

Legislative Analysis



ALLOW SPEED DETECTION SYSTEMS IN SCHOOL ZONES

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House Bill 4921 as introduced
Sponsor: Rep. John Fitzgerald
Committee: Local Government and Municipal Finance
Complete to 9-27-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4921 would amend the Michigan Vehicle Code to allow *speed detection systems* to be used in school zones (see **Background**, below). A violation of the bill's provisions or a substantially corresponding local ordinance would be a civil infraction subject to a \$150 fine.

Speed detection system would mean a portable or fixed automated system that uses radar or lidar to detect a vehicle's speed and that captures a recorded image of the rear of a vehicle that exceeds the speed limit in force at the time of the violation.

Under the bill, a county or local authority¹ could install and use a speed detection system in a school zone on a highway or street under its jurisdiction or, with the permission of the Michigan Department of Transportation, a school zone on a state highway or street. A county or local authority could contract with a third-party vendor to install and use the system.

Before using a speed detection system, a county or local authority would have to publicly announce the proposed use of the system and place a sign at the start of the school zone indicating that it is monitored by the speed detection system. The county or local authority would have to conduct a public awareness campaign for at least 30 days before using the system to issue citations, but written warnings could be sent to individuals who violate applicable school zone speed limits by 10 or more miles per hour during the public awareness campaign.

Violations

Once the speed detection system is in place, an individual who exceeds a posted school zone speed limit by at least 10 miles per hour, based on a recorded image produced by the system, would be responsible for a civil infraction and a fine of \$150.

A citation for a violation based on a speed detection system could be executed by sending a copy of the citation by first-class mail to the address of the registered owner of the vehicle. If the individual fails to appear on the date of return set by the citation, a second copy of the citation would have to be sent. If the summoned individual fails to appear on either of the dates of return, they would be considered to admit responsibility for the civil infraction, and the fine could be enforced as provided in the Michigan Vehicle Code or through an administrative order, as described below.

In a proceeding for a violation, prima facie evidence that the vehicle described in the citation was operated in violation of the posted school speed limit by at least 10 miles per hour and

¹ A "local authority" is defined under the Michigan Vehicle Code as any local board or body authorized to enact traffic laws under Michigan law.

proof that the individual who was issued the citation was the registered owner of the vehicle at the time of the violation would create a rebuttable presumption that the registered owner of the vehicle committed the violation unless either of the following occurs:

- The registered owner of the vehicle files an affidavit by mail with the appropriate court clerk stating that they were not operating the vehicle at the time of the alleged violation or testifies in open court under oath that they were not the operator of the vehicle at the time of the alleged violation and provides the name and address of the individual who was operating the vehicle at the time of the alleged violation.
- A certified copy of a police report that shows that the vehicle was reported as stolen before the alleged violation is presented before the appearance date established by the citation.

The owner of a leased or rented vehicle would have to provide the name and address of the individual to whom the vehicle was leased or rented at the time of the violation.

Speed detection system evidence

A sworn statement of a police officer who inspects a recorded image produced by a speed detection system would be considered prima facie evidence of the facts contained in the image. An image that indicates a violation would have to be available for inspection in any proceeding to adjudicate the responsibility for the violation but would have to be destroyed 90 days after the final disposition of the citation.

Administrative hearing

As an alternative to the procedures provided under the Michigan Vehicle Code for civil infractions, a county or local authority could adopt an ordinance providing for an administrative hearing process for individuals who contest a citation based on a speed detection system. The ordinance would have to include hearing procedures that are substantially similar to the procedures for a contested case under the Administrative Procedures Act and would have to appoint one or more officers to conduct the hearings. Citations issued by the county or local authority would have to include instructions on how the individual can contest the citation before a hearing officer.

After holding a hearing, the officer would issue a final administrative order that requires the individual to pay the \$150 fine and any related costs or dismisses the citation if there is insufficient evidence. An individual could appeal the order to the district court, which would then conduct a de novo formal hearing. If an individual fails to pay the amount ordered and does not appeal the order, they would be subject to an additional \$50 fee. The county or local authority would be able to collect any amount owed by contracting with a private debt collector or seeking the entry of a judgement by the district court.

Report

Within five years of the bill's effective date, each county or local authority that uses a speed detection system would have to submit a report on the use of the system to the members of the House and Senate committees that have jurisdiction over transportation. The report would have to include the following information in relation to the speed detection system:

- The number of citations issued.
- An accounting of the costs of installing and using the system.
- An accounting of the amount collected in civil fines.

- An analysis on the effect of the use of the system on the number of speeding vehicles in the county or local authority's jurisdiction.

MCL 257.907 and proposed MCL 257.79g and 207.627c

BACKGROUND:

The Michigan Vehicle Code provides that a school zone speed limit on a highway segment in a school zone is in force not more than 30 minutes before the first regularly scheduled school session (rounded to the nearest multiple of five minutes) until school begins, and from dismissal until not more than 30 minutes after the last regularly scheduled school session (rounded to the nearest multiple of five minutes).² A school zone speed limit can be decreased by up to 20 miles per hour less than the speed limit normally posted but cannot be less than 25 miles per hour.

FISCAL IMPACT:

House Bill 4921 would authorize the installation and use of a speed detection system in a school zone by a county or local authority. The bill would not have a direct fiscal impact on the state or on local units of government. The bill is permissive only. It authorizes but does not mandate the use of speed detection devices under specific conditions defined in the bill. There could be potential costs to counties and local authorities that elected to install and use speed detection devices. Those costs are not available at this time.

The bill would have an indeterminate fiscal impact on the state and on local units of government that would depend on the number of jurisdictions implementing the speed detection systems and, subsequently, the number of individuals that violate school zone speed limits. Violators could be held responsible for a civil infraction and ordered to pay a fine of \$150. Revenue collected from payment of the civil fine would be used to support public and county law libraries. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state's Justice System Fund. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that would occur under provisions of the bill, an estimate of the amount of additional revenue for the state and for libraries cannot be made.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

² A school superintendent can modify the start times of the 30-minute before-school and after-school periods and can designate an off-campus lunch period as a period during which the school zone speed limit applies.