

# SENATE BILL No. 1045

September 10, 2014, Introduced by Senators JONES and BIEDA and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 727c, 741, 907, and 909 (MCL 257.727c, 257.741, 257.907, and 257.909), section 727c as amended by 1999 PA 73, section 741 as amended by 2006 PA 298, section 907 as amended by 2013 PA 35, and section 909 as amended by 2000 PA 94, and by adding sections 682d, 682e, 682f, 682g, 682h, 682i, 682j, and 682k.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 682D. AS USED IN THIS SECTION THROUGH SECTION 682K:

(A) "AGENT" MEANS A PERSON OR ENTITY THAT IS AUTHORIZED BY A LOCAL UNIT OF GOVERNMENT TO ADMINISTER THE PROCEDURES DESCRIBED IN THIS SECTION THROUGH SECTION 682K THAT DOES ALL OF THE FOLLOWING:

(i) PROVIDES SERVICES TO A LOCAL UNIT OF GOVERNMENT.

(ii) OPERATES, MAINTAINS, LEASES, OR LICENSES AN AUTOMATED

1 TRAFFIC ENFORCEMENT SAFETY DEVICE.

2 (iii) IS AUTHORIZED TO REVIEW AND ASSEMBLE THE RECORDED IMAGES  
3 CAPTURED BY THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE FOR  
4 REVIEW BY A POLICE OFFICER.

5 (B) "AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE" MEANS A  
6 DEVICE THAT SATISFIES ALL OF THE FOLLOWING REQUIREMENTS:

7 (i) IT IS AFFIXED TO A SCHOOL BUS.

8 (ii) IT IS CAPABLE OF DETECTING A MOTOR VEHICLE OVERTAKING OR  
9 PASSING A SCHOOL BUS IN VIOLATION OF SECTION 682.

10 (iii) IT IS CAPABLE OF PRODUCING A PHOTOGRAPHICALLY RECORDED  
11 STILL OR VIDEO IMAGE OF THE REAR OF A MOTOR VEHICLE, OR THE REAR OF  
12 A MOTOR VEHICLE BEING TOWED BY ANOTHER MOTOR VEHICLE, INCLUDING AN  
13 IMAGE OF THE MOTOR VEHICLE'S REAR REGISTRATION PLATE.

14 (iv) IT INDICATES ON 1 OR MORE OF THE IMAGES PRODUCED THE DATE,  
15 TIME, AND LOCATION OF THE VIOLATION.

16 (C) "LOCAL UNIT OF GOVERNMENT" MEANS A COUNTY, CITY, VILLAGE,  
17 OR TOWNSHIP.

18 (D) "OWNER" MEANS A PERSON IN WHOSE NAME A MOTOR VEHICLE IS  
19 REGISTERED IN THIS STATE, ANOTHER STATE, OR ANOTHER COUNTRY, OR  
20 WITH THE FEDERAL GOVERNMENT, EXCEPT AS FOLLOWS:

21 (i) A MOTOR VEHICLE RENTAL OR LEASING COMPANY WHEN A MOTOR  
22 VEHICLE REGISTERED BY THAT COMPANY IS BEING OPERATED BY ANOTHER  
23 PERSON UNDER A RENTAL OR LEASE AGREEMENT WITH THE COMPANY, IN WHICH  
24 EVENT OWNER MEANS THE PERSON TO WHOM THE VEHICLE IS RENTED OR  
25 LEASED.

26 (ii) A MOTOR VEHICLE DISPLAYING A DEALER REGISTRATION PLATE, IN  
27 WHICH EVENT OWNER MEANS THE PERSON TO WHOM THE MOTOR VEHICLE IS

1 ASSIGNED FOR USE.

2 (iii) A MOTOR VEHICLE THAT WAS REPORTED STOLEN TO A LAW  
3 ENFORCEMENT AGENCY BEFORE THE TIME OF THE VIOLATION, IN WHICH EVENT  
4 OWNER MEANS THE PERSON WHO IS FOUND GUILTY OF STEALING THE MOTOR  
5 VEHICLE.

6 SEC. 682E. (1) A LOCAL UNIT OF GOVERNMENT MAY OPERATE AN  
7 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM AND MAY  
8 PROSECUTE VIOLATIONS DETECTED BY AN AUTOMATED TRAFFIC ENFORCEMENT  
9 SAFETY DEVICE UPON ENACTING AN ORDINANCE OR ADOPTING A RESOLUTION  
10 AUTHORIZING THE INSTALLATION AND OPERATION OF AUTOMATED TRAFFIC  
11 ENFORCEMENT SAFETY DEVICES AFTER CONSULTATION WITH THE GOVERNING  
12 BOARD OF SCHOOLS WITHIN THAT LOCAL UNIT OF GOVERNMENT.

13 (2) A LOCAL UNIT OF GOVERNMENT MAY APPOINT AN AGENT TO  
14 ADMINISTER AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE PROGRAM  
15 AND MAY ENTER INTO AN AGREEMENT WITH AN AGENT FOR THE INSTALLATION,  
16 OPERATION, NOTICE PROCESSING, AND ADMINISTRATION AND MAINTENANCE OF  
17 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES.

