

SENATE BILL No. 1098

February 28, 2006, Introduced by Senator HAMMERSTROM and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 320a, 628, 629c, 732, and 907 (MCL 257.204a, 257.320a, 257.628, 257.629c, 257.732, and 257.907), section 204a as amended by 2004 PA 362, sections 320a and 732 as amended by 2004 PA 495, section 628 as amended by 2003 PA 65, section 629c as amended by 1996 PA 320, and section 907 as amended by 2005 PA 1, and by adding sections 615a and 649a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 204a. (1) The secretary of state shall create and
- 2 maintain a computerized central file that provides an individual
- 3 historical driving record for a person with respect to all of the

1 following:

2 (a) A license issued to the person under chapter 3.

3 (b) ~~—A~~ **SUBJECT TO SECTION 649A**, A conviction, civil
4 infraction determination, or other licensing action that is
5 entered against the person for a violation of this act or a local
6 ordinance substantially corresponding to a provision of this act,
7 or that is reported to the secretary of state by another
8 jurisdiction.

9 (c) A failure of the person, including a nonresident, to
10 comply with a suspension issued pursuant to section 321a.

11 (d) A cancellation, denial, revocation, suspension, or
12 restriction of the person's operating privilege, a failure to pay
13 a department of state driver responsibility fee, or other
14 licensing action regarding that person, under this act or that is
15 reported to the secretary of state by another jurisdiction. This
16 subdivision also applies to nonresidents.

17 (e) An accident in which the person is involved.

18 (f) A conviction of the person for an offense described in
19 section 319e.

20 (g) Any driving record requested and received by the
21 secretary of state under section 307.

22 (h) Any notice given by the secretary of state and the
23 information provided in that notice under section 317(3) or (4).

24 (i) Any other information received by the secretary of state
25 regarding the person that is required to be maintained as part of
26 the person's driving record as provided by law.

27 (2) A secretary of state certified computer-generated or

1 paper copy of an order, record, or paper maintained in the
2 computerized central file of the secretary of state is admissible
3 in evidence in the same manner as the original and is prima facie
4 proof of the contents of and the facts stated in the original.

5 (3) An order, record, or paper generated by the computerized
6 central file of the secretary of state may be certified
7 electronically by the generating computer. The certification
8 shall be a certification of the order, record, or paper as it
9 appeared on a specific date.

10 (4) A court or the office of the clerk of a court of this
11 state which is electronically connected by a terminal device to
12 the computerized central file of the secretary of state may
13 receive into and use as evidence in any case the computer-
14 generated certified information obtained by the terminal device
15 from the file. A duly authorized employee of a court of record of
16 this state may order a record for an individual from a secretary
17 of state computer terminal device located in, and under the
18 control of, the court, and certify in writing that the document
19 was produced from the terminal and that the document was not
20 altered in any way.

21 (5) After receiving a request for information contained in
22 records maintained under this section, the secretary of state
23 shall provide the information, in a form prescribed by the
24 secretary of state, to any of the following:

25 (a) Another state.

26 (b) The United States secretary of transportation.

27 (c) The person who is the subject of the record.

(d) A motor carrier employer or prospective motor carrier employer, but only if the person who is the subject of the record is first notified of the request as prescribed by the secretary of state.

(e) An authorized agent of a person or entity listed in subdivisions (a) to (d).

Sec. 320a. (1) Until October 1, 2005, within 10 days after the receipt of a properly prepared abstract from this state or another state, or, beginning October 1, 2005, within 5 days after the receipt of a properly prepared abstract from this state or another state, the secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

(a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile 6 points

(b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4) 6 points

(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8) or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451,

1 MCL 324.81134 and 324.82127 6 points
 2 (d) Failing to stop and disclose identity at the scene
 3 of an accident when required by law 6 points
 4 (e) Operating a motor vehicle in violation of section
 5 626 6 points
 6 (f) Fleeing or eluding an officer 6 points
 7 (g) A violation of section 627(9) pertaining to speed
 8 in a work zone described in that section by exceeding the
 9 lawful maximum by more than 15 miles per hour 5 points
 10 (h) A violation of any law other than the law described
 11 in subdivision (g) or ordinance pertaining to speed by
 12 exceeding the lawful maximum by more than 15 miles per
 13 hour 4 points
 14 (i) A violation of section 625(3) or (6), section 81135
 15 or 82127(3) of the natural resources and environmental
 16 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
 17 or a law or ordinance substantially corresponding to
 18 section 625(3) or (6) or section 81135 or 82127(3) of the
 19 natural resources and environmental protection act, 1994
 20 PA 451, MCL 324.81135 and 324.82127 4 points
 21 (j) A violation of section 626a or a law or ordinance
 22 substantially corresponding to section 626a 4 points
 23 (k) A violation of section 653a(2) 4 points
 24 (l) A violation of section 627(9) pertaining to speed
 25 in a work zone described in that section by exceeding the
 26 lawful maximum by more than 10 but not more than 15 miles
 27 per hour 4 points

(m) A violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b 3 points

(n) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less 3 points

(o) A violation of any law other than the law described in subdivision (n) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less 2 points

(p) Disobeying a traffic signal or stop sign, or improper passing 3 points

(q) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b 2 points

(r) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) 2 points

(s) All other moving violations pertaining to the operation of motor vehicles reported under this section 2 points

(t) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a 2 points

(2) Points shall not be entered for a violation of section

310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for defective equipment.

(5) POINTS SHALL NOT BE ENTERED FOR A VIOLATION ENFORCED BY USING AN UNMANNED TRAFFIC MONITORING DEVICE UNDER SECTION 615A.

(6) POINTS SHALL NOT BE ENTERED FOR A VIOLATION ENFORCED BY USING AN AUTOMATED SPEED SAFETY CAMERA UNDER SECTION 649A.

~~(5)~~ If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.

~~(6)~~ If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

~~(7)~~ If a person violates a speed restriction established by an executive order issued during a state of emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).

~~(8)~~ The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results

1 from the same incident, additional points for that offense shall
2 not be entered.

3 (11) ~~—(9)—~~ If a Michigan driver commits a violation in
4 another state that would be a civil infraction if committed in
5 Michigan, and a conviction results solely because of the failure
6 of the Michigan driver to appear in that state to contest the
7 violation, upon receipt of the abstract of conviction by the
8 secretary of state, the violation shall be noted on the driver's
9 record, but no points shall be assessed against his or her
10 driver's license.

11 SEC. 615A. (1) THE STATE TRANSPORTATION DEPARTMENT IN
12 COOPERATION WITH THE DEPARTMENT OF STATE POLICE SHALL SELECT 10
13 GEOGRAPHICALLY DIVERSE LOCATIONS WITHIN THIS STATE TO IMPLEMENT A
14 PILOT PROJECT THAT AUTHORIZES A COUNTY BOARD OF COMMISSIONERS, A
15 BOARD OF COUNTY ROAD COMMISSIONERS, A COUNTY SHERIFF, THE
16 GOVERNING BODY OF A TOWNSHIP, CITY, OR VILLAGE, OR THE DEPARTMENT
17 OF STATE POLICE TO INSTALL AND USE 1 OR MORE UNMANNED TRAFFIC
18 MONITORING DEVICES AT AN INTERSECTION WITH A TRAFFIC CONTROL
19 SIGNAL ON A HIGHWAY OR STREET WITHIN THEIR RESPECTIVE
20 JURISDICTIONS. THE PILOT PROJECT SHALL BE FOR A 5-YEAR PERIOD.
21 THE SELECTED LOCATIONS SHALL BE INTERSECTIONS THAT HAVE HAD
22 REPEATED VIOLATIONS OF DRIVERS FAILING TO COMPLY WITH THE TRAFFIC
23 CONTROL SIGNAL AT THE INTERSECTION. A TRAFFIC MONITORING
24 IMPLEMENTATION PLAN SHALL BE ADOPTED BEFORE OPERATING AND USING
25 THE UNMANNED TRAFFIC MONITORING DEVICE.

