

HOUSE BILL NO. 5284

August 18, 2021, Introduced by Reps. Anthony, Weiss, Aiyash, Bezotte, Cherry, Hood, Brixie and Brabec and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding sections 2c and 627c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2c. "Automated speed enforcement system" means an
- 2 electronic traffic sensor system that meets all of the following
- 3 conditions:
- 4 (a) Automatically detects a vehicle exceeding the posted speed
- 5 limit with a type of speed timing device.

1 (b) Is interoperable with the department of state police
2 license plate data management systems.

3 (c) Produces a recorded image of the vehicle described in
4 subdivision (a) that shows all of the following:

5 (i) A clear and legible identification of the vehicle's license
6 plate.

7 (ii) The location where the image was taken.

8 (iii) The date and time when the image was taken.

9 Sec. 627c. (1) The department of state police or the state
10 transportation department; a county board of commissioners, board
11 of county road commissioners, or county sheriff; or other local
12 authority having jurisdiction over a highway or street may
13 authorize, and contract with a person for, the installation and
14 operation of an automated speed enforcement system on a highway or
15 street under their respective jurisdictions. A sign must be placed
16 at the approach to a highway or street monitored by an automated
17 speed enforcement system indicating that the highway or street is
18 monitored by an automated speed enforcement system.

19 (2) A sworn statement of a police officer from this state or
20 local authority having jurisdiction over the highway or street,
21 based on inspecting a recorded image produced by an automated speed
22 enforcement system, is prima facie evidence of the facts contained
23 in the recorded image. A recorded image indicating a violation must
24 be available for inspection in any proceeding to adjudicate the
25 responsibility for a violation of this section. A recorded image
26 indicating a violation must be destroyed 90 days after final
27 disposition of the citation.

28 (3) In a prosecution for a violation of this section, prima
29 facie evidence that the vehicle described in the citation issued

1 was operated in violation of this section, together with proof that
2 the defendant was at the time of the violation the registered owner
3 of the vehicle, creates a rebuttable presumption that the
4 registered owner of the vehicle was the individual who committed
5 the violation. The presumption is rebutted if the registered owner
6 of the vehicle files an affidavit by regular mail with the clerk of
7 the court that he or she was not the operator of the vehicle at the
8 time of the alleged violation or testifies in open court under oath
9 that he or she was not the operator of the vehicle at the time of
10 the alleged violation. The presumption also is rebutted if a
11 certified copy of a police report, showing that the vehicle had
12 been reported to the police as stolen before the time of the
13 alleged violation of this section, is presented before the
14 appearance date established on the citation. For purposes of this
15 subsection, the owner of a leased or rented vehicle shall provide
16 the name and address of the individual to whom the vehicle was
17 leased or rented at the time of the violation.

18 (4) Notwithstanding section 742, a citation for a violation of
19 this section may be executed by mailing by first-class mail a copy
20 to the address of the registered owner of the vehicle as shown on
21 the records of the secretary of state. If the summoned individual
22 fails to appear on the date of return set out in the citation
23 previously mailed by first-class mail under this subsection, a copy
24 must be sent by certified mail-return receipt requested. If the
25 summoned individual fails to appear on either of the dates of
26 return set out in the copies of the citation mailed under this
27 subsection, the citation must be executed in the manner provided by
28 law for personal service. The court may issue a warrant for the
29 arrest of an individual who fails to appear within the time limit

1 established on the citation if a sworn complaint is filed with the
2 court for that purpose.

3 (5) An individual who violates an applicable speed limit
4 described in section 627 on the basis of a recorded image produced
5 by an automated speed enforcement system is responsible for a civil
6 infraction.