18 (3) A LOCAL UNIT OF GOVERNMENT MAY CONTRACT FOR THE OPERATION  
19 OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AUTHORIZED UNDER  
20 THIS SECTION THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER  
21 LOCAL UNIT OF GOVERNMENT.

22 (4) AN ORDINANCE ENACTED OR RESOLUTION ADOPTED UNDER THIS  
23 SECTION SHALL SPECIFY ALL OF THE FOLLOWING:

24 (A) THAT THE OWNER OF A MOTOR VEHICLE COMMITS A VIOLATION OF  
25 THE ORDINANCE OR RESOLUTION IF THE AUTOMATED TRAFFIC ENFORCEMENT  
26 SAFETY DEVICE PRODUCES A RECORDED IMAGE OR VIDEO OF A MOTOR VEHICLE  
27 BEING OPERATED SO AS TO COMMIT A CIVIL INFRACTION UNDER SECTION 682

1 OR A LOCAL ORDINANCE SUBSTANTIALLY SIMILAR TO A CIVIL INFRACTION  
2 UNDER SECTION 682.

3 (B) THAT THE OWNER OF A MOTOR VEHICLE ESTABLISHES A DEFENSE IF  
4 THE PERSON IDENTIFIED AS HAVING THE CARE, CUSTODY, OR CONTROL OF  
5 THE MOTOR VEHICLE, OR IDENTIFIED AS THE OPERATOR OF THE MOTOR  
6 VEHICLE AT THE TIME OF THE VIOLATION OF AN ORDINANCE ENACTED OR  
7 RESOLUTION ADOPTED UNDER THIS SECTION, IS NOT THE OWNER.

8 (C) THAT PAYMENT OF A PENALTY AND ASSOCIATED COSTS AND FEES  
9 IMPOSED FOR A VIOLATION OF AN ORDINANCE ENACTED OR RESOLUTION  
10 ADOPTED UNDER THIS SECTION MAY BE MADE BY ELECTRONIC MEANS.

11 (D) THAT A POLICE OFFICER SHALL REVIEW AND APPROVE THE  
12 RECORDED IMAGE OR IMAGES BEFORE THE NOTICE DESCRIBED IN SUBSECTION  
13 (6) IS MAILED TO THE OWNER OF THE MOTOR VEHICLE.

14 (E) THAT FOR A PERIOD OF AT LEAST 30 DAYS AFTER THE FIRST  
15 AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE IS PLACED IN THE LOCAL  
16 UNIT OF GOVERNMENT, A VIOLATION RECORDED BY AN AUTOMATED TRAFFIC  
17 ENFORCEMENT SAFETY DEVICE MAY BE ENFORCED ONLY BY THE ISSUANCE OF A  
18 WARNING.

19 (5) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (4), ALL OF  
20 THE FOLLOWING APPLY TO AN ORDINANCE ENACTED OR RESOLUTION ADOPTED  
21 UNDER THIS SECTION:

22 (A) IT SHALL PROVIDE FOR THE SAME PENALTY AS THE PENALTY  
23 PRESCRIBED IN SECTION 601B(3).

24 (B) IT MAY IMPOSE FEES ASSOCIATED WITH THE ELECTRONIC  
25 PROCESSING OF THE PAYMENT OF THE FINE IMPOSED FOR A VIOLATION OF  
26 THE ORDINANCE OR RESOLUTION AND RELATED ADMINISTRATIVE FEES.

27 (C) IT SHALL PROVIDE THAT THE FINE IMPOSED FOR A VIOLATION OF

1 THE ORDINANCE OR RESOLUTION WILL BE APPLIED TO REIMBURSE THE LOCAL  
2 UNIT OF GOVERNMENT FOR THE COSTS OF THE INSTALLATION, OPERATION,  
3 AND MAINTENANCE OF THE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE  
4 PROGRAM, AND THAT THE REMAINING MONEY SHALL BE DISTRIBUTED AS  
5 FOLLOWS:

6 (i) SEVENTY PERCENT SHALL BE DEPOSITED IN THE GENERAL FUND OF  
7 THE LOCAL UNIT OF GOVERNMENT, OF WHICH 20% SHALL BE DISTRIBUTED TO  
8 THE GOVERNING BOARD OF SCHOOLS WITHIN THAT LOCAL UNIT OF GOVERNMENT  
9 FOR SCHOOL SAFETY PROGRAMS.

10 (ii) THIRTY PERCENT SHALL BE ALLOCATED FOR LIBRARY PURPOSES AS  
11 PROVIDED BY LAW.

