

**SUBSTITUTE FOR
HOUSE BILL NO. 4921**

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 2024 PA 22 and section 909 as amended by 2000 PA
94, and by adding sections 79g and 627c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 79g. "Speed detection system" means a portable or fixed**
2 **automated system used to detect a vehicle's speed with radar or**
3 **lidar and to capture a recorded image of the rear of a vehicle that**
4 **exceeds the speed limit in force at the time of the violation.**

5 **Sec. 627c. (1) A speed detection system may be installed and**
6 **used in a school zone by a county or local authority as follows:**

7 **(a) On a state highway or street with the permission of the**

1 state transportation department.

2 (b) On a highway or street under the jurisdiction of the
3 county or local authority.

4 (2) A sign must be placed at the start of a school zone where
5 a speed detection system is installed and used under this section
6 indicating that the school zone is monitored by a speed detection
7 system.

8 (3) For not less than 30 days before a county or a local
9 authority installs and uses a speed detection system for the first
10 time, the county or local authority must make a public announcement
11 and conduct a public awareness campaign within its jurisdiction on
12 the proposed use of the speed detection system. The public
13 awareness campaign described in this subsection must include a
14 presentation to the school board of the school district in which
15 the speed detection system will be used, to ensure that parents,
16 faculty, and staff have full public awareness of the impending use
17 of the speed detection system. During the first 30 days of the
18 public awareness campaign, the speed detection system may be used
19 only to send a written warning to any individual who violates an
20 applicable school zone speed limit as described in subsection (4).

21 (4) Except as otherwise provided in subsection (8), both of
22 the following apply to an individual who violates an applicable
23 school zone speed limit established under section 627a by exceeding
24 a posted school zone speed limit by 10 miles per hour or more,
25 based on a recorded image produced by a speed detection system,:

26 (a) For a violation during the first 30 days of a public
27 awareness campaign, the individual must be given a written warning
28 only.

29 (b) For a violation after the first 30 days of a public

1 awareness campaign, the individual is responsible for a civil
2 infraction and must be ordered to pay a civil fine of not less than
3 \$100.00 or more than \$150.00.

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

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

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

4 (7) Notwithstanding section 742, a citation for a violation
5 based on a speed detection system may be executed by mailing by
6 first-class mail a copy to the address of the registered owner of
7 the vehicle as shown on the records of the secretary of state. If
8 the summoned individual fails to appear on the date of return set
9 out in the citation previously mailed by first-class mail under
10 this subsection, a second copy must be sent by first-class mail. If
11 the summoned individual fails to appear on either of the dates of
12 return set out in the copies of the citation mailed under this
13 subsection, the individual admits responsibility for the civil
14 infraction and the civil fine may be enforced as provided in
15 subsection (8) if a county or local authority adopts the procedures
16 described in subsection (8), or as otherwise provided in this act.

17 (8) A county or local authority may by ordinance use an
18 administrative hearing procedure as an alternative to the
19 procedures under this act only for civil infractions under this
20 section by appointing 1 or more individuals as hearing officers to
21 conduct administrative hearings for individuals who contest a
22 citation given under this section. The ordinance described in this
23 subsection must include procedures for the administrative hearings,
24 that must, except as otherwise provided in this subsection, be
25 substantially similar to the procedures for a contested case under
26 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
27 to 24.328. If the county or local authority appoints a hearing
28 officer under this subsection, a citation given under this section
29 by the county or local authority must include instructions for how

1 the individual may contest the citation before a hearing officer.
2 After the opportunity for a hearing, the hearing officer may issue
3 a final administrative order requiring the individual to pay the
4 civil fine and costs, or may dismiss the citation if there is
5 insufficient evidence to support a finding of a violation of this
6 section. An individual may appeal a final administrative order
7 under this section to the district court, which shall conduct a de
8 novo formal hearing under section 747. If an individual fails to
9 pay the amount ordered under this subsection and fails to appeal
10 the final administrative order, the individual is responsible for
11 an additional \$50.00 fee. The county or local authority may collect
12 an amount owed under this section by contracting with a private
13 debt collector or by seeking the entry of a judgment by the
14 district court.

15 (9) A county or local authority may contract with a third
16 party vendor to install and use a speed detection system under this
17 section.

