

HOUSE BILL No. 6288

November 14, 1990, Introduced by Reps. Stupak, DeBeaussaert, Pitoniak, Hoffman, DeLange, Ouwinga and Kosteva and referred to the Committee on Transportation.

A bill to amend section 742 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 89 of the Public Acts of 1989, being section 257.742 of the Michigan Compiled Laws; and to add section 631a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 742 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 89 of the Public Acts of 1989, being
3 section 257.742 of the Michigan Compiled Laws, is amended and
4 section 631a is added to read as follows:

5 SEC. 631A. (1) A PHOTOGRAPH IS ADMISSIBLE AS EVIDENCE OF A
6 SPEEDING VIOLATION OCCURRING ON THE MACKINAC BRIDGE IF ALL OF THE
7 FOLLOWING CIRCUMSTANCES EXIST:

1 (A) THE PHOTOGRAPH SHOWS ON ITS FACE THE SPEED OF THE
2 VEHICLE AND THE TIME, DATE, AND LOCATION OF THE VIOLATION.

3 (B) THE PHOTOGRAPH IS TAKEN BY AN ELECTRICAL OR MECHANICAL
4 DEVICE OPERATING UNDER STANDARDS SET BY THE DEPARTMENT OF STATE
5 POLICE.

6 (C) THE OPERATOR OF THE CAMERA ESTABLISHES THAT THE DEVICE
7 WAS OPERATING PROPERLY AT THE TIME THE PHOTOGRAPH WAS TAKEN.

8 (2) A PHOTOGRAPH THAT DOES NOT SATISFY THE REQUIREMENTS OF
9 SUBSECTION (1) IS ADMISSIBLE AS EVIDENCE OF A VIOLATION OF A LAW
10 OF THIS STATE AS OTHERWISE PROVIDED BY A LAW OF THIS STATE OR BY
11 A RULE OF THE COURT.

12 (3) IN A PROSECUTION FOR SPEEDING BASED UPON EVIDENCE
13 OBTAINED PURSUANT TO SUBSECTION (1), IT IS A REBUTTABLE PRESUMP-
14 TION THAT THE REGISTERED OWNER OF THE MOTOR VEHICLE WAS OPERATING
15 THE MOTOR VEHICLE AT THE TIME AND IN THE PLACE THE VIOLATION
16 OCCURRED.

17 (4) THE DEPARTMENT OF STATE POLICE SHALL PROMULGATE RULES
18 ESTABLISHING STANDARDS FOR THE USE AND OPERATION OF PHOTOGRAPHIC
19 DEVICES FOR PURPOSES OF SUBSECTION (1)(B).

20 (5) AS USED IN THIS SECTION, "MACKINAC BRIDGE" MEANS
21 "BRIDGE" AS DEFINED IN SECTION 1 OF ACT NO. 21 OF THE PUBLIC ACTS
22 OF THE EXTRA SESSION OF 1950, BEING SECTION 254.301 OF THE
23 MICHIGAN COMPILED LAWS.

24 Sec. 742. (1) A police officer who witnesses a person vio-
25 lating this act or a local ordinance substantially corresponding
26 to this act, which violation is a civil infraction, may stop the
27 person, detain the person temporarily for purposes of making a

1 record of vehicle check, and prepare and subscribe, as soon as
2 possible and as completely as possible, an original and 3 copies
3 of a written citation, which shall be a notice to appear in court
4 for 1 or more civil infractions. If a police officer of a vil-
5 lage, city, township, or county, or a police officer who is an
6 authorized agent of a county road commission, witnesses a person
7 violating this act or a local ordinance substantially correspond-
8 ing to this act within that village, city, township, or county
9 and that violation is a civil infraction, that police officer may
10 pursue, stop, and detain the person outside the village, city,
11 township, or county where the violation occurred for the purpose
12 of exercising the authority and performing the duties prescribed
13 in this section and section 749, as applicable.

14 (2) A POLICE OFFICER OF THE MACKINAC BRIDGE AUTHORITY WHO
15 WITNESSES A PERSON VIOLATING THIS ACT ON THE BRIDGE, WHICH VIOLA-
16 TION IS A CIVIL INFRACTION, MAY STOP THE PERSON, DETAIN THE
17 PERSON TEMPORARILY FOR PURPOSES OF MAKING A RECORD OF VEHICLE
18 CHECK, AND PREPARE AND SUBSCRIBE AS SOON AS POSSIBLE AND AS COM-
19 PLETELY AS POSSIBLE AN ORIGINAL AND 3 COPIES OF A WRITTEN
20 CITATION, WHICH SHALL BE A NOTICE TO APPEAR IN COURT FOR 1 OR
21 MORE CIVIL INFRACTIONS. IF A POLICE OFFICER OF THE MACKINAC
22 BRIDGE AUTHORITY WITNESSES A PERSON VIOLATING THIS ACT ON THE
23 BRIDGE AND THAT VIOLATION IS A CIVIL INFRACTION, THAT POLICE
24 OFFICER MAY PURSUE, STOP, AND DETAIN THAT PERSON OFF OF THE
25 BRIDGE FOR THE PURPOSE OF EXERCISING THE AUTHORITY AND PERFORMING
26 THE DUTIES PRESCRIBED IN THIS SECTION AND SECTION 749, AS
27 APPLICABLE.