12 (6) THE LOCAL UNIT OF GOVERNMENT OR ITS AGENT SHALL MAIL TO  
13 THE OWNER OF A MOTOR VEHICLE ALLEGED TO HAVE COMMITTED A CIVIL  
14 INFRACTION NOTICE OF THE CIVIL INFRACTION BY FIRST-CLASS MAIL  
15 POSTMARKED NO LATER THAN 30 DAYS AFTER OBTAINING THE NAME AND  
16 ADDRESS OF THE OWNER OF THE MOTOR VEHICLE BUT NO MORE THAN 60 DAYS  
17 AFTER THE DATE OF THE ALLEGED VIOLATION. IF THERE IS MORE THAN 1  
18 OWNER, THE NOTICE MAY BE ISSUED TO THE FIRST PERSON LISTED ON THE  
19 TITLE OR OTHER EVIDENCE OF OWNERSHIP, OR JOINTLY TO ALL LISTED  
20 OWNERS. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING:

21 (A) THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE LIABLE AS  
22 THE OWNER OF THE MOTOR VEHICLE INVOLVED IN THE CIVIL INFRACTION.

23 (B) THE REGISTRATION PLATE NUMBER OF THE MOTOR VEHICLE.

24 (C) THE CIVIL INFRACTION CHARGED.

25 (D) THE LOCATION AND THE DATE AND TIME THE CIVIL INFRACTION  
26 OCCURRED.

27 (E) THE PHOTOGRAPHIC IMAGES OF THE VEHICLE AND VEHICLE

1 REGISTRATION PLATE THAT WERE CAPTURED BY THE AUTOMATED TRAFFIC  
2 ENFORCEMENT SAFETY DEVICE AND INFORMATION ON HOW TO VIEW, THROUGH  
3 ELECTRONIC MEANS, THE RECORDED IMAGES.

4 (F) A STATEMENT OR AFFIRMATION OF A LOCAL POLICE OFFICER WHO  
5 HAS REVIEWED THE RECORDED IMAGES DESCRIBED IN THIS SUBSECTION AND  
6 DETERMINED THAT THE MOTOR VEHICLE VIOLATED THE ORDINANCE OR  
7 RESOLUTION.

8 (G) A STATEMENT THAT RECORDED IMAGES ARE PRIMA FACIE EVIDENCE  
9 OF A CIVIL INFRACTION.

10 (H) THE AMOUNT OF THE CIVIL FINE, COSTS, AND FEES IMPOSED FOR  
11 THE CIVIL INFRACTION ALONG WITH THE TIME, PLACE, AND MANNER OF  
12 PAYMENT.

13 (7) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTIONS  
14 682F TO 682K, A CITATION ISSUED UNDER THIS SECTION HAS THE SAME  
15 FORCE AND EFFECT AS A CITATION ISSUED UNDER SECTION 742, AND THE  
16 PROCEDURES PRESCRIBED IN THIS ACT APPLICABLE TO CITATIONS ISSUED  
17 UNDER SECTION 742 ALSO APPLY TO CITATIONS ISSUED UNDER THIS  
18 SECTION.

19 (8) NOTWITHSTANDING ANY OTHER STATE STATUTE OR LOCAL ORDINANCE  
20 OR RESOLUTION, A CHALLENGE TO THE ENACTMENT OF AN ORDINANCE OR  
21 ADOPTION OF A RESOLUTION UNDER THIS SECTION SHALL BE BROUGHT NO  
22 LATER THAN 30 DAYS AFTER THE PASSAGE OR ADOPTION OF THE ORDINANCE  
23 OR RESOLUTION.

24 (9) PROOF OF THE REGISTRATION NUMBER OF A MOTOR VEHICLE AND  
25 CORRESPONDING IDENTITY OF ITS OWNER IS PRIMA FACIE EVIDENCE  
26 ESTABLISHING THE OWNERSHIP OF THE MOTOR VEHICLE.

27 (10) IT IS A REBUTTABLE PRESUMPTION THAT THE OWNER OF THE

1 MOTOR VEHICLE WAS OPERATING THE MOTOR VEHICLE AT THE TIME A CIVIL  
2 INFRACTION OCCURRED.

3 (11) THE ACTIVITIES OF AN AGENT AUTHORIZED AS DESCRIBED IN  
4 THIS SECTION DO NOT CONSTITUTE PROVIDING OR PARTICIPATING IN  
5 PRIVATE INVESTIGATIVE SERVICES OR ACTING AS A STATUTORY AUTHORITY  
6 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO  
7 15.246.

8 SEC. 682F. (1) A PERSON WHO RECEIVES A CITATION ISSUED UNDER  
9 SECTION 682E MAY RAISE ANY OF THE FOLLOWING DEFENSES, IN LIEU OF OR  
10 IN ADDITION TO ANY OTHER DEFENSE:

11 (A) THE OPERATOR OF THE MOTOR VEHICLE WAS COMPLYING WITH A  
12 LAWFUL ORDER OR DIRECTION OF A POLICE OFFICER, AS SHOWN BY THE  
13 RECORDED IMAGE.

