

**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 scanning lidar system or another scanning technology**  
5 **that must not be either of the following:**  
6           **(i) A radar system.**



1 (ii) Less capable than a scanning 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 to operate and monitor an automated speed  
10 enforcement system by the state transportation department.

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

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

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

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

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

26 (c) ~~For construction, maintenance, surveying, or utility work~~  
27 ~~activities conducted by a work crew and 1~~ **If a** moving or stationary  
28 vehicle **or equipment** exhibiting a rotating beacon or strobe light  
29 **is used,** is between **both of** the following points:



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

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

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

15 Sec. 627c. (1) The state transportation department may install  
16 and use or authorize the installation and use of an automated speed  
17 enforcement system in a work zone that is not separated from  
18 traffic by concrete barriers on a street or highway under the  
19 jurisdiction of the state transportation department. The  
20 installation and use of automated speed enforcement systems is  
21 subject to all of the following:

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

26 (b) A digital display must be placed on or near the automated  
27 speed enforcement system that shows the speed of an approaching  
28 vehicle as measured by the automated speed enforcement system.

29 (c) Prioritization must be given to work zones that meet the



1 following factors:

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

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

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

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

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

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

16 (2) Except for an individual operating a police vehicle, a  
17 fire department or fire patrol vehicle, or a public or private  
18 ambulance as provided in section 632, if an individual violates an  
19 applicable speed limit described in section 627 by exceeding a  
20 posted speed limit by 10 miles per hour or more in a work zone  
21 while workers are present, on the basis of a recorded image  
22 produced by an automated speed enforcement system, all of the  
23 following apply:

24 (a) An individual must be issued a written warning using a  
25 form that is authorized by the state transportation department for  
26 either of the following violations as described in this subsection:

27 (i) A first violation.

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



1 (b) For a second violation as described in this subsection  
2 that occurs less than 3 years after a written warning is issued  
3 under subdivision (a), the individual is responsible for a civil  
4 infraction and must be ordered to pay a civil fine of not more than  
5 \$150.00.

6 (c) For a third or subsequent violation as described in this  
7 subsection that occurs less than 3 years after a second or  
8 subsequent violation, the individual is responsible for a civil  
9 infraction and must be ordered to pay a civil fine of not more than  
10 \$300.00.

11 (3) A sworn statement of an automated speed enforcement system  
12 operator, based on inspecting a recorded image produced by an  
13 automated speed enforcement system, is prima facie evidence of the  
14 facts contained in the recorded image. A recorded image indicating  
15 a violation must be available for inspection in any proceeding to  
16 adjudicate the responsibility for a violation of this section. A  
17 recorded image indicating a violation must be destroyed as soon as  
18 the period for contesting the violation has lapsed, including any  
19 period for appeals, or as soon as the individual pays the civil  
20 fine in full, whichever occurs first.

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

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

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

29 (c) The image and data must not be shared with or sold to any



1 private or public third party not involved with installing and  
2 using the automated speed enforcement system.

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

23 (6) Notwithstanding section 742, a citation for a violation of  
24 this section may be executed by the state transportation department  
25 or a person designated by the state transportation department by  
26 mailing by first-class mail a copy to the address of the registered  
27 owner of the vehicle as shown on the records of the secretary of  
28 state. The state transportation department shall also file the  
29 citation with the court having jurisdiction over the offense. If



1 the summoned individual fails to appear on the date of return set  
2 out in the citation mailed under this subsection, the clerk of the  
3 court shall enter a default after certifying, on a form furnished  
4 by the court, that the defendant has not made a scheduled  
5 appearance or has not answered the citation within the time  
6 provided by law.

7 (7) Subject to appropriation, an automated speed enforcement  
8 system unit is created within the state transportation department  
9 composed of individuals appointed by the director of the state  
10 transportation department, to do both of the following:

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

13 (b) Train automated speed enforcement system operators to  
14 operate and monitor automated speed enforcement systems and provide  
15 sworn statements under subsection (3).

16 (8) The state transportation department shall develop  
17 guidelines for installing and using automated speed enforcement  
18 systems. In developing the guidelines, the state transportation  
19 department shall consider best practices for installing and using  
20 automated speed enforcement systems and recommendations from the  
21 manufacturers of automated speed enforcement systems. The  
22 guidelines must include, but are not limited to, procedures for  
23 each of the following:

24 (a) Determining where to place an automated speed enforcement  
25 system.

26 (b) Regular calibration and maintenance of an automated speed  
27 enforcement system.

28 (9) By not later than March 1 of each year after the effective  
29 date of the amendatory act that added this section, the state



1 transportation department shall submit to the members of the house  
2 of representatives and senate committees with jurisdiction over  
3 transportation, and make publicly available on the state  
4 transportation department website, a report on the use of automated  
5 speed enforcement systems in this state that includes, at a  
6 minimum, all of the following:

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

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

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

12 (d) An accounting of both of the following relating to  
13 automated speed enforcement systems installed and used under this  
14 section:

15 (i) The costs of installing and using.

16 (ii) The revenue generated.

17 (10) As used in this section, "present" means located in  
18 proximity to a roadway that is not protected by a guardrail or  
19 barrier.

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

24 (2) Permission may be granted for payment of a civil fine and  
25 costs to be made within a specified period of time or in specified  
26 installments but, unless permission is included in the order or  
27 judgment, the civil fine and costs must be payable immediately.  
28 Except as otherwise provided, a person found responsible or  
29 responsible "with explanation" for a civil infraction must pay





1 costs as provided in subsection (4) and 1 or more of the following  
2 civil fines, as applicable:

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

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

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

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

16 (e) For a first violation of section 319f(1), the civil fine  
17 ordered under this section must not be less than \$2,500.00 or more  
18 than \$2,750.00; for a second or subsequent violation, the civil  
19 fine must not be less than \$5,000.00 or more than \$5,500.00.

