

SENATE BILL NO. 1257

September 15, 1998, Introduced by Senator BOUCHARD and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 612a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 612A. (1) THE DEPARTMENT OF STATE POLICE, THE COUNTY
2 BOARD OF COMMISSIONERS, OR OTHER LOCAL AUTHORITY HAVING JURISDIC-
3 TION OVER A HIGHWAY OR STREET MAY AUTHORIZE THE INSTALLATION AND
4 USE OF UNMANNED TRAFFIC MONITORING DEVICES ON A HIGHWAY OR STREET
5 UNDER THEIR RESPECTIVE JURISDICTIONS AS PRESCRIBED UNDER
6 SUBSECTION (8). AN UNMANNED TRAFFIC MONITORING DEVICE SHALL BE
7 INSTALLED IN A MANNER THAT AVOIDS A VIEW OF THE INTERIOR OF THE
8 VEHICLES MONITORED. AN UNMANNED TRAFFIC MONITORING DEVICE USED
9 UNDER THIS SECTION MAY BE OF A TYPE CAPABLE OF ASSISTING IN
10 PREVENTING ACCIDENTS.

1 (2) A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS
2 PROVIDED IN THIS ACT IF THE PERSON VIOLATES SECTION 612 OR A
3 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 612 AND
4 THE VIOLATION IS DETERMINED ON THE BASIS OF EVIDENCE OBTAINED
5 FROM AN UNMANNED TRAFFIC MONITORING DEVICE.

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

15 (4) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED BY THE
16 MEANS AUTHORIZED UNDER THIS SECTION, PRIMA FACIE EVIDENCE THAT
17 THE VEHICLE DESCRIBED IN THE CITATION ISSUED WAS OPERATED IN VIO-
18 LATION OF SECTION 612, TOGETHER WITH PROOF THAT THE DEFENDANT WAS
19 AT THE TIME OF THE VIOLATION THE REGISTERED OWNER OF THE VEHICLE,
20 SHALL CONSTITUTE IN EVIDENCE A REBUTTABLE PRESUMPTION THAT THE
21 REGISTERED OWNER OF THE VEHICLE IS THE PERSON RESPONSIBLE FOR THE
22 VIOLATION. THE PRESUMPTION IS REBUTTED IF A CERTIFIED COPY OF A
23 POLICE REPORT, SHOWING THAT THE VEHICLE HAD BEEN REPORTED TO THE
24 POLICE AS STOLEN BEFORE THE TIME OF THE ALLEGED VIOLATION OF THIS
25 SECTION, IS PRESENTED TO THE COURT BEFORE THE RETURN DATE ESTAB-
26 LISHED ON THE CITATION ISSUED.

1 (5) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION
2 OF THIS SECTION MAY BE DELIVERED 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.

11 (6) NOTWITHSTANDING SECTION 320A, POINTS SHALL NOT BE
12 RECORDED ON A DRIVING RECORD FOR A VIOLATION PROSECUTED WITH EVI-
13 DENCE OBTAINED BY AN UNMANNED TRAFFIC MONITORING DEVICE.

14 (7) THE DEPARTMENT OF STATE POLICE SHALL, WITHIN 30 DAYS
15 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
16 SECTION, DETERMINE THE LOCATIONS OF THE HIGHWAY OR ROADWAY INTER-
17 SECTIONS CONTROLLED WITH A TRAFFIC CONTROL SIGNAL AT WHICH THE 20
18 GREATEST NUMBER OF TRAFFIC CRASHES OCCURRED WITHIN THE PRECEDING
19 12 MONTHS OF THAT DATE. THE INFORMATION SHALL BE PROVIDED TO
20 EACH LOCAL GOVERNING BODY HAVING JURISDICTION OVER THE RESPECTIVE
21 INTERSECTIONS. THE INFORMATION SHALL LIST, IN DESCENDING ORDER,
22 THE INTERSECTIONS HAVING THE GREATEST NUMBER TO THE LEAST NUMBER
23 OF TRAFFIC CRASHES.

24 (8) EACH LOCAL GOVERNING BODY HAVING JURISDICTION SHALL BE
25 AFFORDED THE OPPORTUNITY IN DESCENDING ORDER TO OPERATE AN
26 UNMANNED TRAFFIC MONITORING DEVICE AT THE INTERSECTION DETERMINED
27 UNDER SUBSECTION (7).

1 (9) A LOCAL GOVERNING BODY THAT INSTALLS AN UNMANNED TRAFFIC
2 MONITORING DEVICE UNDER THIS SECTION SHALL, IN AN APPROPRIATE
3 PLACE AND MANNER, ERECT A SIGN THAT SAYS: "THIS INTERSECTION IS
4 MONITORED BY AN UNMANNED TRAFFIC MONITORING DEVICE."

5 (10) NOT MORE THAN 5 UNMANNED TRAFFIC MONITORING DEVICES
6 SHALL BE OPERATED PURSUANT TO THIS SECTION AT ANY 1 TIME.

7 (11) THIS SECTION IS REPEALED 2 YEARS AFTER THE EFFECTIVE
8 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.