14 (B) A CITATION WAS ISSUED TO THE OPERATOR OF THE MOTOR VEHICLE  
15 FOR THE SAME CONDUCT BY A POLICE OFFICER PRESENT AT THE SCENE OF  
16 THE CIVIL INFRACTION RECORDED BY THE AUTOMATED TRAFFIC ENFORCEMENT  
17 SAFETY DEVICE.

18 (C) THE CIVIL INFRACTION OCCURRED DURING A PERIOD OF TIME IN  
19 WHICH THE MOTOR VEHICLE OR REGISTRATION PLATE HAD BEEN REPORTED AS  
20 STOLEN TO A LAW ENFORCEMENT AGENCY AND HAD NOT BEEN RECOVERED PRIOR  
21 TO THE TIME OF THE CIVIL INFRACTION, IF THE PERSON PRODUCES AND  
22 AUTHENTICATES A COPY OF THE REPORT OF THE THEFT.

23 (D) AT THE TIME OF THE ALLEGED CIVIL INFRACTION, THE MOTOR  
24 VEHICLE WAS IN THE CARE, CUSTODY, OR CONTROL OF A PERSON OTHER THAN  
25 THE OWNER, OR AN EMPLOYEE OF THE OWNER OF THE MOTOR VEHICLE, OR  
26 UNDER A WRITTEN AGREEMENT FOR THE RENTAL OR LEASE OF THE MOTOR  
27 VEHICLE FOR A PERIOD OF NOT MORE THAN 60 DAYS.

1           (2) IF A DEFENSE UNDER SUBSECTION (1)(D) IS INVOKED, THE OWNER  
2 SHALL PROVIDE TO THE COURT OR AGENT FOR THE LOCAL UNIT OF  
3 GOVERNMENT A SWORN AFFIDAVIT SIGNED UNDER PENALTY OF PERJURY  
4 CONTAINING THE NAME AND ADDRESS OF THE PERSON WHO HAD CARE,  
5 CUSTODY, OR CONTROL OF THE MOTOR VEHICLE, INCLUDING AN EMPLOYEE OF  
6 THE OWNER, OR WHO WAS RENTING OR LEASING THE MOTOR VEHICLE AT THE  
7 TIME THE ALLEGED CIVIL INFRACTION OCCURRED.

8           (3) IF THE OWNER OF A MOTOR VEHICLE MEETS THE AFFIDAVIT  
9 REQUIREMENTS OF SUBSECTION (2), THE COURT OR AGENT FOR THE LOCAL  
10 UNIT OF GOVERNMENT SHALL MAIL A NOTICE OF THE CITATION TO THE  
11 PERSON IDENTIFIED IN THE AFFIDAVIT AS HAVING THE CARE, CUSTODY, OR  
12 CONTROL OF THE MOTOR VEHICLE OR WHO WAS RENTING OR LEASING THE  
13 MOTOR VEHICLE AT THE TIME THE CIVIL INFRACTION OCCURRED. THE PROOF  
14 REQUIRED UNDER SUBSECTION (2) CREATES A REBUTTABLE PRESUMPTION THAT  
15 THE PERSON HAVING THE CARE, CUSTODY, OR CONTROL OF THE MOTOR  
16 VEHICLE OR WHO WAS RENTING OR LEASING THE MOTOR VEHICLE AT THE TIME  
17 THE CIVIL INFRACTION OCCURRED WAS THE OPERATOR OF THE MOTOR VEHICLE  
18 AT THE TIME THE CIVIL INFRACTION OCCURRED. THE NOTICE REQUIRED  
19 UNDER THIS SUBSECTION SHALL CONTAIN ALL OF THE FOLLOWING:

20           (A) THE INFORMATION DESCRIBED IN SECTION 682E(6) .

21           (B) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE WAS  
22 IDENTIFIED BY THE OWNER OF THE MOTOR VEHICLE AS THE PERSON HAVING  
23 THE CARE, CUSTODY, OR CONTROL OF THE MOTOR VEHICLE OR WHO WAS  
24 RENTING OR LEASING THE MOTOR VEHICLE AT THE TIME THE CIVIL  
25 INFRACTION OCCURRED.

26           (C) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE MAY OFFER  
27 A DEFENSE AS DESCRIBED IN THIS SUBSECTION OR IN SUBSECTION (1). IF



1 THE PERSON RECEIVING THE NOTICE DENIES HAVING THE CARE, CUSTODY, OR  
2 CONTROL OF THE MOTOR VEHICLE OR RENTING OR LEASING THE MOTOR  
3 VEHICLE AT THE TIME THE CIVIL INFRACTION OCCURRED, THE  
4 RESPONSIBILITY FOR THE CIVIL INFRACTION REVERTS TO THE OWNER OF THE  
5 MOTOR VEHICLE.

6 (4) AN OWNER MAY NOT ATTEMPT TO TRANSFER RESPONSIBILITY MORE  
7 THAN 1 TIME USING THE PROCEDURES DESCRIBED IN SUBSECTIONS (2) AND  
8 (3).

