

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4132**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 79d, 907, and 909 (MCL 257.79d, 257.907, and
257.909), section 79d as added by 2003 PA 315, section 907 as
amended by 2024 PA 22, and section 909 as amended by 2000 PA 94,
and by adding sections 2c, 627c, and 907a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 2c. (1) "Automated speed enforcement system" means an**
2 **electronic traffic sensor system that does both of the following:**
3 **(a) Automatically detects a vehicle exceeding the posted speed**
4 **limit using a lidar system or another technology that must not be**
5 **either of the following:**
6 **(i) A radar system.**

(ii) Less capable than a lidar system.

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

(i) A clear and legible identification of the vehicle's registration plate.

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

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

(2) "Automated speed enforcement system operator" means an individual trained and certified to operate and monitor an automated speed enforcement system by the automated speed enforcement unit within the state transportation department.

Sec. 79d. (1) "Work zone" means a portion of a street or highway open to vehicular traffic and adjacent to a barrier, berm, lane, or shoulder of a street or highway within which construction, maintenance, public utility work, reconstruction, repair, resurfacing, or surveying is being conducted by 1 or more individuals and that meets any of the following:

(a) Is between a ~~"work zone begins" sign and an "end road work" sign.~~ both of the following:

(i) A sign notifying the beginning of work.

(ii) An "end road work" sign or, if no sign is posted, the last temporary traffic control device before the normal flow of traffic resumes.

(b) ~~For construction, maintenance, or utility work activities conducted by a work crew and more than 1 moving vehicle, is~~ Is between a "begin work convoy" sign and an "end work convoy" sign.

(c) ~~For construction, maintenance, surveying, or utility work activities conducted by a work crew and 1~~ If a moving or stationary vehicle or equipment exhibiting a rotating beacon or strobe light

1 is used, is between both of the following points:

2 (i) A point that is 150 feet behind the rear of the vehicle or
3 equipment or that is the point from which the beacon or strobe
4 light is first visible on the street or highway behind the vehicle
5 or equipment, whichever is closer to the vehicle or equipment.

6 (ii) A point that is 150 feet in front of the front of the
7 vehicle or equipment or that is the point from which the beacon or
8 strobe light is first visible on the street or highway in front of
9 the vehicle or equipment, whichever is closer to the vehicle or
10 equipment.

11 (2) As used in this section, "temporary traffic control
12 device" means a traffic control device that is installed for a
13 limited time period during construction, maintenance, public
14 utility work, reconstruction, repair, resurfacing, or surveying as
15 described in subsection (1).

16 Sec. 627c. (1) Beginning 1 year after the effective date of
17 the amendatory act that added section 2c, the state transportation
18 department may install and use or authorize the installation and
19 use of an automated speed enforcement system in a work zone that is
20 not separated from traffic by concrete barriers on a street or
21 highway under the jurisdiction of the state transportation
22 department. The installation and use of automated speed enforcement
23 systems is subject to all of the following:

24 (a) A sign must be placed 1 mile before the start of a work
25 zone where an automated speed enforcement system is installed and
26 used under this section indicating that the work zone is monitored
27 by an automated speed enforcement system.

28 (b) A digital display must be placed on or near the automated
29 speed enforcement system that shows the speed of an approaching

1 vehicle as measured by the automated speed enforcement system.

2 (c) Prioritization must be given to work zones that meet the
3 following factors:

4 (i) The work zone is active and located on a freeway with a
5 speed limit of 45 miles per hour or more.

6 (ii) Workers are exposed or there are traffic hazards,
7 including, but not limited to, lane shifts, lane splits, lane width
8 reductions, closed shoulders, and rough pavement.

9 (iii) The work zone will be active for 30 days or more.

10 (iv) There are no significant obstructions to line of sight for
11 the automated speed enforcement system.

12 (d) Automated speed enforcement systems must be used in an
13 equitable manner to avoid causing a disparate impact on specific
14 communities.

15 (e) Not more than 4 automated speed enforcement systems may be
16 installed and used at the same time within the jurisdiction of a
17 state transportation department region office.

18 (f) The state transportation department may install and use an
19 automated speed enforcement system only by contracting with a
20 third-party vendor.

21 (g) An automated speed enforcement system must be activated
22 and detecting vehicle speed for the purpose of enforcing this
23 section only while workers are present in the work zone.

24 (2) Except for an individual operating a police vehicle, a
25 fire department or fire patrol vehicle, or a public or private
26 ambulance as provided in section 632, if an individual violates an
27 applicable speed limit described in section 627 by exceeding a
28 posted speed limit by 10 miles per hour or more in a work zone
29 while workers are present, on the basis of a recorded image

1 produced by an automated speed enforcement system, all of the
2 following apply:

3 (a) An individual must be issued a written warning using a
4 form that is created by the automated speed enforcement unit under
5 subsection (7) for either of the following violations as described
6 in this subsection:

7 (i) A first violation.

