

# HOUSE BILL No. 4140

January 28, 1997, Introduced by Rep. Emerson and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 615a.

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

1           SEC. 615A. (1) THE DEPARTMENT OF STATE POLICE OR THE STATE  
2 TRANSPORTATION DEPARTMENT OR THE COUNTY BOARD OF COMMISSIONERS,  
3 BOARD OF COUNTY ROAD COMMISSIONERS, OR OTHER LOCAL AUTHORITY  
4 HAVING JURISDICTION OVER A HIGHWAY OR STREET MAY AUTHORIZE THE  
5 INSTALLATION AND USE OF UNMANNED TRAFFIC MONITORING DEVICES ON A  
6 HIGHWAY OR STREET UNDER THEIR RESPECTIVE JURISDICTIONS.  
7           (2) A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS PRO-  
8 VIDED IN THIS ACT IF THE PERSON VIOLATES A SPEED RESTRICTION OR  
9 LIMITATION PROVIDED FOR IN THIS ACT ON THE BASIS OF EVIDENCE  
10 OBTAINED FROM AN UNMANNED TRAFFIC MONITORING DEVICE.

1 (3) A SWORN STATEMENT OF A POLICE OFFICER FROM THE STATE OR  
2 LOCAL AUTHORITY HAVING JURISDICTION OVER THE HIGHWAY OR STREET,  
3 BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO-  
4 TAPE, OR OTHER RECORDED IMAGES PRODUCED BY AN UNMANNED TRAFFIC  
5 MONITORING DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS  
6 CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE,  
7 OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE  
8 AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE  
9 LIABILITY FOR A VIOLATION OF THIS ACT COVERED BY THIS SECTION.

10 (4) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS  
11 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE  
12 CITATION ISSUED WAS OPERATED IN VIOLATION OF THIS SECTION,  
13 TOGETHER WITH PROOF THAT THE DEFENDANT WAS AT THE TIME OF THE  
14 VIOLATION THE REGISTERED OWNER OF THE VEHICLE, SHALL CONSTITUTE  
15 IN EVIDENCE A REBUTTABLE PRESUMPTION THAT THE REGISTERED OWNER OF  
16 THE VEHICLE WAS THE PERSON WHO COMMITTED THE VIOLATION. THE PRE-  
17 SUMPTION MAY BE REBUTTED IF THE REGISTERED OWNER OF THE VEHICLE  
18 FILES AN AFFIDAVIT BY REGULAR MAIL WITH THE CLERK OF THE COURT  
19 THAT HE OR SHE WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF  
20 THE ALLEGED VIOLATION OR TESTIFIES IN OPEN COURT UNDER OATH THAT  
21 HE OR SHE WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE  
22 ALLEGED VIOLATION. THE PRESUMPTION ALSO MAY BE REBUTTED IF A  
23 CERTIFIED COPY OF A POLICE REPORT, SHOWING THAT THE VEHICLE HAD  
24 BEEN REPORTED TO THE POLICE AS STOLEN BEFORE THE TIME OF THE  
25 ALLEGED VIOLATION OF THIS SECTION, IS PRESENTED BEFORE THE RETURN  
26 DATE ESTABLISHED ON THE CITATION ISSUED TO THE COURT.

1           (5) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION  
2 OF THIS SECTION MAY BE EXECUTED BY MAILING BY FIRST-CLASS MAIL A  
3 COPY TO THE ADDRESS OF THE OWNER OF THE VEHICLE AS SHOWN ON THE  
4 RECORDS OF THE SECRETARY OF STATE. IF THE SUMMONED PERSON FAILS  
5 TO APPEAR ON THE DATE OF RETURN SET OUT IN THE CITATION MAILED  
6 PURSUANT TO THIS SECTION, THE CITATION SHALL BE EXECUTED IN THE  
7 MANNER PROVIDED BY LAW FOR PERSONAL SERVICE. PROCEEDINGS FOR  
8 CONTEMPT OR ARREST OF A PERSON SUMMONED BY MAILING SHALL BE  
9 INSTITUTED FOR FAILURE TO APPEAR ON THE RETURN DATE OF THE  
10 CITATION.