26 (2) A MONITORING JURISDICTION MAY CONTRACT WITH A VENDOR FOR
27 ALL EQUIPMENT AND SERVICES ASSOCIATED WITH AN UNMANNED TRAFFIC

1 MONITORING DEVICE PROGRAM. THE CONTRACT SHALL BE BASED UPON A
2 DESIGNATED FEE FOR EQUIPMENT AND SERVICES AND SHALL NOT BE BASED
3 UPON A CONTINGENCY FEE BASED UPON THE NUMBER OF CITATIONS ISSUED
4 OR REVENUES GENERATED BY CITATIONS. ENFORCEMENT OF THE UNMANNED
5 TRAFFIC MONITORING DEVICE PROGRAM SHALL BE PROVIDED BY THE
6 APPROPRIATE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

7 (3) A TRAFFIC MONITORING IMPLEMENTATION PLAN ADOPTED UNDER
8 SUBSECTION (1) SHALL INCLUDE, BUT IS NOT REQUIRED TO BE LIMITED
9 TO, ALL OF THE FOLLOWING:

10 (A) A PLAN FOR THE DIRECT MANAGEMENT OF ANY UNMANNED TRAFFIC
11 MONITORING DEVICES BY AN APPROPRIATE LAW ENFORCEMENT AGENCY.

12 (B) AN UNMANNED TRAFFIC MONITORING DEVICE DATA COLLECTION
13 PLAN TO PROVIDE FOR THE COLLECTION OF DATA FOR THE PURPOSE OF
14 EVALUATING THE EFFECTIVENESS OF INSTALLED UNMANNED TRAFFIC
15 MONITORING DEVICES.

16 (C) A PUBLIC EDUCATION CAMPAIGN TO ENHANCE PUBLIC AWARENESS
17 OF UNMANNED TRAFFIC MONITORING DEVICES AND ENFORCEMENT
18 ACTIVITIES.

19 (4) IN DEVELOPING THE TRAFFIC MONITORING PLAN DESCRIBED IN
20 SUBSECTION (3), THE MONITORING JURISDICTION SHALL SOLICIT
21 RECOMMENDATIONS FROM LAW ENFORCEMENT OFFICERS, PROSECUTORS,
22 JUDGES, TRAFFIC ENGINEERS, AND OTHER INTERESTED PARTIES.

23 (5) EACH UNMANNED TRAFFIC MONITORING DEVICE SHALL BE
24 SUFFICIENTLY MARKED OR IDENTIFIED OR A SIGN SHALL BE PLACED AT OR
25 NEAR THE INTERSECTION INDICATING THAT THE INTERSECTION IS
26 MONITORED BY AN UNMANNED TRAFFIC MONITORING DEVICE.

27 (6) AN AUTOMATED SPEED SAFETY CAMERA SHALL BE SET TO TAKE

1 PICTURES OF THE VEHICLE AND VEHICLE LICENSE PLATE ONLY, AND ONLY
2 WHILE AN INFRACTION IS OCCURRING.

3 (7) BEGINNING 14 DAYS AFTER THE INSTALLATION OF AN UNMANNED
4 TRAFFIC MONITORING DEVICE AT AN INTERSECTION WITH A TRAFFIC
5 CONTROL SIGNAL, A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS
6 PROVIDED IN THIS ACT IF THE PERSON COMMITS A VIOLATION OF THIS
7 ACT AT THAT INTERSECTION AS DETERMINED BY EVIDENCE OBTAINED FROM
8 AN UNMANNED TRAFFIC MONITORING DEVICE. HOWEVER, FOR THE FIRST 7
9 DAYS AFTER THE INSTALLATION OF AN UNMANNED TRAFFIC MONITORING
10 DEVICE AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL, THE LAW
11 ENFORCEMENT AGENCY RESPONSIBLE FOR THE MANAGEMENT OF THE DEVICE
12 SHALL COLLECT DATA REGARDING VIOLATIONS COMMITTED AT THAT
13 INTERSECTION TO ESTABLISH A BASELINE TO MEASURE THE EFFECTIVENESS
14 OF THE UNMANNED TRAFFIC MONITORING DEVICE. DURING THE SECOND 7
15 DAYS AFTER THE INSTALLATION OF AN UNMANNED TRAFFIC MONITORING
16 DEVICE AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL, A PERSON
17 OTHERWISE RESPONSIBLE FOR A CIVIL INFRACTION UNDER THIS
18 SUBSECTION SHALL BE ISSUED A WRITTEN WARNING ONLY. DURING THE
19 PERIOD IN WHICH AN UNMANNED TRAFFIC MONITORING DEVICE IS
20 INSTALLED AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL, THE
21 LAW ENFORCEMENT AGENCY RESPONSIBLE FOR THE MANAGEMENT OF THE
22 DEVICE SHALL CONTINUE TO COLLECT DATA REGARDING ANY VIOLATIONS OF
23 THIS ACT COVERED BY THIS SECTION TO REGULARLY EVALUATE THE
24 EFFECTIVENESS OF THE DEVICE.

25 (8) A SWORN STATEMENT OF A POLICE OFFICER OF THE STATE OR
26 LOCAL AUTHORITY HAVING JURISDICTION OVER THE HIGHWAY OR STREET,
27 BASED UPON INSPECTION OF PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL

1 IMAGES PRODUCED BY AN UNMANNED TRAFFIC MONITORING DEVICE, IS
2 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE SWORN
3 STATEMENT. ANY PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL IMAGES
4 EVIDENCING THE VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN A
5 PROCEEDING TO ADJUDICATE THE LIABILITY FOR A VIOLATION OF THIS
6 ACT COVERED BY THIS SECTION. ANY PHOTOGRAPHS, VIDEOTAPE, OR
7 DIGITAL IMAGES EVIDENCING THE VIOLATION SHALL BE DESTROYED 90
8 DAYS AFTER FINAL DISPOSITION OF THE CITATION.

9 (9) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS
10 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE
11 CITATION ISSUED WAS OPERATED IN VIOLATION OF THIS SECTION,
12 TOGETHER WITH PROOF THAT THE DEFENDANT OR DEFENDANTS WERE AT THE
13 TIME OF THE VIOLATION THE REGISTERED OWNER OR OWNERS OF THE
14 VEHICLE, CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE REGISTERED
15 OWNER OR OWNERS OF THE VEHICLE WERE THE PERSON OR PERSONS
16 RESPONSIBLE FOR THE VIOLATION. THE PRESUMPTION MAY BE REBUTTED IF
17 THE REGISTERED OWNER OF THE VEHICLE FILES AN AFFIDAVIT BY REGULAR
18 MAIL WITH THE CLERK OF THE COURT THAT HE OR SHE WAS NOT THE
19 OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION OR
20 TESTIFIES IN OPEN COURT UNDER OATH THAT HE OR SHE WAS NOT THE
21 OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION. THE
22 PRESUMPTION ALSO MAY BE REBUTTED IF A CERTIFIED COPY OF A POLICE
23 REPORT, SHOWING THAT THE VEHICLE WAS REPORTED TO THE POLICE AS
24 STOLEN BEFORE THE TIME OF THE ALLEGED VIOLATION OF THIS SECTION,
25 IS PRESENTED TO THE COURT BEFORE THE RETURN DATE ESTABLISHED ON
26 THE CITATION. FOR PURPOSES OF THIS SUBSECTION, THE OWNER OF A
27 LEASED OR RENTAL VEHICLE SHALL PROVIDE THE NAME AND ADDRESS OF