18 (10) Not later than 5 years after the effective date of the
19 amendatory act that added this section, each county or local
20 authority using a speed detection system under this section shall
21 submit to the members of the house of representatives and senate
22 committees with jurisdiction over transportation a report on the
23 use of speed detection systems that includes, at a minimum, all of
24 the following:

25 (a) The number of citations issued under this section.

26 (b) An accounting of both of the following relating to speed
27 detection systems installed and used under this section:

28 (i) The costs of installing and using.

29 (ii) The amount of the civil fines collected.

1 **(c) An analysis of the effect that the use of the speed**
2 **detection system has had on the number of speeding vehicles in the**
3 **jurisdiction of the county or local authority.**

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

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

16 (a) Except as otherwise provided, for a civil infraction under
17 this act or a local ordinance that substantially corresponds to a
18 provision of this act, the person must be ordered to pay a civil
19 fine of not more than \$100.00.

20 (b) If the civil infraction was a moving violation that
21 resulted in an at-fault collision with another vehicle, an
22 individual, or any other object, the civil fine ordered under this
23 section is increased by \$25.00 but the total civil fine must not be
24 more than \$100.00.

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

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

29 (e) For a first violation of section 319f(1), the civil fine

1 ordered under this section must not be less than \$2,500.00 or more
2 than \$2,750.00; for a second or subsequent violation, the civil
3 fine must not be less than \$5,000.00 or more than \$5,500.00.

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

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

9 (h) For a violation of section 602b, the civil fine ordered
10 under this section must be as follows:

11 (i) For a violation of section 602b(1), either of the
12 following:

13 (A) If the violation does not involve an accident, \$100.00 for
14 a first offense and \$250.00 for a second or subsequent offense.

15 (B) If the violation involves an accident, \$200.00 for a first
16 offense and \$500.00 for a second or subsequent offense.

17 (ii) For a violation of section 602b(2), either of the
18 following:

19 (A) If the violation does not involve an accident, \$200.00 for
20 a first offense and \$500.00 for a second or subsequent offense.

21 (B) If the violation involves an accident, \$400.00 for a first
22 offense and \$1,000.00 for a second or subsequent offense.

23 **(i) For a violation of section 627c(4)(b) or a local ordinance**
24 **that substantially corresponds to section 627c(4)(b), the civil**
25 **fine under this section must not be less than \$100.00 or more than**
26 **\$150.00.**

27 (j) ~~(i)~~ For a violation of section 674(1)(s) or a local
28 ordinance that substantially corresponds to section 674(1)(s), the
29 civil fine ordered under this section must not be less than \$100.00

1 or more than \$250.00.

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

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

6 **(m)** ~~(l)~~—For a violation of section 682 or a local ordinance
7 that substantially corresponds to section 682, the civil fine
8 ordered under this section must not be less than \$100.00 or more
9 than \$500.00.

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

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

15 (3) Except as otherwise provided in this section, if an
16 individual is determined to be responsible or responsible "with
17 explanation" for a civil infraction under this act or a local
18 ordinance that substantially corresponds to a provision of this act
19 while driving a commercial motor vehicle, the individual must be
20 ordered to pay costs as provided in subsection (4) and a civil fine
21 of not more than \$250.00.

22 (4) If a civil fine is ordered under subsection (2) or (3),
23 the judge or district court magistrate shall summarily tax and
24 determine the costs of the action, which are not limited to the
25 costs taxable in ordinary civil actions, and may include all
26 expenses, direct and indirect, to which the plaintiff has been put
27 in connection with the civil infraction, up to the entry of
28 judgment. Costs must not be ordered in excess of \$100.00. A civil
29 fine ordered under subsection (2) or (3) must not be waived unless

1 costs ordered under this subsection are waived. Except as otherwise
2 provided by law, costs are payable to the general fund of the
3 plaintiff.

4 (5) In addition to a civil fine and costs ordered under
5 subsection (2) or (3) and subsection (4) and the justice system
6 assessment ordered under subsection (12), the judge or district
7 court magistrate may order the individual to attend and complete a
8 program of treatment, education, or rehabilitation.

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

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

23 (8) The state court administrator shall annually publish and
24 distribute to each district and court a recommended range of civil
25 fines and costs for first-time civil infractions. This
26 recommendation is not binding on the courts that have jurisdiction
27 over civil infractions but is intended to act as a normative guide
28 for judges and district court magistrates and a basis for public
29 evaluation of disparities in the imposition of civil fines and

1 costs throughout this state.