9 (5) IN CASES IN WHICH A PERSON OTHER THAN THE OWNER OF THE  
10 MOTOR VEHICLE DENIES THAT HE OR SHE WAS THE OPERATOR AND DECLINES  
11 RESPONSIBILITY, THE COURT OR AGENT FOR THE LOCAL UNIT OF GOVERNMENT  
12 SHALL ISSUE A NEW NOTICE TO THE OWNER STATING THAT THE OTHER PERSON  
13 DECLINED RESPONSIBILITY AND GIVING THE OWNER THE OPTION OF PAYING  
14 THE CIVIL FINE, COSTS, AND FEES OR CONTESTING THE CIVIL INFRACTION  
15 BY A STATED DATE THAT SHALL BE NOT LESS THAN 20 DAYS FROM THE DATE  
16 THE NEW NOTICE WAS MAILED.

17 (6) IF THE OWNER OF THE MOTOR VEHICLE CHOOSES TO CONTEST THE  
18 NOTICE OF CIVIL INFRACTION AFTER HE OR SHE HAS UNSUCCESSFULLY  
19 ATTEMPTED TO TRANSFER RESPONSIBILITY UNDER SUBSECTION (2) OR (3),  
20 AND THE OWNER CLAIMS IN DEFENSE THAT ANOTHER PERSON WAS THE  
21 OPERATOR OF THE MOTOR VEHICLE, THE COURT MAY TAKE APPROPRIATE  
22 ACTION TO CAUSE THE OWNER AND THE OTHER PERSON TO APPEAR AT THE  
23 SAME HEARING TO DETERMINE RESPONSIBILITY.

24 SEC. 682G. A PERSON RECEIVING A CITATION ISSUED UNDER SECTION  
25 682E IS RESPONSIBLE FOR THE PAYMENT OF THE ASSOCIATED CIVIL FINE,  
26 COSTS, AND FEES UNLESS HE OR SHE DOES EITHER OF THE FOLLOWING:

27 (A) TIMELY RETURNS A SIGNED STATEMENT ON A FORM PROVIDED WITH

1 THE CIVIL INFRACTION NOTICE THAT HE OR SHE WAS NOT THE OPERATOR OF  
2 THE MOTOR VEHICLE AND DECLINING RESPONSIBILITY, IN WHICH CASE  
3 RESPONSIBILITY FOR THE CIVIL INFRACTION REVERTS TO THE OWNER OF THE  
4 MOTOR VEHICLE.

5 (B) ADMITS TO BEING THE OPERATOR OF THE MOTOR VEHICLE BUT  
6 DENIES COMMITTING A CIVIL INFRACTION, IN WHICH CASE HE OR SHE MAY  
7 CONTEST THE CIVIL INFRACTION IN THE SAME MANNER AS THE OWNER OF THE  
8 MOTOR VEHICLE MAY CONTEST THE CIVIL INFRACTION.

9 SEC. 682H. A DESIGNATED AGENT, POLICE OFFICER, OR DESIGNATED  
10 EMPLOYEE OF A LOCAL UNIT OF GOVERNMENT IS NOT LIABLE FOR ANY LOSS  
11 THAT OCCURS WHILE HE OR SHE IS ACTING WITHIN THE SCOPE OF HIS OR  
12 HER EMPLOYMENT OR CONTRACTUAL ENGAGEMENT TO IMPLEMENT OR ENFORCE A  
13 VIOLATION OF AN ORDINANCE ENACTED OR RESOLUTION ADOPTED UNDER  
14 SECTION 682E.

15 SEC. 682I. THE FOLLOWING PROCEDURES APPLY TO PROCEEDINGS TO  
16 CONTEST A CITATION ISSUED UNDER SECTION 682E:

17 (A) THE CITATION, ANY EVIDENCE OF THE CIVIL INFRACTION  
18 PRODUCED BY AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE, AND  
19 EVIDENCE OF OWNERSHIP OF A VEHICLE AS SHOWN BY COPIES OR SUMMARIES  
20 OF OFFICIAL RECORDS ARE ADMISSIBLE INTO EVIDENCE AS OFFICIAL  
21 RECORDS OR BUSINESS RECORDS WITHOUT THE NEED FOR ADDITIONAL  
22 FOUNDATION.

23 (B) THE COURT MAY ASSESS A FINE AS PROVIDED IN SECTION 601B(3)  
24 AND ASSESS COSTS OF NOT MORE THAN \$100.00, WHICH SHALL BE DISBURSED  
25 AS PROVIDED IN SECTION 682E. THE LOCAL UNIT OF GOVERNMENT IN WHICH  
26 THE CITATION WAS ISSUED SHALL RETAIN THE COURT COSTS.

27 SEC. 682J. (1) A FEE OF \$10.00 SHALL BE COLLECTED BY THE COURT

1 IN CONNECTION WITH A CITATION ISSUED UNDER SECTION 682E TO BE PAID  
2 TO THE LOCAL UNIT OF GOVERNMENT IN WHICH THE CITATION WAS ISSUED AS  
3 COMPENSATION FOR RECORD KEEPING AND TRANSACTION PROCESSING WITH  
4 RESPECT TO CITATIONS ISSUED UNDER SECTION 682E.