1 THE PERSON TO WHOM THE VEHICLE WAS LEASED OR RENTED AT THE TIME
2 OF THE VIOLATION.

3 (10) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION
4 OF THIS SECTION MAY BE EXECUTED BY MAILING BY FIRST-CLASS MAIL A
5 COPY TO THE ADDRESS OF THE OWNER OR OWNERS OF THE VEHICLE AS
6 SHOWN ON THE RECORDS OF THE SECRETARY OF STATE. IF THE SUMMONED
7 PERSON OR PERSONS FAIL TO APPEAR ON THE DATE OF RETURN SET OUT IN
8 THE CITATION PREVIOUSLY MAILED BY FIRST-CLASS MAIL UNDER THIS
9 SUBSECTION, A COPY SHALL BE SENT BY CERTIFIED MAIL--RETURN
10 RECEIPT REQUESTED. IF THE SUMMONED PERSON OR PERSONS FAIL TO
11 APPEAR ON EITHER OF THE DATES OF RETURN SET OUT IN THE CITATION
12 MAILED UNDER THIS SUBSECTION, THE CITATION SHALL BE EXECUTED IN
13 THE MANNER PROVIDED BY LAW FOR PERSONAL SERVICE. PROCEEDINGS FOR
14 CONTEMPT OR ARREST OF A PERSON OR PERSONS SUMMONED BY MAILING
15 SHALL BE INSTITUTED FOR FAILURE TO APPEAR ON THE RETURN DATE OF
16 THE CITATION IF A SWORN COMPLAINT IS FILED WITH THE COURT FOR
17 THAT PURPOSE AS REQUIRED FOR OTHER CIVIL INFRACTIONS UNDER
18 SECTION 744.

19 (11) POINTS SHALL NOT BE ASSESSED FOR A VIOLATION OF THIS
20 SECTION.

21 (12) THE ENTITY CONDUCTING THE PILOT PROJECT SHALL ANALYZE
22 THE RESULTS OF THE PILOT PROJECT AND REPORT ITS FINDINGS TO THE
23 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF STATE POLICE, THE
24 SECRETARY OF THE STATE SENATE, AND THE CLERK OF THE STATE HOUSE
25 OF REPRESENTATIVES NOT LATER THAN 6 MONTHS AFTER THE PILOT
26 PROJECT IS COMPLETED. THE ENTITY SHALL ALSO ALLOW PUBLIC ACCESS
27 TO THE REPORT.

1 (13) AS USED IN THIS SECTION:

2 (A) "MONITORING JURISDICTION" MEANS A LOCAL AUTHORITY HAVING
3 JURISDICTION OVER A HIGHWAY OR STREET THAT HAS APPROVED A TRAFFIC
4 MONITORING IMPLEMENTATION PLAN UNDER SUBSECTION (1).

5 (B) "UNMANNED TRAFFIC MONITORING DEVICE" MEANS A
6 PHOTOGRAPHIC, VIDEO, OR ELECTRONIC DIGITAL CAMERA AND VEHICLE
7 SENSORS INSTALLED TO WORK IN CONJUNCTION WITH AN OFFICIAL TRAFFIC
8 CONTROL DEVICE TO AUTOMATICALLY PRODUCE PHOTOGRAPHS, VIDEO, OR
9 DIGITAL IMAGES OF EACH VEHICLE COMMITTING A VIOLATION OF THIS ACT
10 AT AN INTERSECTION WITH A TRAFFIC CONTROL SIGNAL.

11 Sec. 628. (1) If the state transportation commission and the
12 director of the department of state police jointly determine upon
13 the basis of an engineering and traffic investigation that the
14 speed of vehicular traffic on a state trunk line highway is
15 greater or less than is reasonable or safe under the conditions
16 found to exist at an intersection or other place or upon a part
17 of the highway, the officials acting jointly may determine and
18 declare a reasonable and safe maximum or minimum speed limit on
19 that state trunk line highway or intersection that shall be
20 effective at the times determined when appropriate signs giving
21 notice of the speed limit are erected at the intersection or
22 other place or part of the highway. **A LOCAL UNIT OF GOVERNMENT**
23 **MAY PLACE 1 OR MORE SIGNS THAT DESIGNATE AN AUTOMATED SPEED**
24 **SAFETY CAMERA ENFORCEMENT ZONE AS PROVIDED IN SECTION 649A.**

25 (2) If the county road commission, the township board, and
26 the director of the department of state police unanimously
27 determine upon the basis of an engineering and traffic

1 investigation that the speed of vehicular traffic on a county
2 highway is greater or less than is reasonable or safe under the
3 conditions found to exist at an intersection or other place or
4 upon a part of the highway, the officials acting unanimously may
5 establish a reasonable and safe maximum or minimum speed limit at
6 that intersection or on that county highway that shall be
7 effective at the times determined when appropriate signs giving
8 notice of the speed limit are erected at the intersection or
9 other place or part of the highway. A township board that does
10 not wish to continue as part of the process provided by this
11 subsection shall notify in writing the county road commission. As
12 used in this subsection, "county road commission" means the board
13 of county road commissioners elected or appointed pursuant to
14 section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the
15 case of a charter county with a population of 2,000,000 or more
16 with an elected county executive that does not have a board of
17 county road commissioners, the county executive.

18 (3) If a superintendent of a school district determines that
19 the speed of vehicular traffic on a state trunk line or county
20 highway, which is within 1,000 feet of a school in the school
21 district of which that person is the superintendent, is greater
22 or less than is reasonable or safe, the officials identified in
23 subsection (1) or (2), as appropriate, shall include the
24 superintendent of the school district affected in acting jointly
25 in determining and declaring a reasonable and safe maximum or
26 minimum speed limit on that state trunk line or county highway.
27 The maximum speed limit on all highways or parts of highways upon

1 which a maximum speed limit is not otherwise fixed under this act
2 shall be 55 miles per hour.

3 (4) In the case of a county highway of not less than 1 mile
4 with residential lots with road frontage of 300 feet or less
5 along either side of the highway for the length of that part of
6 the highway that is under review for a proposed change in the
7 speed limit, the township board may petition the county road
8 commission or in charter counties where there is no road
9 commission, but there is a county board of commissioners, the
10 township board may petition the county board of commissioners for
11 a proposed change in the speed limit. The county road commission
12 or in charter counties where there is no road commission, but
13 there is a county board of commissioners, the township board may
14 petition the county board of commissioners to approve the
15 proposed change in the speed limit without the necessity of an
16 engineering and traffic investigation.

17 (5) The speed limit on a county highway or an interconnected
18 group of county highways of not more than 1 mile in total length
19 that connect with the county road system by a single entrance and
20 exit shall be 25 miles per hour unless a different speed limit is
21 fixed and posted.

22 (6) If upon investigation the state transportation
23 commission or county road commission and the director of the
24 department of state police find it in the interest of public
25 safety, they may order the township board, or city or village
26 officials to erect and maintain, take down, or regulate the speed
27 control signs, signals, or devices as directed, and in default of

1 an order the state transportation commission or county road
2 commission may cause the designated signs, signals, and devices
3 to be erected and maintained, taken down, regulated, or
4 controlled, in the manner previously directed, and pay for the
5 erecting and maintenance, removal, regulation, or control of the
6 sign, signal, or device out of the highway fund designated.

