) A LAW ENFORCEMENT OFFICER'S ISSUANCE OF A CITATION IF BOTH

1 OF THE FOLLOWING CONDITIONS ARE MET:

2 (i) THE LAW ENFORCEMENT OFFICER IS PRESENT WITH THE UNMANNED
3 TRAFFIC MONITORING DEVICE.

4 (ii) THE LAW ENFORCEMENT OFFICER ISSUES THE CITATION TO THE
5 VIOLATOR AT THE TIME AND PLACE OF THE VIOLATION.

6 (3) THIS SECTION DOES NOT APPLY TO AN OFFICER OF THE
7 DEPARTMENT OF STATE POLICE WHO IS ENFORCING STATE OR FEDERAL MOTOR
8 CARRIER LAWS.

9 (4) AS USED IN THIS SECTION, "UNMANNED TRAFFIC MONITORING
10 DEVICE" MEANS A SYSTEM THAT USES A PHOTO-RADAR DEVICE THAT DETECTS
11 AND PHOTOGRAPHS OR RECORDS AN IMAGE OF A VEHICLE USED IN COMMITTING
12 A VIOLATION DESCRIBED IN SUBSECTION (1), OR OF THE OPERATOR OR
13 LICENSE PLATE OF THE VEHICLE.