

SENATE BILL NO. 874

February 15, 2022, Introduced by Senator SCHMIDT and referred to the Committee on Transportation 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 907b.

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 6
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) For a first violation as described in this subsection, the
25 individual must be issued a written warning using a form that is
26 authorized by the department of state police.

27 (b) For a second violation as described in this subsection,
28 the individual is responsible for a civil infraction and must be
29 ordered to pay a civil fine of not more than \$150.00.

1 (c) For a third or subsequent violation as described in this
2 subsection, the individual is responsible for a civil infraction
3 and must be ordered to pay a civil fine of not more than \$300.000.

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

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

1 vehicle shall provide the name and address of the individual to
2 whom the vehicle was leased or rented at the time of the violation.

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

17 (6) Subject to appropriation, an automated speed enforcement
18 system unit is created within the department of state police
19 composed of individuals appointed by the director of the department
20 of state police, to do both of the following:

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

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

26 (7) Not later than 5 years after the effective date of the
27 amendatory act that added this section, the department of state
28 police shall submit to the members of the house of representatives
29 and senate committees with jurisdiction over transportation a

1 report on the use of automated speed enforcement systems in this
 2 state that includes, at a minimum, both of the following:

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

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

7 (i) The costs of installing and using.

8 (ii) The revenue generated.

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

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

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

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

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

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

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

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

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

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

17 **(i) For a violation of section 627c, the civil fine ordered**
18 **under this section must not be more than \$150.00 for a second**
19 **offense and \$300.00 for a third or subsequent offense.**

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

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

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

28 **(m) ~~(l)~~**—For a violation of section 682 or a local ordinance
29 that substantially corresponds to section 682, the civil fine

1 ordered under this section must not be less than \$100.00 or more
2 than \$500.00.

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

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

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

15 (4) If a civil fine is ordered under subsection (2) or (3),
16 the judge or district court magistrate shall summarily tax and
17 determine the costs of the action, which are not limited to the
18 costs taxable in ordinary civil actions, and may include all
19 expenses, direct and indirect, to which the plaintiff has been put
20 in connection with the civil infraction, up to the entry of
21 judgment. Costs must not be ordered in excess of \$100.00. A civil
22 fine ordered under subsection (2) or (3) must not be waived unless
23 costs ordered under this subsection are waived. Except as otherwise
24 provided by law, costs are payable to the general fund of the
25 plaintiff.

26 (5) In addition to a civil fine and costs ordered under
27 subsection (2) or (3) and subsection (4) and the justice system
28 assessment ordered under subsection (12), the judge or district
29 court magistrate may order the ~~person~~ **individual** to attend and

1 complete a program of treatment, education, or rehabilitation.

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

6 (7) Each district of the district court and each municipal
7 court may establish a schedule of civil fines, costs, and
8 assessments to be imposed for civil infractions that occur within
9 the respective district or city. If a schedule is established, it
10 must be prominently posted and readily available for public
11 inspection. A schedule need not include all violations that are
12 designated by law or ordinance as civil infractions. A schedule may
13 exclude cases on the basis of a defendant's prior record of civil
14 infractions or traffic offenses, or a combination of civil
15 infractions and traffic offenses.

16 (8) The state court administrator shall annually publish and
17 distribute to each district and court a recommended range of civil
18 fines and costs for first-time civil infractions. This
19 recommendation is not binding on the courts having jurisdiction
20 over civil infractions but is intended to act as a normative guide
21 for judges and district court magistrates and a basis for public
22 evaluation of disparities in the imposition of civil fines and
23 costs throughout this state.

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

1 (10) A default in the payment of a civil fine or costs ordered
2 under subsection (2), (3), or (4) or a justice system assessment
3 ordered under subsection (12), or an installment of the fine,
4 costs, or assessment, may be collected by a means authorized for
5 the enforcement of a judgment under chapter 40 of the revised
6 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
7 under chapter 60 of the revised judicature act of 1961, 1961 PA
8 236, MCL 600.6001 to 600.6098.

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

15 (12) In addition to any civil fines or costs ordered to be
16 paid under this section, the judge or district court magistrate
17 shall order the defendant to pay a justice system assessment of
18 \$40.00 for each civil infraction determination, except for a
19 parking violation or a violation for which the total fine and costs
20 imposed are \$10.00 or less. On payment of the assessment, the clerk
21 of the court shall transmit the assessment collected to the state
22 treasury to be deposited into the justice system fund created in
23 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
24 600.181. An assessment levied under this subsection is not a civil
25 fine for purposes of section 909.

26 (13) If ~~a person~~**an individual** has received a citation for a
27 violation of section 223, the court shall waive any civil fine,
28 costs, and assessment, on receipt of certification by a law
29 enforcement agency that the ~~person,~~**individual**, before the

1 appearance date on the citation, produced a valid registration
2 certificate that was valid on the date the violation of section 223
3 occurred.

4 (14) If a person has received a citation for a violation of
5 section 328(1) for failing to produce a certificate of insurance
6 under section 328(2), the court may waive the fee described in
7 section 328(3)(c) and shall waive any fine, costs, and any other
8 fee or assessment otherwise authorized under this act on receipt of
9 verification by the court that the person, before the appearance
10 date on the citation, produced valid proof of insurance that was in
11 effect at the time the violation of section 328(1) occurred.
12 Insurance obtained subsequent to the time of the violation does not
13 make the person eligible for a waiver under this subsection.

14 (15) If a person is determined to be responsible or
15 responsible "with explanation" for a civil infraction under this
16 act or a local ordinance that substantially corresponds to a
17 provision of this act and the civil infraction arises out of the
18 ownership or operation of a commercial quadricycle, he or she must
19 be ordered to pay costs as provided in subsection (4) and a civil
20 fine of not more than \$500.00.

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

25 **Sec. 907b. (1) The work zone safety fund is created in the**
26 **state treasury.**

27 **(2) The state treasurer shall deposit money and other assets**
28 **received from any other source in the fund. The state treasurer**
29 **shall direct the investment of money in the fund and credit**

1 interest and earnings from the investments to the fund.

2 (3) The state transportation department is the administrator
3 of the fund for audits of the fund.

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

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

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

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

13 Sec. 909. (1) Except as provided in ~~subsection~~ **subsections** (2)
14 **and (3)**, a civil fine ~~which~~ **that** is ordered under section 907 for a
15 violation of this act or other state statute ~~shall~~ **must** be
16 exclusively applied to the support of public libraries and county
17 law libraries in the same manner as is provided by law for penal
18 fines assessed and collected for violation of a penal law of ~~the~~
19 **this** state. A civil fine ordered for a violation of a code or
20 ordinance of a local authority regulating the operation of
21 commercial motor vehicles and substantially corresponding to a
22 provision of this act ~~shall~~ **must** be paid to the county treasurer
23 and ~~shall~~ **must** be allocated as follows:

24 (a) Seventy percent to the local authority in which the
25 citation is issued.

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

27 (2) Subsection (1) is intended to maintain a source of revenue
28 for public libraries ~~which~~ **that** previously received penal fines for
29 misdemeanor violations of this act ~~which~~ **that** are now civil

1 infractions.

2 (3) A civil fine that is ordered under section 907 for a
3 violation of section 627c must be paid to the state transportation
4 department. The state transportation department shall deposit any
5 civil fines described in this subsection in excess of the cost of
6 installing and using automated speed enforcement systems under
7 section 627c into the work zone safety fund created in section
8 907b.