5 (2) NO PERSON SHALL BE RESPONSIBLE FOR PAYMENT OF A CIVIL  
6 FINE, COSTS, OR FEES FOR A CITATION ISSUED UNDER SECTION 682E IF  
7 THE OPERATOR OF THE MOTOR VEHICLE THAT IS THE SUBJECT OF THE  
8 CITATION IS ADJUDICATED TO HAVE NOT COMMITTED A CIVIL INFRACTION OR  
9 THERE IS OTHERWISE A LAWFUL DETERMINATION THAT NO CIVIL FINE,  
10 COSTS, OR FEES MAY BE IMPOSED.

11 (3) A PERSON SHALL NOT BE ARRESTED OR IMPRISONED FOR  
12 NONPAYMENT OF A CIVIL FINE, COSTS, OR FEES IMPOSED UNDER SECTION  
13 682E OR THIS SECTION.

14 (4) THE RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED  
15 TRAFFIC ENFORCEMENT SAFETY DEVICE SHALL BE DESTROYED WITHIN 90 DAYS  
16 AFTER THE FINAL DISPOSITION OF THE CASE TO WHICH THEY PERTAIN,  
17 INCLUDING ANY APPEALS, UNLESS OTHERWISE ORDERED BY A COURT OF  
18 COMPETENT JURISDICTION.

19 (5) ALL RECORDED IMAGES AND VIDEOS PRODUCED BY AN AUTOMATED  
20 TRAFFIC ENFORCEMENT SAFETY DEVICE THAT DO NOT IDENTIFY A CIVIL  
21 INFRACTION SHALL BE DESTROYED BY THE LOCAL UNIT OF GOVERNMENT OR AN  
22 AGENT WITHIN 90 DAYS AFTER THE DATE THE IMAGE WAS RECORDED, UNLESS  
23 OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION.

24 (6) THE IMAGES AND VIDEOS DESCRIBED IN THIS SECTION AND  
25 SECTION 682E SHALL NOT CONTAIN IMAGES OF THE FACE OF THE OPERATOR  
26 OR PASSENGERS IN THE MOTOR VEHICLE.

27 SEC. 682K. NOT LATER THAN 1 YEAR AFTER THE DATE A LOCAL UNIT

1 OF GOVERNMENT IMPLEMENTS AN AUTOMATED TRAFFIC ENFORCEMENT SAFETY  
2 DEVICE PROGRAM, AND EACH YEAR AFTER THAT, THE LOCAL UNIT OF  
3 GOVERNMENT SHALL POST A REPORT ON ITS WEBSITE THAT INCLUDES A  
4 COMPARISON AND ANALYSIS OF THE NUMBER OF CITATIONS ISSUED UNDER  
5 SECTION 682E AND ANY OTHER DATA OR COMPARISONS THE LOCAL UNIT OF  
6 GOVERNMENT CONSIDERS TO BE OF INTEREST OR IMPORTANCE.

7 Sec. 727c. (1) As used in this act, "citation" means ~~a~~**EITHER**  
8 **OF THE FOLLOWING:**

9 (A) A complaint or notice upon which a police officer shall  
10 record an occurrence involving 1 or more vehicle law violations by  
11 the person cited.

12 (B) A COMPLAINT OR NOTICE SIGNED BY HAND OR BY DIGITAL OR  
13 ELECTRONIC MEANS BY A POLICE OFFICER AND ISSUED UNDER SECTION 682E.

14 (2) Each citation shall be numbered consecutively, be in a  
15 form as determined by the secretary of state, the attorney general,  
16 the state court administrator, and the director of the department  
17 of state police and shall consist of the following parts:

18 (a) The original which shall be a complaint or notice to  
19 appear by the officer and shall be filed with the court in which  
20 the appearance is to be made.

21 (b) The first copy which, shall be retained by the local  
22 traffic enforcement agency.

23 (c) The second copy, which shall be delivered to the alleged  
24 violator if the violation is a misdemeanor.

25 (d) The third copy, which shall be delivered to the alleged  
26 violator if the violation is a civil infraction.

27 (3) ~~(2)~~With the prior approval of the state officials

1 enumerated in subsection ~~(1)~~, **(2)**, the citation may be  
2 appropriately modified as to content or number of copies to  
3 accommodate law enforcement and local court procedures and  
4 practices. Use of this citation for other than moving violations is  
5 optional.

6 **(4)** ~~(3)~~—For purposes of this act, a complaint signed by a  
7 police officer shall be treated as made under oath if the violation  
8 alleged in the complaint is either a civil infraction or a  
9 misdemeanor or ordinance violation for which the maximum  
10 permissible penalty does not exceed 93 days in jail or a fine, or  
11 both, and occurred or was committed in the signing officer's  
12 presence or under circumstances permitting the officer's issuance  
13 of a citation under section 625a or 728(8), and if the complaint  
14 contains the following statement immediately above the date and  
15 signature of the officer:

16 "I declare under the penalties of perjury that the statements  
17 above are true to the best of my information, knowledge, and  
18 belief."

