

# Legislative Analysis



## ALLOW SPEED DETECTION SYSTEMS IN SCHOOL ZONES

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<http://www.house.mi.gov/hfa>

**House Bill 4921 (H-2) as reported from committee**  
**Sponsor: Rep. John Fitzgerald**

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

**House Bill 5726 as reported from committee**  
**Sponsor: Rep. Mike McFall**

**Committee: Local Government and Municipal Finance**  
**Complete to 5-29-24**

### 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 fine of \$100 to \$150. House Bill 5726 is a companion bill that would make complementary changes to the Revised Judicature Act.

*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 **House Bill 4921**, a county or local authority<sup>1</sup> 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, which would have to include a presentation to the school board of the school district in which the speed detection system will be used to ensure that parents, faculty, and staff are aware of the system's implementation. During the first 30 days of a public awareness campaign, a speed detection system could only be used to send written warnings to individuals who violate applicable school speed zone limits by 10 or more miles per hour.

### Violations

After the first 30 days of the public awareness campaign, an individual who exceeds a posted school zone speed limit by 10 or more miles per hour, based on a recorded image produced by the system, would be responsible for a civil infraction and a fine of at least \$100 and no more than \$150.

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

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 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 fine and any related costs or that 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.

### Fines

A civil fine issued for a violation of the bill or a corresponding local ordinance would be paid to the appropriate county treasurer or their designee and distributed to the county or local authority that installed and used the speed detection system. Money from the fines would be used to cover the cost of installing and using the system, in addition to funding public safety initiatives and safety-related traffic programs. A county treasurer could contract with a private vendor, including a third-party vendor contracted with for the installation and use of a speed detection system, to process the fines.

### 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 257.909 and proposed MCL 257.79g and 207.627c

**House Bill 5726** would amend the Revised Judicature Act, which provides for the distribution of fines and costs ordered in a state or local civil infraction action, to make complementary changes regarding the distribution of civil fine revenue proposed by HB 4921.

Under the bill, a civil fine ordered in a civil infraction action for violating a school zone speed limit by 10 or more miles per hour based on a recorded image produced by a speed detection system, or for violating a substantially corresponding county, city, village, or township ordinance, would have to be paid to the appropriate county treasurer or their designee and distributed to a county or local authority in accordance with the provisions of HB 4921.

MCL 600.8379 and 600.8396

The bills are tie-barred together, meaning that neither bill can take effect unless both are enacted.

## **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).<sup>2</sup> 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.

According to the Insurance Institute for Highway Safety, automated speed enforcement systems have been implemented in some capacity in 21 states and the District of Columbia.<sup>3</sup> The National Conference of State Legislatures reports that as of 2022, at least 12 states allow the use of these systems in school zones.<sup>4</sup>

The H-2 substitute for House Bill 4921 also serves as a “conflict substitute” to reflect changes made to section 907 of the Michigan Vehicle Code by 2024 PA 22, an act that revised the law’s requirements for car seats and booster seats.<sup>5</sup> 2024 PA 22 was signed into law in March 2024 and will take effect 90 days after the legislature adjourns its 2024 session. (Without a substitute that takes both bills into account, the last bill signed into law would overwrite and undo the changes made by the earlier one. In addition, the H-2 substitute is written in a way that would ensure that, if HB 4921 were to take effect before 2024 PA 22, the changes made to section 907 by 2024 PA 22 would not become effective before the rest of the act.)

## **BRIEF DISCUSSION:**

According to committee testimony, local governments facing law enforcement shortages can lack the capacity to enforce school zone speed limits. Supporters of House Bills 4921 and 5726 suggest that to solve this problem, local governments should be allowed to use speed detection technology in school zones to improve safety and promote responsible driving. They argue that the bills address speeding in an equitable and educational manner by focusing on outreach and only issuing citations to those who violate the speed limit by 10 or more miles per hour, a speed at which serious collisions are more likely to occur.

Opponents of House Bills 4921 and 5726 believe that because section 9 of Article VIII of the state constitution requires all penal (e.g., criminal) fines to be directed to public libraries and county law libraries, the exemption for civil fines proposed by the bills conflicts with that principle and the traditional allocation of civil fines to libraries. Additionally, concerns were raised about inconsistencies with current language in the Michigan Vehicle Code, such as House Bill 4921’s provisions regarding an administrative hearing process and a traffic citation specific to speeding in a school zone.

## **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

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<sup>2</sup> 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.

<sup>3</sup> See <https://www.ihs.org/topics/speed/speed-camera-communities>.

<sup>4</sup> See <https://www.ncsl.org/transportation/traffic-safety-review-state-speed-and-red-light-camera-laws-and-programs#anchor16197>.

<sup>5</sup> See <https://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-4511-152E1FAB.pdf>.

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 bills would have an indeterminate fiscal impact on local units of government. The impact 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 would be held responsible for a civil infraction and ordered to pay a fine of not less than \$100 and not more than \$150. Under the bills, revenue collected from civil fines paid for violating section 627c would be distributed to the county or local authority to be used to cover costs of installing and using the system, in addition to funding public safety initiatives and safety-related traffic programs. Under section 909 of the Michigan Vehicle Code, civil fine revenue is required to be applied exclusively to the support of public and county law libraries, so the bills would reduce revenue for public and county law libraries, as revenue collected from civil fines would be redirected to the county or local authority instead. There is no practical way to determine the number of violations that would occur, so there is no practical way to estimate the amount of additional civil fine revenue that would be collected.

## **POSITIONS:**

Blue Line Solutions indicated support for the bills. (5-21-24)

The following entities indicated support for House Bill 4921:

- Detroit Greenways Coalition (9-27-23)
- Michigan Municipal League (5-21-24)
- Southeast Michigan Council of Governments (9-27-23)

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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.