1 (3) ~~-(2)-~~ Any police officer, having reason to believe that
2 the load, weight, height, length, or width of a vehicle or load
3 are in violation of section 717, 719, 719a, 722, 724, 725, or 726
4 which violation is a civil infraction, may require the driver of
5 the vehicle to stop, and the officer may investigate, weigh, or
6 measure the vehicle or load. If, after personally investigating,
7 weighing, or measuring the vehicle or load, the officer deter-
8 mines that the load, weight, height, length, or width of the
9 vehicle or load are in violation of section 717, 719, 719a, 722,
10 724, 725, or 726, the officer may temporarily detain the driver
11 of the vehicle for purposes of making a record or vehicle check
12 and issue a citation to the driver or owner of the vehicle as
13 provided in those sections.

14 (4) ~~-(3)-~~ A police officer may issue a citation to a person
15 who is a driver of a motor vehicle involved in an accident when,
16 based upon personal investigation, the officer has reasonable
17 cause to believe that the person is responsible for a civil
18 infraction in connection with the accident. A police officer may
19 issue a citation to a person who is a driver of a motor vehicle
20 when, based upon personal investigation by the police officer of
21 a complaint by someone who witnessed the person violating this
22 act or a local ordinance substantially corresponding to this act,
23 which violation is a civil infraction, the officer has reasonable
24 cause to believe that the person is responsible for a civil
25 infraction and if the prosecuting attorney or attorney for the
26 political subdivision approves in writing the issuance of the
27 citation.

1 (5) A POLICE OFFICER OF THE MACKINAC BRIDGE AUTHORITY MAY
2 ISSUE A CITATION TO A PERSON BY FIRST-CLASS MAIL FOR A SPEEDING
3 VIOLATION OCCURRING ON THE BRIDGE IF EVIDENCE OF THE VIOLATION IS
4 OBTAINED PURSUANT TO SECTION 631A. THE CITATION SHALL BE MAILED
5 TO THE PERSON NOT LATER THAN 2 DAYS AFTER THE DATE OF THE
6 CITATION. A CITATION ISSUED UNDER THIS SUBSECTION SHALL BE PRO-
7 CESSSED IN THE SAME MANNER AS A CITATION ISSUED PERSONALLY TO A
8 DEFENDANT PURSUANT TO SUBSECTION (2).

9 (6) ~~-(4)-~~ The form of a citation issued under subsection
10 (1), (2), ~~or~~ (3), OR (4) shall be as prescribed in sections
11 727c and 743.

12 (7) ~~-(5)-~~ The officer shall inform the person of the alleged
13 civil infraction or infractions and shall deliver the third copy
14 of the citation to the alleged offender.

15 (8) ~~-(6)-~~ In a civil infraction action involving the parking
16 or standing of a motor vehicle, a copy of the citation need not
17 be served personally upon the defendant but may be served upon
18 the registered owner by attaching the copy to the vehicle. A
19 city may authorize personnel other than a police officer to issue
20 and serve a citation for a violation of its ordinance involving
21 the parking or standing of a motor vehicle. A city may authorize
22 a person other than personnel or a police officer to issue and
23 serve a citation for a violation of an ordinance pertaining to
24 handicapper parking if the city has complied with the require-
25 ments of section 675d. State security personnel receiving autho-
26 rization under section 6c of Act No. 59 of the Public Acts of
27 1935, being section 28.6c of the Michigan Compiled Laws, may

1 issue and serve citations for violations involving the parking or
2 standing of vehicles on land owned by the state or land of which
3 the state is the lessee when authorized to do so by the director
4 of the department of state police.

5 (9) ~~-(7)-~~ If a parking violation notice other than a
6 citation is attached to a motor vehicle, and if an admission of
7 responsibility is not made and the civil fine and costs, if any,
8 prescribed by ordinance for the violation are not paid at the
9 parking violations bureau, a citation may be filed with the court
10 described in section 741(4) and a copy of the citation may be
11 served by first-class mail upon the registered owner of the vehi-
12 cle at the owner's last known address. A parking violation
13 notice may be issued by a police officer, including a limited
14 duty officer, or other personnel duly authorized by the city,
15 village, township, college, or university to issue such a notice
16 under its ordinance. The citation filed with the court pursuant
17 to this subsection need not comply in all particulars with sec-
18 tions 727c and 743 but shall consist of a sworn complaint con-
19 taining the allegations stated in the parking violation notice
20 and shall fairly inform the defendant how to respond to the
21 citation.

22 (10) ~~-(8)-~~ A citation issued under subsection (6) or (7) for
23 a parking or standing violation shall be processed in the same
24 manner as a citation issued personally to a defendant pursuant to
25 subsection (1) or (3).

26 (11) ~~-(9)-~~ As used in ~~subsection (7)-~~ THIS SECTION:

1 (A) "BRIDGE" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT
2 NO. 21 OF THE PUBLIC ACTS OF THE EXTRA SESSION OF 1950, BEING
3 SECTION 254.301 OF THE MICHIGAN COMPILED LAWS.

4 (B) ~~(a)~~ "Parking violation notice" means a notice, other
5 than a citation, directing a person to appear at a parking viola-
6 tions bureau in the city, village, or township in which, or of
7 the college or university for which, the notice is issued and to
8 pay the fine and costs, if any, prescribed by ordinance for the
9 parking or standing of a motor vehicle in violation of the
10 ordinance.

11 (C) ~~(b)~~ "Parking violations bureau" means a parking viola-
12 tions bureau established pursuant to section 8395 of the revised
13 judicature act of 1961, Act No. 236 of the Public Acts of 1961,
14 as amended, being section 600.8395 of the Michigan Compiled Laws,
15 the violations bureau established within the traffic and ordi-
16 nance division of the recorder's court of the city of Detroit, or
17 a comparable parking violations bureau established in a city or
18 village served by a municipal court or established pursuant to
19 law by the governing board of a state university or college.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. ____ or House Bill No. 6287 (request
22 no. 04987'90) of the 85th Legislature is enacted into law.