8 (ii) A violation that occurs more than 3 years after that
9 individual's most recent violation.

10 (b) For a second violation as described in this subsection
11 that occurs less than 3 years after a written warning is issued
12 under subdivision (a), the individual is responsible for a civil
13 infraction and must be ordered to pay a civil fine of not more than
14 \$150.00.

15 (c) For a third or subsequent violation as described in this
16 subsection that occurs less than 3 years after a second or
17 subsequent violation, the individual is responsible for a civil
18 infraction and must be ordered to pay a civil fine of not more than
19 \$300.00.

20 (3) A sworn statement of an automated speed enforcement system
21 operator, based on inspecting a recorded image produced by an
22 automated speed enforcement system, is prima facie evidence of the
23 facts contained in the recorded image. A recorded image indicating
24 a violation must be available for inspection in any proceeding to
25 adjudicate the responsibility for a violation of this section. A
26 recorded image indicating a violation must be destroyed as soon as
27 the period for contesting the violation has lapsed, including any
28 period for appeals, or as soon as the individual pays the civil
29 fine in full, whichever occurs first.

1 (4) All of the following apply to a recorded image and any
2 other data collected by an automated speed enforcement system:

3 (a) The image and data may be used only for the purpose of
4 adjudicating a violation of this section.

5 (b) Except to the extent necessary to adjudicate a violation
6 of this section, the image and data are confidential and exempt
7 from disclosure under the freedom of information act, 1976 PA 442,
8 MCL 15.231 to 15.246.

9 (c) The image and data must not be shared with or sold to any
10 private or public third party not involved with installing and
11 using the automated speed enforcement system.

12 (5) In a proceeding for a violation of this section, prima
13 facie evidence that the vehicle described in the citation issued
14 was operated in violation of this section, together with proof that
15 the individual who was issued the citation was at the time of the
16 violation the registered owner of the vehicle, creates a rebuttable
17 presumption that the registered owner of the vehicle was the
18 individual who committed the violation. The presumption is rebutted
19 if the registered owner of the vehicle files an affidavit by
20 regular mail with the clerk of the court stating that the
21 registered owner was not the operator of the vehicle at the time of
22 the alleged violation or testifies in open court under oath that
23 the registered owner was not the operator of the vehicle at the
24 time of the alleged violation. The presumption also is rebutted if
25 a certified copy of a police report, showing that the vehicle had
26 been reported to the police as stolen before the time of the
27 alleged violation of this section, is presented before the
28 appearance date established on the citation. For purposes of this
29 subsection, the owner of a leased or rented vehicle shall provide

1 the name and address of the individual to whom the vehicle was
2 leased or rented at the time of the violation.

3 (6) Notwithstanding section 742, a citation for a violation of
4 this section may be executed by the state transportation department
5 or a person designated by the state transportation department by
6 mailing by first-class mail a copy to the address of the registered
7 owner of the vehicle as shown on the records of the secretary of
8 state. The state transportation department shall also file the
9 citation with the court having jurisdiction over the offense. If
10 the summoned individual fails to appear on the date of return set
11 out in the citation mailed under this subsection, the clerk of the
12 court shall enter a default after certifying, on a form furnished
13 by the court, that the defendant has not made a scheduled
14 appearance or has not answered the citation within the time
15 provided by law.

16 (7) Subject to appropriation, an automated speed enforcement
17 unit is created within the state transportation department composed
18 of individuals appointed by the director of the state
19 transportation department, to do all of the following:

20 (a) Oversee the implementation and use of automated speed
21 enforcement systems under this section.

22 (b) Train and certify automated speed enforcement system
23 operators to operate and monitor automated speed enforcement
24 systems and provide sworn statements under subsection (3).

25 (c) Create a form for the written warning described in
26 subsection (2) and any other new written forms or notices necessary
27 for enforcing this section.

28 (8) The state transportation department shall develop
29 guidelines for installing and using automated speed enforcement

1 systems. In developing the guidelines, the state transportation
2 department shall consider best practices for installing and using
3 automated speed enforcement systems and recommendations from the
4 manufacturers of automated speed enforcement systems. The
5 guidelines must include, but are not limited to, procedures for
6 each of the following:

7 (a) Determining where to place an automated speed enforcement
8 system.

9 (b) Regular calibration and maintenance of an automated speed
10 enforcement system.