7 (7) A public record of all speed control signs, signals, or
8 devices authorized under this section shall be filed in the
9 office of the county clerk of the county in which the highway is
10 located, and a certified copy shall be prima facie evidence in
11 all courts of the issuance of the authorization. The public
12 record with the county clerk shall not be required as prima facie
13 evidence of authorization in the case of signs erected or placed
14 temporarily for the control of speed or direction of traffic at
15 points where construction, repairs, or maintenance of highways is
16 in progress, or along a temporary alternate route established to
17 avoid the construction, repair, or maintenance of a highway, if
18 the signs are of uniform design approved by the state
19 transportation commission and the director of the department of
20 state police and clearly indicate a special control, when proved
21 in court that the temporary traffic-control sign was placed by
22 the state transportation commission or on the authority of the
23 state transportation commission and the director of the
24 department of state police or by the county road commission or on
25 the authority of the county road commission, at a specified
26 location.

27 (8) A person who fails to observe an authorized speed or

1 traffic control sign, signal, or device is responsible for a
2 civil infraction.

3 (9) Except as otherwise provided in this section, the
4 maximum speed limit on all freeways shall be 70 miles per hour
5 except that the state transportation department may designate not
6 more than 170 miles of freeway in this state on which the speed
7 limit may be less than 70 miles per hour. The minimum speed limit
8 on all freeways shall be 45 miles per hour except if reduced
9 speed is necessary for safe operation or in compliance with law
10 or in compliance with a special permit issued by an appropriate
11 authority.

12 (10) The maximum rates of speed allowed pursuant to this
13 section are subject to the maximum rates established under
14 section 629b, section 627(5) to (7) for certain vehicles and
15 vehicle combinations, and section 629(4).

16 (11) A citation or civil infraction determination for
17 exceeding a lawful maximum speed limit of 55 miles per hour by
18 driving 65 miles per hour or less shall not be considered by any
19 person in establishing automobile insurance eligibility or
20 automobile insurance rates.

21 Sec. 629c. (1) Notwithstanding sections 320a and 907, **BUT**
22 **SUBJECT TO SECTION 649A**, a person who is determined responsible
23 or responsible "with explanation" for a civil infraction for
24 violating the maximum speed limit on a limited access freeway or
25 part of a limited access freeway upon which the maximum speed
26 limit is 55 miles per hour or more shall be ordered by the court
27 to pay a minimum fine and shall have points entered on his or her

1 driving record by the secretary of state only according to the
 2 following schedule, except as otherwise provided in subsections
 3 (2) and (3):

4	<u>Number of miles per hour</u>		
5	<u>that the vehicle exceeded the</u>		
6	<u>applicable speed limit at the time</u>		<u>Minimum</u>
7	<u>of the violation</u>	<u>Points</u>	<u>Fine</u>
8	1 to 5	0	\$10.00
9	6 to 10	1	\$20.00
10	11 to 15	2	\$30.00
11	16 to 25	3	\$40.00
12	26 or over	4	\$50.00

13 (2) Subsection (1) does not apply to a person operating a
 14 vehicle or vehicle combination for which the maximum rate of
 15 speed is established ~~pursuant to~~ **UNDER** section 627(5) to (7).

16 (3) For a violation of a maximum speed limit on a limited
 17 access freeway by a person operating a vehicle or vehicle
 18 combination described in subsection (2), points shall be assessed
 19 under section 320a and fines shall be assessed under section 907.

20 **SEC. 649A. (1) THE STATE TRANSPORTATION DEPARTMENT IN**
 21 **COOPERATION WITH THE DEPARTMENT OF STATE POLICE SHALL SELECT AT**
 22 **ANY 1 TIME 3 CONSTRUCTION ZONES ON INTERSTATE HIGHWAYS WITHIN**
 23 **THIS STATE AND 3 SCHOOL ZONES WITHIN THIS STATE TO IMPLEMENT A**
 24 **PILOT PROJECT THAT AUTHORIZES A COUNTY BOARD OF COMMISSIONERS, A**
 25 **BOARD OF COUNTY ROAD COMMISSIONERS, A COUNTY SHERIFF, THE**
 26 **GOVERNING BODY OF A TOWNSHIP, CITY, OR VILLAGE, OR THE DEPARTMENT**

1 OF STATE POLICE TO INSTALL AND USE 1 OR MORE AUTOMATED SPEED
2 SAFETY CAMERAS IN EACH OF THOSE CONSTRUCTION ZONES OR SCHOOL
3 ZONES. THE PILOT PROJECT SHALL BE FOR A 3-YEAR PERIOD. A SPEED
4 SAFETY IMPLEMENTATION PLAN SHALL BE ADOPTED BEFORE OPERATING AND
5 USING THE AUTOMATED SPEED SAFETY CAMERA.

6 (2) A MONITORING JURISDICTION MAY CONTRACT WITH A VENDOR FOR
7 ALL EQUIPMENT AND SERVICES ASSOCIATED WITH AN AUTOMATED SPEED
8 SAFETY DEVICE PROGRAM. THE CONTRACT SHALL BE BASED UPON A
9 DESIGNATED FEE FOR EQUIPMENT AND SERVICES AND SHALL NOT BE BASED
10 UPON A CONTINGENCY FEE BASED UPON THE NUMBER OF CITATIONS ISSUED
11 OR REVENUES GENERATED BY CITATIONS. ENFORCEMENT OF THE AUTOMATED
12 SPEED SAFETY DEVICE PROGRAM SHALL BE PROVIDED BY THE APPROPRIATE
13 LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

14 (3) A SPEED SAFETY IMPLEMENTATION PLAN ADOPTED UNDER
15 SUBSECTION (1) SHALL INCLUDE, BUT IS NOT REQUIRED TO BE LIMITED
16 TO, ALL OF THE FOLLOWING:

17 (A) A PLAN FOR THE DIRECT MANAGEMENT OF THE SPEED SAFETY
18 CAMERAS BY AN APPROPRIATE LAW ENFORCEMENT AGENCY.

19 (B) A SPEED SAFETY DATA COLLECTION PLAN TO PROVIDE FOR THE
20 COLLECTION OF DATA FOR THE PURPOSE OF EVALUATING THE
21 EFFECTIVENESS OF INSTALLED SPEED SAFETY CAMERAS.

22 (C) A PUBLIC EDUCATION CAMPAIGN TO ENHANCE PUBLIC AWARENESS
23 OF SPEED SAFETY CAMERAS AND ENFORCEMENT ACTIVITIES.

24 (4) IN DEVELOPING THE SPEED SAFETY MONITORING PLAN DESCRIBED
25 IN SUBSECTION (3), THE MONITORING JURISDICTION SHALL SOLICIT
26 RECOMMENDATIONS FROM LAW ENFORCEMENT OFFICERS, PROSECUTORS,
27 JUDGES, TRAFFIC ENGINEERS, AND OTHER INTERESTED PARTIES.

1 (5) EACH CONSTRUCTION ZONE OR SCHOOL ZONE IN WHICH A SPEED
2 SAFETY CAMERA IS USED SHALL BE SUFFICIENTLY MARKED OR IDENTIFIED
3 OR A SIGN SHALL BE PLACED AT OR NEAR THE BEGINNING OF THE
4 CONSTRUCTION ZONE OR SCHOOL ZONE INDICATING THAT THE CONSTRUCTION
5 ZONE OR SCHOOL ZONE IS MONITORED BY A SPEED SAFETY CAMERA.

6 (6) AN AUTOMATED SPEED SAFETY CAMERA SHALL BE SET TO TAKE
7 PICTURES OF THE VEHICLE AND VEHICLE LICENSE PLATE ONLY, AND ONLY
8 WHILE AN INFRACTION IS OCCURRING.

