

**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.**

1 (ii) Less capable than a lidar system.

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

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

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

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

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

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

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

20 (i) A sign notifying the beginning of work.

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

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

27 (c) ~~For construction, maintenance, surveying, or utility work~~  
28 ~~activities conducted by a work crew and 1~~ If a moving or stationary  
29 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.