2 (9) If a person has received a civil infraction citation for
3 defective safety equipment on a vehicle under section 683, the
4 court shall waive a civil fine, costs, and assessments on receipt
5 of certification by a law enforcement agency that repair of the
6 defective equipment was made before the appearance date on the
7 citation.

8 (10) A default in the payment of a civil fine or costs ordered
9 under subsection (2), (3), or (4) or a justice system assessment
10 ordered under subsection (12), or an installment of the fine,
11 costs, or assessment, may be collected by a means authorized for
12 the enforcement of a judgment under chapter 40 of the revised
13 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
14 under chapter 60 of the revised judicature act of 1961, 1961 PA
15 236, MCL 600.6001 to 600.6098.

16 (11) ~~The~~ **Before the effective date of 2024 PA 22, the court**
17 **may waive any civil fine, cost, or assessment against an individual**
18 **who received a civil infraction citation for a violation of section**
19 **710d if the individual, before the appearance date on the citation,**
20 **supplies the court with evidence of acquisition, purchase, or**
21 **rental of a child seating system meeting the requirements of**
22 **section 710d. Beginning on the effective date of 2024 PA 22, the**
23 court may waive any civil fine, cost, or assessment against an
24 individual who received a civil infraction citation for a violation
25 of section 710d if the individual, before the appearance date on
26 the citation, supplies the court with evidence of acquisition of a
27 child seating system that meets the requirements of section 710d
28 and evidence that the individual has received education from a
29 certified child passenger safety technician.

1 (12) In addition to any civil fines or costs ordered to be
2 paid under this section, the judge or district court magistrate
3 shall order the defendant to pay a justice system assessment of
4 \$40.00 for each civil infraction determination, except for a
5 parking violation or a violation for which the total fine and costs
6 imposed are \$10.00 or less. On payment of the assessment, the clerk
7 of the court shall transmit the assessment collected to the state
8 treasury to be deposited into the justice system fund created in
9 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
10 600.181. An assessment levied under this subsection is not a civil
11 fine for purposes of section 909.

12 (13) If a person has received a citation for a violation of
13 section 223, the court shall waive any civil fine, costs, and
14 assessment on receipt of certification by a law enforcement agency
15 that the person, before the appearance date on the citation,
16 produced a valid registration certificate that was valid on the
17 date the violation of section 223 occurred.

18 (14) If a person has received a citation for a violation of
19 section 328(1) for failing to produce a certificate of insurance
20 under section 328(2), the court may waive the fee described in
21 section 328(3)(c) and shall waive any fine, costs, and any other
22 fee or assessment otherwise authorized under this act on receipt of
23 verification by the court that the person, before the appearance
24 date on the citation, produced valid proof of insurance that was in
25 effect when the violation of section 328(1) occurred. Insurance
26 obtained after the violation occurred does not make the person
27 eligible for a waiver under this subsection.

28 (15) If a person is determined to be responsible or
29 responsible "with explanation" for a civil infraction under this

1 act or a local ordinance that substantially corresponds to a
 2 provision of this act and the civil infraction arises out of the
 3 ownership or operation of a commercial quadricycle, the person must
 4 be ordered to pay costs as provided in subsection (4) and a civil
 5 fine of not more than \$500.00.

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

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

21 (a) Seventy percent to the local authority in which the
 22 citation is issued.

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

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

28 **(3) A civil fine ordered for a violation of section 627c, or**
 29 **for a violation of a code or ordinance of a local authority that**

1 substantially corresponds to section 627c, must be paid to the
2 county treasurer or the county treasurer's designee and be
3 distributed by the county treasurer or the county treasurer's
4 designee to the county or local authority that installed and used
5 the speed detection system. The county or local authority shall use
6 the money to cover the cost of installing and using the speed
7 detection system and to fund public safety initiatives and safety-
8 related traffic programs.

9 (4) A county treasurer may enter into a contract with and
10 designate a private vendor to process a civil fine described in
11 subsection (3). A private vendor described in this subsection may
12 be a third-party vendor contracted by the county or local authority
13 to install and use the speed detection system under section 627c.

14 Enacting section 1. This amendatory act does not take effect
15 unless Senate Bill No. ____ or House Bill No. 5726 (request no.
16 04617'23) of the 102nd Legislature is enacted into law.