

**SUBSTITUTE FOR  
HOUSE BILL NO. 5750**

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 2020 PA 382 and section 909 as amended by 2000 PA  
94, and by adding sections 2c, 627c, and 907b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           **Sec. 2c. (1) "Automated speed enforcement system" means an**  
2 **electronic traffic sensor system that does both of the following:**  
3           **(a) Automatically detects a vehicle exceeding the posted speed**  
4 **limit with a type of speed timing device.**  
5           **(b) Produces a recorded image of the vehicle described in**  
6 **subdivision (a) that shows all of the following:**  
7           **(i) A clear and legible identification of the vehicle's**



1 registration plate.

2 (ii) The location where the recorded image was taken.

3 (iii) The date and time when the recorded image was taken.

4 (2) "Automated speed enforcement system operator" means an  
5 individual trained to operate and monitor an automated speed  
6 enforcement system by the department of state police.

7 Sec. 627c. (1) The department of state police and the state  
8 transportation department may, by agreement, authorize the  
9 installation and use of an automated speed enforcement system in a  
10 work zone on a highway or street under the jurisdiction of the  
11 state transportation department. A sign must be placed at the  
12 approach to a work zone where an automated speed enforcement system  
13 is installed and used under this section indicating that the work  
14 zone is monitored by an automated speed enforcement system.

15 (2) If an individual violates an applicable speed limit  
16 described in section 627 by exceeding a posted speed limit by 10  
17 miles per hour or more in a work zone while workers are present, on  
18 the basis of a recorded image produced by an automated speed  
19 enforcement system, all of the following apply:

20 (a) An individual must be issued a written warning using a  
21 form that is authorized by the department of state police for  
22 either of the following violations as described in this subsection:

23 (i) A first violation.

24 (ii) A violation that occurs more than 3 years after that  
25 individual's most recent violation.

26 (b) For a second violation as described in this subsection  
27 that occurs less than 3 years after a written warning is issued  
28 under subdivision (a), the individual is responsible for a civil  
29 infraction and must be ordered to pay a civil fine of not more than



1 \$150.00.

2 (c) For a third or subsequent violation as described in this  
3 subsection that occurs less than 3 years after a second or  
4 subsequent violation, the individual is responsible for a civil  
5 infraction and must be ordered to pay a civil fine of not more than  
6 \$300.00.

7 (3) A sworn statement of an automated speed enforcement system  
8 operator or a police officer from this state, based on inspecting a  
9 recorded image produced by an automated speed enforcement system,  
10 is prima facie evidence of the facts contained in the recorded  
11 image. A recorded image indicating a violation must be available  
12 for inspection in any proceeding to adjudicate the responsibility  
13 for a violation of this section. A recorded image indicating a  
14 violation must be destroyed 90 days after final disposition of the  
15 citation.

16 (4) In a proceeding for a violation of this section, prima  
17 facie evidence that the vehicle described in the citation issued  
18 was operated in violation of this section, together with proof that  
19 the individual who was issued the citation was at the time of the  
20 violation the registered owner of the vehicle, creates a rebuttable  
21 presumption that the registered owner of the vehicle was the  
22 individual who committed the violation. The presumption is rebutted  
23 if the registered owner of the vehicle files an affidavit by  
24 regular mail with the clerk of the court that he or she was not the  
25 operator of the vehicle at the time of the alleged violation or  
26 testifies in open court under oath that he or she was not the  
27 operator of the vehicle at the time of the alleged violation. The  
28 presumption also is rebutted if a certified copy of a police  
29 report, showing that the vehicle had been reported to the police as



1 stolen before the time of the alleged violation of this section, is  
2 presented before the appearance date established on the citation.  
3 For purposes of this subsection, the owner of a leased or rented  
4 vehicle shall provide the name and address of the individual to  
5 whom the vehicle was leased or rented at the time of the violation.

