

HOUSE BILL NO. 4921

July 18, 2023, Introduced by Rep. Fitzgerald and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2023 PA 40, 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**

1 used in a school zone by a county or local authority as follows:

2 (a) On a state highway or street with the permission of the
3 state transportation department.

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

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

10 (3) Before a county or a local authority installs and uses a
11 speed detection system for the first time, the county or local
12 authority must first make a public announcement and conduct a
13 public awareness campaign within its jurisdiction on the proposed
14 use of the speed detection system for not less than 30 days before
15 using the speed detection system. During the public awareness
16 campaign, the speed detection system may be used to send a written
17 warning to any individual who violates an applicable school zone
18 speed limit as described in subsection (4).

19 (4) Except as otherwise provided in subsection (8), an
20 individual who violates an applicable school zone speed limit
21 described in section 627a by exceeding a posted school zone speed
22 limit by 10 miles per hour or more, based on a recorded image
23 produced by a speed detection system, is responsible for a civil
24 infraction and must be ordered to pay a civil fine of \$150.00.

25 (5) A sworn statement of a police officer, based on inspecting
26 a recorded image produced by a speed detection system, is prima
27 facie evidence of the facts contained in the recorded image. A
28 recorded image indicating a violation must be available for
29 inspection in any proceeding to adjudicate the responsibility for a

1 violation of this section. A recorded image indicating a violation
2 must be destroyed 90 days after final disposition of the citation.

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

25 (7) Notwithstanding section 742, a citation for a violation
26 based on a speed detection system may be executed by mailing by
27 first-class mail a copy to the address of the registered owner of
28 the vehicle as shown on the records of the secretary of state. If
29 the summoned individual fails to appear on the date of return set

1 out in the citation previously mailed by first-class mail under
2 this subsection, a second copy must be sent by first-class mail. If
3 the summoned individual fails to appear on either of the dates of
4 return set out in the copies of the citation mailed under this
5 subsection, the individual admits responsibility for the civil
6 infraction and the civil fine may be enforced as provided in
7 subsection (8) if a county or local authority adopts the procedures
8 described in subsection (8), or as otherwise provided in this act.

9 (8) A county or local authority may by ordinance use an
10 administrative hearing procedure as an alternative to the
11 procedures under this act only for civil infractions under this
12 section by appointing 1 or more individuals as hearing officers to
13 conduct administrative hearings for individuals who contest a
14 citation given under this section. The ordinance described in this
15 subsection must include procedures for the administrative hearings,
16 that must, except as otherwise provided in this subsection, be
17 substantially similar to the procedures for a contested case under
18 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
19 to 24.328. If the county or local authority appoints a hearing
20 officer under this subsection, a citation given under this section
21 by the county or local authority must include instructions for how
22 the individual may contest the citation before a hearing officer.
23 After the opportunity for a hearing, the hearing officer may issue
24 a final administrative order requiring the individual to pay the
25 civil fine and costs, or may dismiss the citation if there is
26 insufficient evidence to support a finding of a violation of this
27 section. An individual may appeal a final administrative order
28 under this section to the district court, which shall conduct a de
29 novo formal hearing under section 747. If an individual fails to

1 pay the amount ordered under this subsection and fails to appeal
2 the final administrative order, the individual is responsible for
3 an additional \$50.00 fee. The county or local authority may collect
4 an amount owed under this section by contracting with a private
5 debt collector or by seeking the entry of a judgment by the
6 district court.

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

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

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

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

20 (i) The costs of installing and using.

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

22 (c) An analysis of the effect that the use of the speed
23 detection system has had on the number of speeding vehicles in the
24 jurisdiction of the county or local authority.

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

29 (2) Permission may be granted for payment of a civil fine and

1 costs to be made within a specified period of time or in specified
2 installments but, unless permission is included in the order or
3 judgment, the civil fine and costs ~~must be~~ **are** payable immediately.
4 Except as otherwise provided, a person found responsible or
5 responsible "with explanation" for a civil infraction must pay
6 costs as provided in subsection (4) and 1 or more of the following
7 civil fines, as applicable:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **(i) For a violation of section 627c or a local ordinance that**
16 **substantially corresponds to section 627c, the civil fine under**
17 **this section must be \$150.00.**

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

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

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

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

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

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

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

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

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

29 (6) A district court magistrate shall impose the sanctions

1 permitted under subsections (2), (3), and (5) only to the extent
2 expressly authorized by the chief judge or only judge of the
3 district court district.

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

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

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

28 (10) A default in the payment of a civil fine or costs ordered
29 under subsection (2), (3), or (4) or a justice system assessment

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

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

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

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

1 occurred.

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

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

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