9 (7) BEGINNING 14 DAYS AFTER THE INSTALLATION OF A SPEED
10 SAFETY CAMERA, A PERSON IS RESPONSIBLE FOR A CIVIL INFRACTION AS
11 PROVIDED IN THIS ACT IF THE PERSON COMMITS A SPEEDING VIOLATION
12 WITHIN THE CONSTRUCTION ZONE OR SCHOOL ZONE AS DETERMINED BY
13 EVIDENCE OBTAINED FROM A SPEED SAFETY CAMERA. HOWEVER, FOR THE
14 FIRST 7 DAYS AFTER THE INSTALLATION OF A SPEED SAFETY CAMERA IN A
15 CONSTRUCTION ZONE OR SCHOOL ZONE, THE LAW ENFORCEMENT AGENCY
16 RESPONSIBLE FOR THE MANAGEMENT OF THE CAMERA SHALL COLLECT DATA
17 REGARDING SPEEDING VIOLATIONS COMMITTED IN THAT CONSTRUCTION ZONE
18 OR SCHOOL ZONE TO ESTABLISH A BASELINE TO MEASURE THE
19 EFFECTIVENESS OF THE SPEED SAFETY CAMERA. DURING THE SECOND 7
20 DAYS AFTER THE INSTALLATION OF A SPEED SAFETY CAMERA IN A
21 CONSTRUCTION ZONE OR SCHOOL ZONE, A PERSON OTHERWISE RESPONSIBLE
22 FOR A CIVIL INFRACTION UNDER THIS SUBSECTION SHALL BE ISSUED A
23 WRITTEN WARNING ONLY. DURING THE PERIOD IN WHICH A SPEED SAFETY
24 CAMERA IS INSTALLED IN A CONSTRUCTION ZONE OR SCHOOL ZONE, THE
25 LAW ENFORCEMENT AGENCY RESPONSIBLE FOR THE MANAGEMENT OF THE
26 CAMERA SHALL CONTINUE TO COLLECT DATA REGARDING ANY SPEEDING
27 VIOLATIONS OF THIS ACT TO REGULARLY EVALUATE THE EFFECTIVENESS OF

1 THE CAMERA.

2 (8) A SWORN STATEMENT OF A POLICE OFFICER OF THE STATE OR
3 LOCAL AUTHORITY HAVING JURISDICTION OVER THE CONSTRUCTION ZONE OR
4 SCHOOL ZONE, BASED UPON INSPECTION OF PHOTOGRAPHS, VIDEOTAPE, OR
5 DIGITAL IMAGES PRODUCED BY A SPEED SAFETY CAMERA, IS PRIMA FACIE
6 EVIDENCE OF THE FACTS CONTAINED IN THE SWORN STATEMENT. ANY
7 PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL IMAGES EVIDENCING THE
8 VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN A PROCEEDING TO
9 ADJUDICATE THE LIABILITY FOR A SPEEDING VIOLATION. ANY
10 PHOTOGRAPHS, VIDEOTAPE, OR DIGITAL IMAGES EVIDENCING THE
11 VIOLATION SHALL BE DESTROYED 90 DAYS AFTER FINAL DISPOSITION OF
12 THE CITATION.

13 (9) IN THE PROSECUTION OF AN OFFENSE ESTABLISHED UNDER THIS
14 SECTION, PRIMA FACIE EVIDENCE THAT THE VEHICLE DESCRIBED IN THE
15 CITATION ISSUED WAS OPERATED IN VIOLATION OF A SPEED LAW,
16 TOGETHER WITH PROOF THAT THE DEFENDANT OR DEFENDANTS WERE AT THE
17 TIME OF THE VIOLATION THE REGISTERED OWNER OR OWNERS OF THE
18 VEHICLE, CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE REGISTERED
19 OWNER OR OWNERS OF THE VEHICLE WERE THE PERSON OR PERSONS
20 RESPONSIBLE FOR THE VIOLATION. THE PRESUMPTION MAY BE REBUTTED IF
21 THE REGISTERED OWNER OF THE VEHICLE FILES AN AFFIDAVIT BY REGULAR
22 MAIL WITH THE CLERK OF THE COURT THAT HE OR SHE WAS NOT THE
23 OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION OR
24 TESTIFIES IN OPEN COURT UNDER OATH THAT HE OR SHE WAS NOT THE
25 OPERATOR OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION. THE
26 PRESUMPTION ALSO MAY BE REBUTTED IF A CERTIFIED COPY OF A POLICE
27 REPORT, SHOWING THAT THE VEHICLE WAS REPORTED TO THE POLICE AS

1 STOLEN BEFORE THE TIME OF THE ALLEGED VIOLATION OF THIS SECTION,
2 IS PRESENTED TO THE COURT BEFORE THE RETURN DATE ESTABLISHED ON
3 THE CITATION. FOR PURPOSES OF THIS SUBSECTION, THE OWNER OF A
4 LEASED OR RENTAL VEHICLE SHALL PROVIDE THE NAME AND ADDRESS OF
5 THE PERSON TO WHOM THE VEHICLE WAS LEASED OR RENTED AT THE TIME
6 OF THE VIOLATION.

7 (10) NOTWITHSTANDING SECTION 742, A CITATION FOR A VIOLATION
8 OF THIS SECTION MAY BE EXECUTED BY MAILING BY FIRST-CLASS MAIL A
9 COPY TO THE ADDRESS OF THE OWNER OR OWNERS OF THE VEHICLE AS
10 SHOWN ON THE RECORDS OF THE SECRETARY OF STATE. IF THE SUMMONED
11 PERSON OR PERSONS FAIL TO APPEAR ON THE DATE OF RETURN SET OUT IN
12 THE CITATION PREVIOUSLY MAILED BY FIRST-CLASS MAIL UNDER THIS
13 SUBSECTION, A COPY SHALL BE SENT BY CERTIFIED MAIL--RETURN
14 RECEIPT REQUESTED. IF THE SUMMONED PERSON OR PERSONS FAIL TO
15 APPEAR ON EITHER OF THE DATES OF RETURN SET OUT IN THE CITATION
16 MAILED UNDER THIS SUBSECTION, THE CITATION SHALL BE EXECUTED IN
17 THE MANNER PROVIDED BY LAW FOR PERSONAL SERVICE. PROCEEDINGS FOR
18 CONTEMPT OR ARREST OF A PERSON OR PERSONS SUMMONED BY MAILING
19 SHALL BE INSTITUTED FOR FAILURE TO APPEAR ON THE RETURN DATE OF
20 THE CITATION IF A SWORN COMPLAINT IS FILED WITH THE COURT FOR
21 THAT PURPOSE AS REQUIRED FOR OTHER CIVIL INFRACTIONS UNDER
22 SECTION 744.

23 (11) POINTS SHALL NOT BE ASSESSED FOR A VIOLATION OF THIS
24 SECTION.

25 (12) THE ENTITY CONDUCTING THE PILOT PROJECT SHALL ANALYZE
26 THE RESULTS OF THE PILOT PROJECT AND REPORT ITS FINDINGS TO THE
27 DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF STATE POLICE, THE

1 SECRETARY OF THE STATE SENATE, AND THE CLERK OF THE STATE HOUSE
2 OF REPRESENTATIVES NOT LATER THAN 6 MONTHS AFTER THE PILOT
3 PROJECT IS COMPLETED. THE ENTITY SHALL ALSO ALLOW PUBLIC ACCESS
4 TO THE REPORT.

5 (13) AS USED IN THIS SECTION:

6 (A) "AUTOMATED SPEED SAFETY CAMERA" MEANS A DEVICE THAT USES
7 A VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED
8 MEASURING DEVICE AND A CAMERA SYNCHRONIZED TO AUTOMATICALLY
9 RECORD 1 OR MORE SEQUENCED PHOTOGRAPHS, MICROPHOTOGRAPHS, OR
10 ELECTRONIC IMAGES OF ONLY THE REAR OF A MOTOR VEHICLE AT THE TIME
11 THE VEHICLE EXCEEDS A PREDETERMINED SPEED AS DETECTED BY A SPEED
12 MEASURING DEVICE.