6 (5) Notwithstanding section 742, a citation for a violation of  
7 this section may be executed by mailing by first-class mail a copy  
8 to the address of the registered owner of the vehicle as shown on  
9 the records of the secretary of state. If the summoned individual  
10 fails to appear on the date of return set out in the citation  
11 previously mailed by first-class mail under this subsection, a copy  
12 must be sent by certified mail-return receipt requested. If the  
13 summoned individual fails to appear on either of the dates of  
14 return set out in the copies of the citation mailed under this  
15 subsection, the citation must be executed in the manner provided by  
16 law for personal service. The court may issue a warrant for the  
17 arrest of an individual who fails to appear within the time limit  
18 established on the citation if a sworn complaint is filed with the  
19 court for that purpose.

20 (6) Subject to appropriation, an automated speed enforcement  
21 system unit is created within the department of state police  
22 composed of individuals appointed by the director of the department  
23 of state police, to do both of the following:

24 (a) Oversee the implementation and use of automated speed  
25 enforcement systems under this section.

26 (b) Train automated speed enforcement system operators to  
27 operate and monitor automated speed enforcement systems and provide  
28 sworn statements under subsection (3).

29 (7) Not later than 5 years after the effective date of the



1 amendatory act that added this section, the department of state  
2 police shall submit to the members of the house of representatives  
3 and senate committees with jurisdiction over transportation a  
4 report on the use of automated speed enforcement systems in this  
5 state that includes, at a minimum, both of the following:

6 (a) The number of citations given under this section.

7 (b) An accounting of both of the following relating to  
8 automated speed enforcement systems installed and used under this  
9 section:

10 (i) The costs of installing and using.

11 (ii) The revenue generated.

12 (8) As used in this section, "present" means located in  
13 proximity to a roadway that is not protected by a guardrail or  
14 barrier.

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

19 (2) Permission may be granted for payment of a civil fine and  
20 costs to be made within a specified period of time or in specified  
21 installments but, unless permission is included in the order or  
22 judgment, the civil fine and costs ~~must be~~ **are** payable immediately.  
23 Except as otherwise provided, a person found responsible or  
24 responsible "with explanation" for a civil infraction must pay  
25 costs as provided in subsection (4) and 1 or more of the following  
26 civil fines, as applicable:

27 (a) Except as otherwise provided, for a civil infraction under  
28 this act or a local ordinance that substantially corresponds to a  
29 provision of this act, the person ~~shall~~ **must** be ordered to pay a



1 civil fine of not more than \$100.00.

2 (b) If the civil infraction was a moving violation that  
3 resulted in an at-fault collision with another vehicle, ~~a person,~~  
4 **an individual**, or any other object, the civil fine ordered under  
5 this section is increased by \$25.00 but the total civil fine must  
6 not be more than \$100.00.

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

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

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

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

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

20 (h) For a violation of section 602b, the civil fine ordered  
21 under this section must not be more than \$100.00 for a first  
22 offense and \$200.00 for a second or subsequent offense.

23 **(i) For a violation of section 627c, the civil fine ordered**  
24 **under this section must not be more than \$150.00 for a second**  
25 **violation as described in section 627c(2) (b) and \$300.00 for a**  
26 **third or subsequent violation described in section 627c(2) (c) .**

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 provided in this section, if ~~a person~~ **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, he or she must be ordered  
20 to pay costs as provided in subsection (4) and a civil fine of not  
21 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 ~~person~~**individual** to attend and  
8 complete a 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 having 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 court may waive any civil fine, cost, or assessment  
17 against ~~a person~~ **an individual** who received a civil infraction  
18 citation for a violation of section 710d if the ~~person~~, **individual**,  
19 before the appearance date on the citation, supplies the court with  
20 evidence of acquisition, purchase, or rental of a child seating  
21 system meeting the requirements of section 710d.

22 (12) In addition to any civil fines or costs ordered to be  
23 paid under this section, the judge or district court magistrate  
24 shall order the defendant to pay a justice system assessment of  
25 \$40.00 for each civil infraction determination, except for a  
26 parking violation or a violation for which the total fine and costs  
27 imposed are \$10.00 or less. On payment of the assessment, the clerk  
28 of the court shall transmit the assessment collected to the state  
29 treasury to be deposited into the justice system fund created in



1 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL  
 2 600.181. An assessment levied under this subsection is not a civil  
 3 fine for purposes of section 909.