11 (9) By not later than March 1 of each year after the effective
12 date of the amendatory act that added this section, the state
13 transportation department shall submit to the members of the house
14 of representatives and senate committees with jurisdiction over
15 transportation, and make publicly available on the state
16 transportation department website, a report on the use of automated
17 speed enforcement systems in this state that includes, at a
18 minimum, all of the following:

19 (a) The number of citations given under this section.

20 (b) The age and sex of the individuals given citations under
21 this section.

22 (c) The locations where automated speed enforcement systems
23 are installed and used, and where citations have been given.

24 (d) An accounting of both of the following relating to
25 automated speed enforcement systems installed and used under this
26 section:

27 (i) The costs of installing and using.

28 (ii) The revenue generated.

29 (10) As used in this section, "present" means located in

1 **proximity to a roadway that is not protected by a guardrail or**
2 **barrier.**

3 Sec. 907. (1) A violation of this act, or a local ordinance
4 that substantially corresponds to a provision of this act, that is
5 designated a civil infraction must not be considered a lesser
6 included offense of a criminal offense.

7 (2) Permission may be granted for payment of a civil fine and
8 costs to be made within a specified period of time or in specified
9 installments but, unless permission is included in the order or
10 judgment, the civil fine and costs must be payable immediately.
11 Except as otherwise provided, a person found responsible or
12 responsible "with explanation" for a civil infraction must pay
13 costs as provided in subsection (4) and 1 or more of the following
14 civil fines, as applicable:

15 (a) Except as otherwise provided, for a civil infraction under
16 this act or a local ordinance that substantially corresponds to a
17 provision of this act, the person must be ordered to pay a civil
18 fine of not more than \$100.00.

19 (b) If the civil infraction was a moving violation that
20 resulted in an at-fault collision with another vehicle, an
21 individual, or any other object, the civil fine ordered under this
22 section is increased by \$25.00 but the total civil fine must not be
23 more than \$100.00.

24 (c) For a violation of section 240, the civil fine ordered
25 under this section is \$15.00.

26 (d) For a violation of section 312a(4)(a), the civil fine
27 ordered under this section must not be more than \$250.00.

28 (e) For a first violation of section 319f(1), the civil fine
29 ordered under this section must not be less than \$2,500.00 or more

1 than \$2,750.00; for a second or subsequent violation, the civil
 2 fine must not be less than \$5,000.00 or more than \$5,500.00.

3 (f) For a violation of section 319g(1)(a), the civil fine
 4 ordered under this section must not be more than \$10,000.00.

5 (g) For a violation of section 319g(1)(g), the civil fine
 6 ordered under this section must not be less than \$2,750.00 or more
 7 than \$25,000.00.

8 (h) For a violation of section 602b, the civil fine ordered
 9 under this section must be as follows:

10 (i) For a violation of section 602b(1), either of the
 11 following:

12 (A) If the violation does not involve an accident, \$100.00 for
 13 a first offense and \$250.00 for a second or subsequent offense.

14 (B) If the violation involves an accident, \$200.00 for a first
 15 offense and \$500.00 for a second or subsequent offense.

16 (ii) For a violation of section 602b(2), either of the
 17 following:

18 (A) If the violation does not involve an accident, \$200.00 for
 19 a first offense and \$500.00 for a second or subsequent offense.

20 (B) If the violation involves an accident, \$400.00 for a first
 21 offense and \$1,000.00 for a second or subsequent offense.

22 **(i) For a violation of section 627c, the civil fine ordered**
 23 **under this section must not be more than \$150.00 for a second**
 24 **violation as described in section 627c(2)(b) and \$300.00 for a**
 25 **third or subsequent violation described in section 627c(2)(c).**

26 **(j) ~~(i)~~**For a violation of section 674(1)(s) or a local
 27 ordinance that substantially corresponds to section 674(1)(s), the
 28 civil fine ordered under this section must not be less than \$100.00
 29 or more than \$250.00.

1 **(k)** ~~(j)~~—For a violation of section 676a(3), the civil fine
2 ordered under this section must not be more than \$10.00.

3 **(l)** ~~(k)~~—For a violation of section 676c, the civil fine ordered
4 under this section is \$1,000.00.

5 **(m)** ~~(l)~~—For a violation of section 682 or a local ordinance
6 that substantially corresponds to section 682, the civil fine
7 ordered under this section must not be less than \$100.00 or more
8 than \$500.00.

9 **(n)** ~~(m)~~—For a violation of section 710d, the civil fine
10 ordered under this section must not be more than \$10.00, subject to
11 subsection (11).

