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## TRAFFIC TICKETS FROM TRAFFIC MONITORING MACHINES

**House Bill 4140**

**Sponsor: Rep. Bob Emerson**

**Committee: Judiciary**

**Complete to 1-30-97**

### **A SUMMARY OF HOUSE BILL 4140 AS INTRODUCED 1-28-97**

The bill would amend the Michigan Vehicle Code to allow state or local authorities with jurisdiction over highways or streets to use "unmanned traffic monitoring devices," and to issue traffic citations by first-class mail based on images recorded by the machine.

More specifically, the bill would allow the Departments of State Police and Transportation or county road commissioners (or other local authorities having jurisdiction over a highway or street) to authorize the installation and use of unmanned traffic monitoring devices on highways or streets under their jurisdiction. People would be responsible for a civil infraction under the vehicle code if they violated a speed restriction or limitation on the basis of evidence from such devices.

A sworn statement by a police officer from the relevant state or local authority having jurisdiction over the highway or street -- based on inspection of recorded images (including photographs, microphotographs, and videotape) produced by the traffic monitoring device -- would be prima facie evidence of the facts contained in the sworn statement. In any proceeding to adjudicate liability for a speeding violation under the bill, any recorded image evidencing the violation would have to be available for inspection. In the prosecution of speeding offenses under the bill, such sworn statements ("prima facie evidence") that the vehicle described in the traffic citation was speeding, plus proof that the defendant was the registered owner of the vehicle at the time of the violation, would constitute in evidence a rebuttable presumption that he or she was the person who committed the violation. The presumption that the registered owner was the speeder could be rebutted either (1) if the registered owner filed an affidavit by regular mail with the court clerk, or testified in open court under oath, that the owner wasn't the operator of the vehicle at the time of the alleged violation; or (2) if a certified copy of a police report, showing that the vehicle had been reported as stolen before the time of the alleged violation, was presented to the court before the return date on the citation.

A citation for a violation under the bill could be executed by mailing a copy of the citation by first-class mail to the vehicle owner's address as shown on the secretary of state's records. If the person summoned failed to appear on the date of return set out in the citation as mailed under

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the bill, the citation would be executed as provided by law for personal service. If someone failed to appear on the specified date, proceedings for contempt or the arrest of the person would be instituted.

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