4 (13) If ~~a person~~**an individual** has received a citation for a  
 5 violation of section 223, the court shall waive any civil fine,  
 6 costs, and assessment, on receipt of certification by a law  
 7 enforcement agency that the ~~person~~**individual**, before the  
 8 appearance date on the citation, produced a valid registration  
 9 certificate that was valid on the date the violation of section 223  
 10 occurred.

11 (14) If ~~a person~~**an individual** has received a citation for a  
 12 violation of section 328(1) for failing to produce a certificate of  
 13 insurance under section 328(2), the court may waive the fee  
 14 described in section 328(3)(c) and shall waive any fine, costs, and  
 15 any other fee or assessment otherwise authorized under this act on  
 16 receipt of verification by the court that the ~~person~~**individual**,  
 17 before the appearance date on the citation, produced valid proof of  
 18 insurance that was in effect at the time the violation of section  
 19 328(1) occurred. Insurance obtained subsequent to the time of the  
 20 violation does not make the ~~person~~**individual** eligible for a waiver  
 21 under this subsection.

22 (15) If ~~a person~~**an individual** is determined to be responsible  
 23 or responsible "with explanation" for a civil infraction under this  
 24 act or a local ordinance that substantially corresponds to a  
 25 provision of this act and the civil infraction arises out of the  
 26 ownership or operation of a commercial quadricycle, he or she must  
 27 be ordered to pay costs as provided in subsection (4) and a civil  
 28 fine of not more than \$500.00.

29 (16) As used in this section, "moving violation" means an act



1 or omission prohibited under this act or a local ordinance that  
 2 substantially corresponds to this act that involves the operation  
 3 of a motor vehicle and for which a fine may be assessed.

4 **Sec. 907b. (1) The work zone safety fund is created in the**  
 5 **state treasury.**

6 (2) The state treasurer shall deposit money and other assets  
 7 received from any other source in the fund. The state treasurer  
 8 shall direct the investment of money in the fund and credit  
 9 interest and earnings from the investments to the fund.

10 (3) The state transportation department is the administrator  
 11 of the fund for audits of the fund.

12 (4) The state transportation department shall expend money  
 13 from the fund, on appropriation, only for the purpose of improving  
 14 worker safety at work zones by doing both of the following:

15 (a) Coordinating with the department of state police and local  
 16 law enforcement agencies to increase police presence at work zones.

17 (b) Funding the use of traffic control devices at work zones  
 18 that provide greater protection for workers.

19 (5) As used in this section, "fund" means the work zone safety  
 20 fund created in subsection (1).

21 Sec. 909. (1) Except as provided in ~~subsection~~ **subsections** (2)  
 22 **and (3)**, a civil fine ~~which~~ **that** is ordered under section 907 for a  
 23 violation of this act or other state statute ~~shall~~ **must** be  
 24 exclusively applied to the support of public libraries and county  
 25 law libraries in the same manner as is provided by law for penal  
 26 fines assessed and collected for violation of a penal law of ~~the~~  
 27 **this** state. A civil fine ordered for a violation of a code or  
 28 ordinance of a local authority regulating the operation of  
 29 commercial motor vehicles and substantially corresponding to a



1 provision of this act ~~shall~~**must** be paid to the county treasurer  
2 and ~~shall~~**must** be allocated as follows:

3 (a) Seventy percent to the local authority in which the  
4 citation is issued.

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

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

10 (3) **A civil fine that is ordered under section 907 for a**  
11 **violation of section 627c must be paid to the state transportation**  
12 **department. The state transportation department shall deposit any**  
13 **civil fines described in this subsection in excess of the cost of**  
14 **installing and using automated speed enforcement systems under**  
15 **section 627c into the work zone safety fund created in section**  
16 **907b.**