12 **(o)** ~~(n)~~—For a violation of section 710e, the civil fine and
13 court costs ordered under this subsection must be \$25.00.

14 (3) Except as otherwise provided in this section, if an
15 individual is determined to be responsible or responsible "with
16 explanation" for a civil infraction under this act or a local
17 ordinance that substantially corresponds to a provision of this act
18 while driving a commercial motor vehicle, the individual must be
19 ordered to pay costs as provided in subsection (4) and a civil fine
20 of not more than \$250.00.

21 (4) If a civil fine is ordered under subsection (2) or (3),
22 the judge or district court magistrate shall summarily tax and
23 determine the costs of the action, which are not limited to the
24 costs taxable in ordinary civil actions, and may include all
25 expenses, direct and indirect, to which the plaintiff has been put
26 in connection with the civil infraction, up to the entry of
27 judgment. Costs must not be ordered in excess of \$100.00. A civil
28 fine ordered under subsection (2) or (3) must not be waived unless
29 costs ordered under this subsection are waived. Except as otherwise

1 provided by law, costs are payable to the general fund of the
2 plaintiff.

3 (5) In addition to a civil fine and costs ordered under
4 subsection (2) or (3) and subsection (4) and the justice system
5 assessment ordered under subsection (12), the judge or district
6 court magistrate may order the individual to attend and complete a
7 program of treatment, education, or rehabilitation.

8 (6) A district court magistrate shall impose the sanctions
9 permitted under subsections (2), (3), and (5) only to the extent
10 expressly authorized by the chief judge or only judge of the
11 district court district.

12 (7) Each district of the district court and each municipal
13 court may establish a schedule of civil fines, costs, and
14 assessments to be imposed for civil infractions that occur within
15 the respective district or city. If a schedule is established, it
16 must be prominently posted and readily available for public
17 inspection. A schedule need not include all violations that are
18 designated by law or ordinance as civil infractions. A schedule may
19 exclude cases on the basis of a defendant's prior record of civil
20 infractions or traffic offenses, or a combination of civil
21 infractions and traffic offenses.

22 (8) The state court administrator shall annually publish and
23 distribute to each district and court a recommended range of civil
24 fines and costs for first-time civil infractions. This
25 recommendation is not binding on the courts that have jurisdiction
26 over civil infractions but is intended to act as a normative guide
27 for judges and district court magistrates and a basis for public
28 evaluation of disparities in the imposition of civil fines and
29 costs throughout this state.

1 (9) If a person has received a civil infraction citation for
2 defective safety equipment on a vehicle under section 683, the
3 court shall waive a civil fine, costs, and assessments on receipt
4 of certification by a law enforcement agency that repair of the
5 defective equipment was made before the appearance date on the
6 citation.

7 (10) A default in the payment of a civil fine or costs ordered
8 under subsection (2), (3), or (4) or a justice system assessment
9 ordered under subsection (12), or an installment of the fine,
10 costs, or assessment, may be collected by a means authorized for
11 the enforcement of a judgment under chapter 40 of the revised
12 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
13 under chapter 60 of the revised judicature act of 1961, 1961 PA
14 236, MCL 600.6001 to 600.6098.

15 (11) ~~The~~ **Before the effective date of 2024 PA 22, the court**
16 **may waive any civil fine, cost, or assessment against an individual**
17 **who received a civil infraction citation for a violation of section**
18 **710d if the individual, before the appearance date on the citation,**
19 **supplies the court with evidence of acquisition, purchase, or**
20 **rental of a child seating system meeting the requirements of**
21 **section 710d. Beginning on the effective date of 2024 PA 22, the**
22 court may waive any civil fine, cost, or assessment against an
23 individual who received a civil infraction citation for a violation
24 of section 710d if the individual, before the appearance date on
25 the citation, supplies the court with evidence of acquisition of a
26 child seating system that meets the requirements of section 710d
27 and evidence that the individual has received education from a
28 certified child passenger safety technician.

29 (12) In addition to any civil fines or costs ordered to be

1 paid under this section, the judge or district court magistrate
2 shall order the defendant to pay a justice system assessment of
3 \$40.00 for each civil infraction determination, except for a
4 parking violation or a violation for which the total fine and costs
5 imposed are \$10.00 or less. On payment of the assessment, the clerk
6 of the court shall transmit the assessment collected to the state
7 treasury to be deposited into the justice system fund created in
8 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
9 600.181. An assessment levied under this subsection is not a civil
10 fine for purposes of section 909.

11 (13) If a person has received a citation for a violation of
12 section 223, the court shall waive any civil fine, costs, and
13 assessment on receipt of certification by a law enforcement agency
14 that the person, before the appearance date on the citation,
15 produced a valid registration certificate that was valid on the
16 date the violation of section 223 occurred.