19 **(5) A COMPLAINT SIGNED BY HAND OR BY DIGITAL OR ELECTRONIC**  
20 **MEANS BY A POLICE OFFICER SHALL BE TREATED AS MADE UNDER OATH IF**  
21 **THE VIOLATION ALLEGED IN THE COMPLAINT IS AN OFFENSE DESCRIBED IN**  
22 **SECTION 682E AND IF THE COMPLAINT CONTAINS THE FOLLOWING STATEMENT**  
23 **IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF THE POLICE OFFICER:**

24 **"I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS**  
25 **ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND**  
26 **BELIEF.".**

27 Sec. 741. (1) A civil infraction action is a civil action in

1 which the defendant is alleged to be responsible for a civil  
2 infraction. A civil infraction action is commenced upon the  
3 issuance and service of a citation as provided in section **682E OR**  
4 742. The plaintiff in a civil infraction action shall be either the  
5 state if the alleged civil infraction is a violation of this act,  
6 or a political subdivision if the alleged civil infraction is a  
7 violation of a local ordinance of that subdivision ~~which~~ **THAT**  
8 substantially corresponds to a provision of this act.

9 (2) The following courts shall have jurisdiction over civil  
10 infraction actions:

11 (a) The district court.

12 (b) ~~Any~~ **A** municipal court.

13 (3) The time specified in a citation for appearance shall be  
14 within a reasonable time after the citation is issued ~~pursuant to~~  
15 **UNDER** section **682E OR** 742.

16 (4) The place specified in the citation for appearance shall  
17 be the court listed in subsection (2) ~~which~~ **THAT** has territorial  
18 jurisdiction of the place where the civil infraction occurred.  
19 Venue in the district court shall be governed by section 8312 of  
20 the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

21 (5) If the person cited is a minor, that individual shall be  
22 permitted to appear in court or to admit responsibility for a civil  
23 infraction without the necessity of appointment of a guardian or  
24 next friend. The courts listed in subsection (2) shall have  
25 jurisdiction over the minor and may proceed in the same manner and  
26 in all respects as if that individual were an adult.

27 Sec. 907. (1) A violation of this act, or a local ordinance

1 substantially corresponding to a provision of this act, that is  
2 designated a civil infraction shall not be considered a lesser  
3 included offense of a criminal offense.

4 (2) If a person is determined under sections 741 to 750 to be  
5 responsible or responsible "with explanation" for a civil  
6 infraction under this act or a local ordinance substantially  
7 corresponding to a provision of this act, the judge or district  
8 court magistrate may order the person to pay a civil fine of not  
9 more than \$100.00 and costs as provided in subsection (4). However,  
10 beginning October 31, 2010, if the civil infraction was a moving  
11 violation that resulted in an at-fault collision with another  
12 vehicle, a person, or any other object, the civil fine ordered  
13 under this section shall be increased by \$25.00 but the total civil  
14 fine shall not exceed \$100.00. However, for a violation of section  
15 602b, the person shall be ordered to pay costs as provided in  
16 subsection (4) and a civil fine of \$100.00 for a first offense and  
17 \$200.00 for a second or subsequent offense. For a violation of  
18 section 674(1)(s) or a local ordinance substantially corresponding  
19 to section 674(1)(s), the person shall be ordered to pay costs as  
20 provided in subsection (4) and a civil fine of not less than  
21 \$100.00 or more than \$250.00. For a violation of section 328, the  
22 civil fine ordered under this subsection shall be not more than  
23 \$50.00. For a violation of section 710d, the civil fine ordered  
24 under this subsection shall not exceed \$10.00. For a violation of  
25 section 710e, the civil fine and court costs ordered under this  
26 subsection shall be \$25.00. For a violation of section 682 or a  
27 local ordinance substantially corresponding to section 682, the

1 person shall be ordered to pay costs as provided in subsection (4)  
2 and a civil fine of not less than \$100.00 or more than \$500.00. **FOR**  
3 **A VIOLATION OF SECTION 682E, THE CIVIL FINE ORDERED UNDER THIS**  
4 **SUBSECTION SHALL BE THE AMOUNT PRESCRIBED UNDER SECTION 601B(3) AND**  
5 **THE PERSON SHALL BE ORDERED TO PAY COSTS AS PROVIDED IN SUBSECTION**  
6 **(4).** For a violation of section 240, the civil fine ordered under  
7 this subsection shall be \$15.00. For a violation of section  
8 252a(1), the civil fine ordered under this subsection shall be  
9 \$50.00. For a violation of section 676a(3), the civil fine ordered  
10 under this section shall be not more than \$10.00. For a first  
11 violation of section 319f(1), the civil fine ordered under this  
12 section shall be not less than \$2,500.00 or more than \$2,750.00;  
13 for a second or subsequent violation, the civil fine shall be not  
14 less than \$5,000.00 or more than \$5,500.00. For a violation of  
15 section 319g(1)(a), the civil fine ordered under this section shall  
16 be not more than \$10,000.00. For a violation of section 319g(1)(g),  
17 the civil fine ordered under this section shall be not less than  
18 \$2,750.00 or more than \$25,000.00. Permission may be granted for  
19 payment of a civil fine and costs to be made within a specified  
20 period of time or in specified installments, but unless permission  
21 is included in the order or judgment, the civil fine and costs  
22 shall be payable immediately.

