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House Bill 4132 (Substitute S-1 as reported)  
House Bill 4133 (as reported without amendment)  
Sponsor: Representative Will Snyder (H.B. 4132)  
Representative Mike Mueller (H.B. 4133)  
House Committee: Transportation, Mobility and Infrastructure  
Senate Committee: Transportation and Infrastructure

## **CONTENT**

House Bill 4132 (S-1) would amend the Michigan Vehicle Code to do the following:

- Allow the Department of State Police (MSP) and the Department of Transportation (MDOT) to authorize the installation and use of an automated speed enforcement system in a work zone.
- Require a sign to be placed one mile before the start of a work zone where an automated speed enforcement system was installed and used.
- Create an automated speed enforcement system unit within the MSP.
- Prescribe penalties, including written warnings and civil fines, for exceeding the posted speed limit in a work zone by 10 miles per hour, as evidenced by an automated speed enforcement system.
- Allow a recorded image and any other data collected by an automated speed enforcement system to be used as evidence in a proceeding for a violation.
- Prescribe privacy and confidentiality requirements for data collected by an automated speed enforcement system.
- Create the Work Zone Safety Fund in the State Treasury.
- Require civil fines collected under the bill to be used to cover the cost of installing and using automated speed enforcement systems and require any excess revenue to be paid into the Fund.

House Bill 4133 would amend the Revised Judicature Act to require a civil fine issued under House Bill 4132 (S-1) to be paid to MDOT and distributed as prescribed by House Bill 4132 (S-1).

The bills are tie-barred.

MCL 257.907 et al. (H.B. 4132)  
600.8379 (H.B. 4133)

## **BRIEF RATIONALE**

In 2022, there were 7,436 work zone crashes in Michigan, resulting in 23 fatalities and 1,928 injuries.<sup>1</sup> According to testimony before the Senate Committee on Transportation and Infrastructure, speeding often contributes to work zone crashes. Accordingly, to increase work zone safety, it has been suggested that the State embrace measures designed to reduce speeding, such as automated speed enforcement systems.

Legislative Analyst: Abby Schneider

<sup>1</sup> "Work Zone Safety Fast Facts", [www.michigan.gov](http://www.michigan.gov). Retrieved 3-19-2024.

## **FISCAL IMPACT**

### MDOT

The bills would allow for the use of automated electronic speed enforcement devices and limit the use of these devices to MDOT controlled roads. It would have no direct fiscal impact on local road agencies. The Department could recoup costs from the fines received. If the fines were less than the cost of implementation, the result would be a negative fiscal impact on MDOT.

### Treasury

The bills would have no fiscal impact on the Department of Treasury. Based on the level of estimated revenue within the Fund, the ongoing costs associated with administering and investing the Fund would be less than \$100 and are within current appropriations.

### MSP

The bills would have a considerable fiscal impact on the MSP by requiring the MSP to create an Automated Speed Enforcement System Unit. While they require the establishment of the unit only if funds were to be appropriated for this purpose – and the bill provides for no appropriation – the MSP claims that the establishment of the Unit could require six full-time equivalent positions at a cost of \$985,000 annually, depending on the ultimate scope of the program. The MSP also notes that each citation issued would cost it approximately 65 cents, plus other costs if notices were required to be sent via certified mail or if personal service were necessary. The MSP also states that they would require one-time costs for equipment, outfitting costs, and information technology of approximately \$20,000, along with ongoing annual technology costs of approximately \$5,000.

### Local

The bills state that the registered owner of the vehicle may dispute this fine through a written affidavit or through court testimony that the owner was not the driver when the fine was issued. In the extreme, everyone who received this fine could write an affidavit claiming to not have been the driver during the speeding incident, thus reducing fine revenue to zero unless the police were able to gain evidence that the registered owner was in fact the driver at the time of the speeding incident, which would cause additional costs to local police departments.

Any revenue collected by MDOT from these fines on top of the cost of implementation would go to the new Fund. Fines from traditional speeding tickets in work zones would be replaced by fines from the automated devices, directing any revenue from the traditional speeding ticket to MDOT instead. Fine revenues for speeding tickets issued for a violation of State speeding limits traditionally go to local government treasurers for distribution to local public libraries and county law libraries. In FY 2021-22, over \$20.0 million in fine revenue was collected and distributed to county treasurers for subsequent distribution to libraries. It is not clear how much of such revenue could be diverted to the new Fund under the bill.

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.