17 (14) If a person has received a citation for a violation of
18 section 328(1) for failing to produce a certificate of insurance
19 under section 328(2), the court may waive the fee described in
20 section 328(3)(c) and shall waive any fine, costs, and any other
21 fee or assessment otherwise authorized under this act on receipt of
22 verification by the court that the person, before the appearance
23 date on the citation, produced valid proof of insurance that was in
24 effect when the violation of section 328(1) occurred. Insurance
25 obtained after the violation occurred does not make the person
26 eligible for a waiver under this subsection.

27 (15) If a person is determined to be responsible or
28 responsible "with explanation" for a civil infraction under this
29 act or a local ordinance that substantially corresponds to a

1 provision of this act and the civil infraction arises out of the
2 ownership or operation of a commercial quadricycle, the person must
3 be ordered to pay costs as provided in subsection (4) and a civil
4 fine of not more than \$500.00.

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

9 **Sec. 907a. (1) The work zone safety fund is created in the**
10 **state treasury.**

11 (2) The state treasurer shall deposit money and other assets
12 received from any other source in the fund. The state treasurer
13 shall direct the investment of money in the fund and credit
14 interest and earnings from the investments to the fund.

15 (3) The state transportation department is the administrator
16 of the fund for audits of the fund.

17 (4) Subject to subsection (5), the state transportation
18 department shall expend money from the fund, on appropriation, only
19 for any of the following expenses:

20 (a) Paying the third-party vendor contracted under section
21 627c(1) to install and use an automated speed detection system.

22 (b) Administering the fund.

23 (c) Paying the cost of mailing written warnings and citations
24 in enforcing section 627c.

25 (5) At the end of each fiscal year, after paying the expenses
26 described in subsection (4), any money remaining in the fund shall
27 be applied to the support of public libraries and county law
28 libraries under section 909(1).

29 (6) As used in this section, "fund" means the work zone safety

1 **fund created in subsection (1).**

2 Sec. 909. (1) Except as provided in ~~subsection~~**subsections**
 3 (2), (3), and (6), a civil fine ~~which~~**that** is ordered under section
 4 907 for a violation of this act or other state statute ~~shall~~**must**
 5 be exclusively applied to the support of public libraries and
 6 county law libraries in the same manner as is provided by law for
 7 penal fines assessed and collected for violation of a penal law of
 8 ~~the~~**this** state. ~~A~~**Except as provided in subsection (4),** a civil
 9 fine ordered for a violation of a code or ordinance of a local
 10 authority regulating the operation of commercial motor vehicles and
 11 substantially corresponding to a provision of this act ~~shall~~**must**
 12 be paid to the county treasurer and ~~shall~~**must** be allocated as
 13 follows:

14 (a) Seventy percent to the local authority in which the
 15 citation is issued.

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

17 (2) Subsection (1) is intended to maintain a source of revenue
 18 for public libraries ~~which~~**that** previously received penal fines for
 19 misdemeanor violations of this act ~~which~~**that** are now civil
 20 infractions.

21 (3) **A civil fine ordered for a violation of section 682 that**
 22 **is a camera-based violation as defined in section 682 must be paid**
 23 **to the county treasurer or the county treasurer's designee and be**
 24 **distributed by the county treasurer or the county treasurer's**
 25 **designee to the school district that operates the school bus and be**
 26 **used for school transportation safety-related purposes as provided**
 27 **in section 682.**

28 (4) **A civil fine ordered for a violation of a code or**
 29 **ordinance of a local authority that substantially corresponds to**

1 section 682 that is a camera-based violation as defined in section
2 682 must be paid to the county treasurer or the county treasurer's
3 designee and be distributed by the county treasurer or the county
4 treasurer's designee to the school district that operates the
5 school bus and be used for school transportation safety-related
6 purposes as provided in section 682.

7 (5) A county treasurer may enter into a contract with and
8 designate a private vendor to process a civil fine described in
9 subsection (3) or (4). A private vendor described in this
10 subsection may be a private vendor contracted by a school district
11 to install, operate, and provide support to a stop-arm camera
12 system on a school bus under section 20 of the pupil transportation
13 act, 1990 PA 187, MCL 257.1820.

14 (6) A civil fine that is ordered under section 907 for a
15 violation of section 627c must be paid to the state transportation
16 department. The state transportation department shall deposit any
17 civil fines described in this subsection into the work zone safety
18 fund created in section 907a.

19 Enacting section 1. This amendatory act does not take effect
20 unless House Bill No. 4133 of the 102nd Legislature is enacted into
21 law.