13 (B) "MONITORING JURISDICTION" MEANS A LOCAL AUTHORITY HAVING
14 JURISDICTION OVER A HIGHWAY OR STREET THAT HAS APPROVED A SPEED
15 SAFETY IMPLEMENTATION PLAN UNDER SUBSECTION (1).

16 (C) "SCHOOL ZONE" MEANS THAT TERM AS DEFINED IN SECTION
17 627A.

18 Sec. 732. (1) Each municipal judge and each clerk of a court
19 of record shall keep a full record of every case in which a
20 person is charged with or cited for a violation of this act or a
21 local ordinance substantially corresponding to this act
22 regulating the operation of vehicles on highways and with those
23 offenses pertaining to the operation of ORVs or snowmobiles for
24 which points are assessed under section 320a(1)(c) or (i). Except
25 as provided in subsection (16) **AND SECTION 649A**, the municipal
26 judge or clerk of the court of record shall prepare and forward
27 to the secretary of state an abstract of the court record as

1 follows:

2 (a) Until October 1, 2005, within 14 days after a
3 conviction, forfeiture of bail, or entry of a civil infraction
4 determination or default judgment upon a charge of or citation
5 for violating or attempting to violate this act or a local
6 ordinance substantially corresponding to this act regulating the
7 operation of vehicles on highways, or, beginning October 1, 2005,
8 within 5 days after a conviction, forfeiture of bail, or entry of
9 a civil infraction determination or default judgment upon a
10 charge of or citation for violating or attempting to violate this
11 act or a local ordinance substantially corresponding to this act
12 regulating the operation of vehicles on highways.

13 (b) Immediately for each case charging a violation of
14 section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m
15 or a local ordinance substantially corresponding to section
16 625(1), (3), (6), or (8) or section 625m in which the charge is
17 dismissed or the defendant is acquitted.

18 (c) Immediately for each case charging a violation of
19 section 82127(1) or (3), 81134, or 81135 of the natural resources
20 and environmental protection act, 1994 PA 451, MCL 324.82127,
21 324.81134, and 324.81135, or a local ordinance substantially
22 corresponding to those sections.

23 (2) If a city or village department, bureau, or person is
24 authorized to accept a payment of money as a settlement for a
25 violation of a local ordinance substantially corresponding to
26 this act, the city or village department, bureau, or person shall
27 send a full report of each case in which a person pays any amount

1 of money to the city or village department, bureau, or person to
2 the secretary of state upon a form prescribed by the secretary of
3 state.

4 (3) The abstract or report required under this section shall
5 be made upon a form furnished by the secretary of state. An
6 abstract shall be certified by signature, stamp, or facsimile
7 signature of the person required to prepare the abstract as
8 correct. An abstract or report shall include all of the
9 following:

10 (a) The name, address, and date of birth of the person
11 charged or cited.

12 (b) The number of the person's operator's or chauffeur's
13 license, if any.

14 (c) The date and nature of the violation.

15 (d) The type of vehicle driven at the time of the violation
16 and, if the vehicle is a commercial motor vehicle, that vehicle's
17 group designation and indorsement classification.

18 (e) The date of the conviction, finding, forfeiture,
19 judgment, or civil infraction determination.

20 (f) Whether bail was forfeited.

21 (g) Any license restriction, suspension, or denial ordered
22 by the court as provided by law.

23 (h) The vehicle identification number and registration plate
24 number of all vehicles that are ordered immobilized or forfeited.

25 (i) Other information considered necessary to the secretary
26 of state.

27 (4) The clerk of the court also shall forward an abstract of

1 the court record to the secretary of state upon a person's
2 conviction involving any of the following:

3 (a) A violation of section 413, 414, or 479a of the Michigan
4 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

5 (b) A violation of section 1 of former 1931 PA 214.

6 (c) Negligent homicide, manslaughter, or murder resulting
7 from the operation of a vehicle.

8 (d) A violation of section 703 of the Michigan liquor
9 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
10 ordinance substantially corresponding to that section.

11 (e) A violation of section 411a(2) of the Michigan penal
12 code, 1931 PA 328, MCL 750.411a.

13 (f) A violation of motor carrier safety regulations, 49 CFR
14 392.10 or 392.11, as adopted by section 1a of the motor carrier
15 safety act of 1963, 1963 PA 181, MCL 480.11a.

16 (g) A violation of section 57 of the pupil transportation
17 act, 1990 PA 187, MCL 257.1857.

18 (h) A violation of motor carrier safety regulations, 49 CFR
19 392.10 or 392.11, as adopted by section 31 of the motor bus
20 transportation act, 1982 PA 432, MCL 474.131.

21 (i) An attempt to violate, a conspiracy to violate, or a
22 violation of part 74 of the public health code, 1978 PA 368, MCL
23 333.7401 to 333.7461, or a local ordinance that prohibits conduct
24 prohibited under part 74 of the public health code, 1978 PA 368,
25 MCL 333.7401 to 333.7461, unless the convicted person is
26 sentenced to life imprisonment or a minimum term of imprisonment
27 that exceeds 1 year for the offense.

1 (j) An attempt to commit an offense described in
2 subdivisions (a) to (h).

3 (k) A violation of chapter LXXXIII-A of the Michigan penal
4 code, 1931 PA 328, MCL 750.543a to 750.543z.

5 (l) A violation of section 3101, 3102(1), or 3103 of the
6 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
7 500.3103.

8 (m) A violation listed as a disqualifying offense under the
9 federal motor carrier safety regulations, 49 CFR 383.51.

10 (5) Beginning September 1, 2004, the clerk of the court
11 shall also forward an abstract of the court record to the
12 secretary of state if a person has pled guilty to, or offered a
13 plea of admission in a juvenile proceeding for, a violation of
14 section 703 of the Michigan liquor control code of 1998, 1998 PA
15 58, MCL 436.1703, or a local ordinance substantially
16 corresponding to that section, and has had further proceedings
17 deferred under that section. If the person is sentenced to a term
18 of probation and terms and conditions of probation are fulfilled
19 and the court discharges the individual and dismisses the
20 proceedings, the court shall also report the dismissal to the
21 secretary of state.

22 (6) As used in subsections (7) to (9), "felony in which a
23 motor vehicle was used" means a felony during the commission of
24 which the person operated a motor vehicle and while operating the
25 vehicle presented real or potential harm to persons or property
26 and 1 or more of the following circumstances existed:

27 (a) The vehicle was used as an instrument of the felony.

1 (b) The vehicle was used to transport a victim of the
2 felony.

3 (c) The vehicle was used to flee the scene of the felony.

4 (d) The vehicle was necessary for the commission of the
5 felony.

6 (7) If a person is charged with a felony in which a motor
7 vehicle was used, other than a felony specified in subsection (4)
8 or section 319, the prosecuting attorney shall include the
9 following statement on the complaint and information filed in
10 district or circuit court:

11 "You are charged with the commission of a felony in which a
12 motor vehicle was used. If you are convicted and the judge finds
13 that the conviction is for a felony in which a motor vehicle was
14 used, as defined in section 319 of the Michigan vehicle code,
15 1949 PA 300, MCL 257.319, your driver's license shall be
16 suspended by the secretary of state.".