23 (3) Except as provided in this subsection, if a person is  
24 determined to be responsible or responsible "with explanation" for  
25 a civil infraction under this act or a local ordinance  
26 substantially corresponding to a provision of this act while  
27 driving a commercial motor vehicle, he or she shall be ordered to



1 pay costs as provided in subsection (4) and a civil fine of not  
2 more than \$250.00.

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

14 (5) In addition to a civil fine and costs ordered under  
15 subsection (2) or (3) and subsection (4) and the justice system  
16 assessment ordered under subsection (13), the judge or district  
17 court magistrate may order the person to attend and complete a  
18 program of treatment, education, or rehabilitation.

19 (6) A district court magistrate shall impose the sanctions  
20 permitted under subsections (2), (3), and (5) only to the extent  
21 expressly authorized by the chief judge or only judge of the  
22 district court district.

23 (7) Each district of the district court and each municipal  
24 court may establish a schedule of civil fines, costs, and  
25 assessments to be imposed for civil infractions that occur within  
26 the respective district or city. If a schedule is established, it  
27 shall be prominently posted and readily available for public

1 inspection. A schedule need not include all violations that are  
2 designated by law or ordinance as civil infractions. A schedule may  
3 exclude cases on the basis of a defendant's prior record of civil  
4 infractions or traffic offenses, or a combination of civil  
5 infractions and traffic offenses.

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

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

20 (10) A default in the payment of a civil fine or costs ordered  
21 under subsection (2), (3), or (4) or a justice system assessment  
22 ordered under subsection (13), or an installment of the fine,  
23 costs, or assessment, may be collected by a means authorized for  
24 the enforcement of a judgment under chapter 40 of the revised  
25 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or  
26 under chapter 60 of the revised judicature act of 1961, 1961 PA  
27 236, MCL 600.6001 to 600.6098.

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

7           (12) The court may waive any civil fine, cost, or assessment  
8 against a person who received a civil infraction citation for a  
9 violation of section 710d if the person, before the appearance date  
10 on the citation, supplies the court with evidence of acquisition,  
11 purchase, or rental of a child seating system meeting the  
12 requirements of section 710d.

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

24           (14) If a person has received a citation for a violation of  
25 section 223, the court shall waive any civil fine, costs, and  
26 assessment, upon receipt of certification by a law enforcement  
27 agency that the person, before the appearance date on the citation,

1 produced a valid registration certificate that was valid on the  
2 date the violation of section 223 occurred.

3 (15) If a person has received a citation for a violation of  
4 section 328(1) for failing to produce a certificate of insurance  
5 under section 328(2), the court may waive the fee described in  
6 section 328(3)(c) and shall waive any fine, costs, and any other  
7 fee or assessment otherwise authorized under this act upon receipt  
8 of verification by the court that the person, before the appearance  
9 date on the citation, produced valid proof of insurance that was in  
10 effect at the time the violation of section 328(1) occurred.

11 Insurance obtained subsequent to the time of the violation does not  
12 make the person eligible for a waiver under this subsection.

13 (16) As used in this section, "moving violation" means an act  
14 or omission prohibited under this act or a local ordinance  
15 substantially corresponding to this act that involves the operation  
16 of a motor vehicle and for which a fine may be assessed.

17 Sec. 909. (1) Except as provided in subsection (2) **AND SECTION**  
18 **682E**, a civil fine ~~which~~**THAT** is ordered under section 907 for a  
19 violation of this act or other state statute shall be exclusively  
20 applied to the support of public libraries and county law libraries  
21 in the same manner as ~~is~~ provided by law for penal fines assessed  
22 and collected for violation of a penal law of ~~the~~**THIS** state. A  
23 civil fine ordered for a violation of a code or ordinance of a  
24 local authority regulating the operation of commercial motor  
25 vehicles and substantially corresponding to a provision of this act  
26 shall be paid to the county treasurer and shall be allocated as  
27 follows:

1           (a) Seventy percent to the local authority in which the  
2 citation is issued.

3           (b) Thirty percent for library purposes as provided by law.

4           (2) Subsection (1) is intended to maintain a source of revenue  
5 for public libraries ~~which~~**THAT** previously received penal fines for  
6 misdemeanor violations of this act ~~which~~**THAT** are now civil  
7 infractions.

8           Enacting section 1. This amendatory act takes effect on the  
9 first day of the first month after it is enacted into law.

10          Enacting section 2. This amendatory act does not take effect  
11 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
12 01906'13) of the 97th Legislature is enacted into law.