17 (8) If a juvenile is accused of an act, the nature of which
18 constitutes a felony in which a motor vehicle was used, other
19 than a felony specified in subsection (4) or section 319, the
20 prosecuting attorney or family division of circuit court shall
21 include the following statement on the petition filed in the
22 court:

23 "You are accused of an act the nature of which constitutes a
24 felony in which a motor vehicle was used. If the accusation is
25 found to be true and the judge or referee finds that the nature
26 of the act constitutes a felony in which a motor vehicle was
27 used, as defined in section 319 of the Michigan vehicle code,

1 1949 PA 300, MCL 257.319, your driver's license shall be
2 suspended by the secretary of state."

3 (9) If the court determines as part of the sentence or
4 disposition that the felony for which the person was convicted or
5 adjudicated and with respect to which notice was given under
6 subsection (7) or (8) is a felony in which a motor vehicle was
7 used, the clerk of the court shall forward an abstract of the
8 court record of that conviction to the secretary of state.

9 (10) As used in subsections (11) and (12), "felony in which
10 a commercial motor vehicle was used" means a felony during the
11 commission of which the person operated a commercial motor
12 vehicle and while the person was operating the vehicle 1 or more
13 of the following circumstances existed:

14 (a) The vehicle was used as an instrument of the felony.

15 (b) The vehicle was used to transport a victim of the
16 felony.

17 (c) The vehicle was used to flee the scene of the felony.

18 (d) The vehicle was necessary for the commission of the
19 felony.

20 (11) If a person is charged with a felony in which a
21 commercial motor vehicle was used and for which a vehicle group
22 designation on a license is subject to suspension or revocation
23 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
24 319b(1)(f)(i), the prosecuting attorney shall include the
25 following statement on the complaint and information filed in
26 district or circuit court:

27 "You are charged with the commission of a felony in which a

1 commercial motor vehicle was used. If you are convicted and the
2 judge finds that the conviction is for a felony in which a
3 commercial motor vehicle was used, as defined in section 319b of
4 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle
5 group designations on your driver's license shall be suspended or
6 revoked by the secretary of state."

7 (12) If the judge determines as part of the sentence that
8 the felony for which the defendant was convicted and with respect
9 to which notice was given under subsection (11) is a felony in
10 which a commercial motor vehicle was used, the clerk of the court
11 shall forward an abstract of the court record of that conviction
12 to the secretary of state.

13 (13) Every person required to forward abstracts to the
14 secretary of state under this section shall certify for the
15 period from January 1 through June 30 and for the period from
16 July 1 through December 31 that all abstracts required to be
17 forwarded during the period have been forwarded. The
18 certification shall be filed with the secretary of state not
19 later than 28 days after the end of the period covered by the
20 certification. The certification shall be made upon a form
21 furnished by the secretary of state and shall include all of the
22 following:

23 (a) The name and title of the person required to forward
24 abstracts.

25 (b) The court for which the certification is filed.

26 (c) The time period covered by the certification.

27 (d) The following statement:

1 "I certify that all abstracts required by section 732 of the
2 Michigan vehicle code, MCL 257.732, ~~MSA 9.2432,~~ for the
3 period _____ through _____ have been
4 forwarded to the secretary of state.".

5 (e) Other information the secretary of state considers
6 necessary.

7 (f) The signature of the person required to forward
8 abstracts.

9 (14) The failure, refusal, or neglect of a person to comply
10 with this section constitutes misconduct in office and is grounds
11 for removal from office.

12 (15) Except as provided in subsection (16), the secretary of
13 state shall keep all abstracts received under this section at the
14 secretary of state's main office and the abstracts shall be open
15 for public inspection during the office's usual business hours.
16 Each abstract shall be entered upon the master driving record of
17 the person to whom it pertains.

18 (16) Except for controlled substance offenses described in
19 subsection (4), the court shall not submit, and the secretary of
20 state shall discard and not enter on the master driving record,
21 an abstract for a conviction or civil infraction determination
22 for any of the following violations:

23 (a) The parking or standing of a vehicle.

24 (b) A nonmoving violation that is not the basis for the
25 secretary of state's suspension, revocation, or denial of an
26 operator's or chauffeur's license.

27 (c) A violation of chapter II that is not the basis for the

1 secretary of state's suspension, revocation, or denial of an
2 operator's or chauffeur's license.

3 (d) A pedestrian, passenger, or bicycle violation, other
4 than a violation of section 703(1) or (2) of the Michigan liquor
5 control code of 1998, 1998 PA 58, MCL 436.1703, or a local
6 ordinance substantially corresponding to section 703(1) or (2) of
7 the Michigan liquor control code of 1998, 1998 PA 58, MCL
8 436.1703, or section 624a or 624b or a local ordinance
9 substantially corresponding to section 624a or 624b.

10 (e) A violation of section 710e or a local ordinance
11 substantially corresponding to section 710e.

12 (f) A violation of section 328(1) if, before the appearance
13 date on the citation, the person submits proof to the court that
14 the motor vehicle had insurance meeting the requirements of
15 sections 3101 and 3102 of the insurance code of 1956, 1956 PA
16 218, MCL 500.3101 and 500.3102, at the time the citation was
17 issued. Insurance obtained subsequent to the time of the
18 violation does not make the violation an exception under this
19 subsection.

20 (g) A violation described in section 319b(4)(b)(vii) if,
21 before the court appearance date or date fines are to be paid,
22 the person submits proof to the court that he or she held a valid
23 commercial driver license on the date the citation was issued.

24 (17) Except as otherwise provided in this subsection, the
25 secretary of state shall discard and not enter on the master
26 driving record an abstract for a bond forfeiture that occurred
27 outside this state. The secretary of state shall enter on the

1 master driving record an abstract for a conviction as defined in
2 section 8a(b) that occurred outside this state in connection with
3 the operation of a commercial motor vehicle or for a conviction
4 of a person licensed as a commercial motor vehicle driver.

5 (18) The secretary of state shall inform the courts of this
6 state of the nonmoving violations and violations of chapter II
7 that are used by the secretary of state as the basis for the
8 suspension, restriction, revocation, or denial of an operator's
9 or chauffeur's license.

10 (19) If a conviction or civil infraction determination is
11 reversed upon appeal, the person whose conviction or
12 determination has been reversed may serve on the secretary of
13 state a certified copy of the order of reversal. The secretary of
14 state shall enter the order in the proper book or index in
15 connection with the record of the conviction or civil infraction
16 determination.

17 (20) The secretary of state may permit a city or village
18 department, bureau, person, or court to modify the requirement as
19 to the time and manner of reporting a conviction, civil
20 infraction determination, or settlement to the secretary of state
21 if the modification will increase the economy and efficiency of
22 collecting and utilizing the records. If the permitted abstract
23 of court record reporting a conviction, civil infraction
24 determination, or settlement originates as a part of the written
25 notice to appear, authorized in section 728(1) or 742(1), the
26 form of the written notice and report shall be as prescribed by
27 the secretary of state.

1 (21) Notwithstanding any other law of this state, a court
2 shall not take under advisement an offense committed by a person
3 while operating a commercial motor vehicle or by a person
4 licensed to drive a commercial motor vehicle while operating a
5 noncommercial motor vehicle at the time of the offense, for which
6 this act requires a conviction or civil infraction determination
7 to be reported to the secretary of state. A conviction or civil
8 infraction determination that is the subject of this subsection
9 shall not be masked, delayed, diverted, suspended, or suppressed
10 by a court. Upon a conviction or civil infraction determination,
11 the conviction or civil infraction determination shall
12 immediately be reported to the secretary of state in accordance
13 with this section.

14 (22) Except as provided in this act and notwithstanding any
15 other provision of law, a court shall not order expunction of any
16 violation reportable to the secretary of state under this
17 section.

18 Sec. 907. (1) A violation of this act, or a local ordinance
19 substantially corresponding to a provision of this act, that is
20 designated a civil infraction shall not be considered a lesser
21 included offense of a criminal offense.

22 (2) If a person is determined pursuant to sections 741 to
23 750 to be responsible or responsible "with explanation" for a
24 civil infraction under this act or a local ordinance
25 substantially corresponding to a provision of this act, the judge
26 or district court magistrate may order the person to pay a civil
27 fine of not more than \$100.00 and costs as provided in subsection

1 (4). However, for a violation of section 674(1)(s) or a local
2 ordinance substantially corresponding to section 674(1)(s), the
3 person shall be ordered to pay costs as provided in subsection
4 (4) and a civil fine of not less than \$100.00 or more than
5 \$250.00. For a violation of section 328, the civil fine ordered
6 under this subsection shall be not more than \$50.00. For a
7 violation of section 710d, the civil fine ordered under this
8 subsection shall not exceed \$10.00. For a violation of section
9 710e, the civil fine and court costs ordered under this
10 subsection shall be \$25.00. For a violation of section 682 or a
11 local ordinance substantially corresponding to section 682, the
12 person shall be ordered to pay costs as provided in subsection
13 (4) and a civil fine of not less than \$100.00 or more than
14 \$500.00. For a violation of section 240, the civil fine ordered
15 under this subsection shall be \$15.00. For a violation of section
16 252a(1), the civil fine ordered under this subsection shall be
17 \$50.00. For a violation of section 676a(3), the civil fine
18 ordered under this section shall be not more than \$10.00.
19 Permission may be granted for payment of a civil fine and costs
20 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 shall be payable immediately.
23 (3) Except as provided in this subsection **AND SUBJECT TO**
24 **SECTION 649A**, if a person is determined to be responsible or
25 responsible "with explanation" for a civil infraction under this
26 act or a local ordinance substantially corresponding to a
27 provision of this act while driving a commercial motor vehicle,

1 he or she shall be ordered to pay costs as provided in subsection
2 (4) and a civil fine of not more than \$250.00. If a person is
3 determined to be responsible or responsible "with explanation"
4 for a civil infraction under section 319g or a local ordinance
5 substantially corresponding to section 319g, that person shall be
6 ordered to pay costs as provided in subsection (4) and a civil
7 fine of not more than \$10,000.00.

8 (4) If a civil fine is ordered under subsection (2) or (3),
9 the judge or district court magistrate shall summarily tax and
10 determine the costs of the action, which are not limited to the
11 costs taxable in ordinary civil actions, and may include all
12 expenses, direct and indirect, to which the plaintiff has been
13 put in connection with the civil infraction, up to the entry of
14 judgment. Costs shall not be ordered in excess of \$100.00. A
15 civil fine ordered under subsection (2) or (3) shall not be
16 waived unless costs ordered under this subsection are waived.
17 Except as otherwise provided by law, costs are payable to the
18 general fund of the plaintiff.

19 (5) In addition to a civil fine and costs ordered under
20 subsection (2) or (3) and subsection (4) and the justice system
21 assessment ordered under subsection (14), the judge or district
22 court magistrate may order the person to attend and complete a
23 program of treatment, education, or rehabilitation.

24 (6) A district court magistrate shall impose the sanctions
25 permitted under subsections (2), (3), and (5) only to the extent
26 expressly authorized by the chief judge or only judge of the
27 district court district.

1 (7) Each district of the district court and each municipal
2 court may establish a schedule of civil fines, costs, and
3 assessments to be imposed for civil infractions that occur within
4 the respective district or city. If a schedule is established, it
5 shall be prominently posted and readily available for public
6 inspection. A schedule need not include all violations that are
7 designated by law or ordinance as civil infractions. A schedule
8 may exclude cases on the basis of a defendant's prior record of
9 civil infractions or traffic offenses, or a combination of civil
10 infractions and traffic offenses.

11 (8) The state court administrator shall annually publish and
12 distribute to each district and court a recommended range of
13 civil fines and costs for first-time civil infractions. This
14 recommendation is not binding upon the courts having jurisdiction
15 over civil infractions but is intended to act as a normative
16 guide for judges and district court magistrates and a basis for
17 public evaluation of disparities in the imposition of civil fines
18 and costs throughout the state.

19 (9) If a person has received a civil infraction citation for
20 defective safety equipment on a vehicle under section 683, the
21 court shall waive a civil fine, costs, and assessments upon
22 receipt of certification by a law enforcement agency that repair
23 of the defective equipment was made before the appearance date on
24 the citation.

25 (10) A default in the payment of a civil fine or costs
26 ordered under subsection (2), (3), or (4) or a justice system
27 assessment ordered under subsection (14), or an installment of

1 the fine, costs, or assessment, may be collected by a means
2 authorized for the enforcement of a judgment under chapter 40 of
3 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
4 600.4065, or under chapter 60 of the revised judicature act of
5 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

6 (11) If a person fails to comply with an order or judgment
7 issued pursuant to this section within the time prescribed by
8 the court, the driver's license of that person shall be suspended
9 pursuant to section 321a until full compliance with that order or
10 judgment occurs. In addition to this suspension, the court may
11 also proceed under section 908.

12 (12) The court shall waive any civil fine, cost, or
13 assessment against a person who received a civil infraction
14 citation for a violation of section 710d if the person, before
15 the appearance date on the citation, supplies the court with
16 evidence of acquisition, purchase, or rental of a child seating
17 system meeting the requirements of section 710d.

18 (13) Until October 1, 2003, in addition to any civil fines
19 and costs ordered to be paid under this section, the judge or
20 district court magistrate shall levy an assessment of \$5.00 for
21 each civil infraction determination, except for a parking
22 violation or a violation for which the total fine and costs
23 imposed are \$10.00 or less. An assessment paid before October 1,
24 2003 shall be transmitted by the clerk of the court to the state
25 treasurer to be deposited into the Michigan justice training
26 fund. An assessment ordered before October 1, 2003 but collected
27 on or after October 1, 2003 shall be transmitted by the clerk of

1 the court to the state treasurer for deposit in the justice
2 system fund created in section 181 of the revised judicature act
3 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
4 this subsection is not a civil fine for purposes of section 909.

5 (14) Effective October 1, 2003, in addition to any civil
6 fines or costs ordered to be paid under this section, the judge
7 or district court magistrate shall order the defendant to pay a
8 justice system assessment of \$40.00 for each civil infraction
9 determination, except for a parking violation or a violation for
10 which the total fine and costs imposed are \$10.00 or less. Upon
11 payment of the assessment, the clerk of the court shall transmit
12 the assessment collected to the state treasury to be deposited
13 into the justice system fund created in section 181 of the
14 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An
15 assessment levied under this subsection is not a civil fine for
16 purposes of section 909.

17 (15) If a person has received a citation for a violation of
18 section 223, the court shall waive any civil fine, costs, and
19 assessment, upon receipt of certification by a law enforcement
20 agency that the person, before the appearance date on the
21 citation, produced a valid registration certificate that was
22 valid on the date the violation of section 223 occurred.

23 (16) If a person has received a citation for a violation of
24 section 328(1) for failing to produce a certificate of insurance
25 pursuant to section 328(2), the court may waive the fee described
26 in section 328(3)(c) and shall waive any fine, costs, and any
27 other fee or assessment otherwise authorized under this act upon

1 receipt of verification by the court that the person, before the
2 appearance date on the citation, produced valid proof of
3 insurance that was in effect at the time the violation of section
4 328(1) occurred. Insurance obtained subsequent to the time of the
5 violation does not make the person eligible for a waiver under
6 this subsection.

7 Enacting section 1. Sections 615a and 649a of the Michigan
8 vehicle code, 1949 PA 300, MCL 257.615a and 257.649a, are
9 repealed effective July 1, 2011.