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

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

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

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

29 (A) If the violation does not involve an accident, \$100.00 for



1 a first offense and \$250.00 for a second or subsequent offense.

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

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

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

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

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

14 (j) ~~(i)~~—For a violation of section 674(1) (s) or a local  
15 ordinance that substantially corresponds to section 674(1) (s), the  
16 civil fine ordered under this section must not be less than \$100.00  
17 or more than \$250.00.

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

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

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

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

29 (o) ~~(n)~~—For a violation of section 710e, the civil fine and



1 court costs ordered under this subsection must be \$25.00.

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

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

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

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

29 (7) Each district of the district court and each municipal



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

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

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

24 (10) A default in the payment of a civil fine or costs ordered  
25 under subsection (2), (3), or (4) or a justice system assessment  
26 ordered under subsection (12), or an installment of the fine,  
27 costs, or assessment, may be collected by a means authorized for  
28 the enforcement of a judgment under chapter 40 of the revised  
29 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or



1 under chapter 60 of the revised judicature act of 1961, 1961 PA  
2 236, MCL 600.6001 to 600.6098.

3 (11) ~~The~~ **Before the effective date of 2024 PA 22, the court**  
4 **may waive any civil fine, cost, or assessment against an individual**  
5 **who received a civil infraction citation for a violation of section**  
6 **710d if the individual, before the appearance date on the citation,**  
7 **supplies the court with evidence of acquisition, purchase, or**  
8 **rental of a child seating system meeting the requirements of**  
9 **section 710d. Beginning on the effective date of 2024 PA 22, the**  
10 court may waive any civil fine, cost, or assessment against an  
11 individual who received a civil infraction citation for a violation  
12 of section 710d if the individual, before the appearance date on  
13 the citation, supplies the court with evidence of acquisition of a  
14 child seating system that meets the requirements of section 710d  
15 and evidence that the individual has received education from a  
16 certified child passenger safety technician.

17 (12) In addition to any civil fines or costs ordered to be  
18 paid under this section, the judge or district court magistrate  
19 shall order the defendant to pay a justice system assessment of  
20 \$40.00 for each civil infraction determination, except for a  
21 parking violation or a violation for which the total fine and costs  
22 imposed are \$10.00 or less. On payment of the assessment, the clerk  
23 of the court shall transmit the assessment collected to the state  
24 treasury to be deposited into the justice system fund created in  
25 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL  
26 600.181. An assessment levied under this subsection is not a civil  
27 fine for purposes of section 909.

28 (13) If a person has received a citation for a violation of  
29 section 223, the court shall waive any civil fine, costs, and



1 assessment on receipt of certification by a law enforcement agency  
2 that the person, before the appearance date on the citation,  
3 produced a valid registration certificate that was valid on the  
4 date the violation of section 223 occurred.

5 (14) If a person has received a citation for a violation of  
6 section 328(1) for failing to produce a certificate of insurance  
7 under section 328(2), the court may waive the fee described in  
8 section 328(3)(c) and shall waive any fine, costs, and any other  
9 fee or assessment otherwise authorized under this act on receipt of  
10 verification by the court that the person, before the appearance  
11 date on the citation, produced valid proof of insurance that was in  
12 effect when the violation of section 328(1) occurred. Insurance  
13 obtained after the violation occurred does not make the person  
14 eligible for a waiver under this subsection.

15 (15) If a person is determined to be responsible or  
16 responsible "with explanation" for a civil infraction under this  
17 act or a local ordinance that substantially corresponds to a  
18 provision of this act and the civil infraction arises out of the  
19 ownership or operation of a commercial quadricycle, the person must  
20 be ordered to pay costs as provided in subsection (4) and a civil  
21 fine of not more than \$500.00.

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

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

28 **(2) The state treasurer shall deposit money and other assets**  
29 **received from any other source in the fund. The state treasurer**



1 shall direct the investment of money in the fund and credit  
2 interest and earnings from the investments to the fund.

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

5 (4) The state transportation department shall expend money  
6 from the fund, on appropriation, only for the purpose of improving  
7 worker safety at work zones by doing both of the following:

8 (a) Coordinating with the department of state police and local  
9 law enforcement agencies to increase police presence at work zones.

10 (b) Funding the use of traffic control devices at work zones  
11 that provide greater protection for workers.

12 (5) As used in this section, "fund" means the work zone safety  
13 fund created in subsection (1).

14 Sec. 909. (1) Except as provided in ~~subsection~~ **subsections** (2)  
15 **and (3)**, a civil fine ~~which~~ **that** is ordered under section 907 for a  
16 violation of this act or other state statute ~~shall~~ **must** be  
17 exclusively applied to the support of public libraries and county  
18 law libraries in the same manner as is provided by law for penal  
19 fines assessed and collected for violation of a penal law of ~~the~~  
20 **this** state. A civil fine ordered for a violation of a code or  
21 ordinance of a local authority regulating the operation of  
22 commercial motor vehicles and substantially corresponding to a  
23 provision of this act ~~shall~~ **must** be paid to the county treasurer  
24 and ~~shall~~ **must** be allocated as follows:

25 (a) Seventy percent to the local authority in which the  
26 citation is issued.

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

28 (2) Subsection (1) is intended to maintain a source of revenue  
29 for public libraries ~~which~~ **that** previously received penal fines for



1 misdemeanor violations of this act ~~which~~**that** are now civil  
2 infractions.

3       **(3) A civil fine that is ordered under section 907 for a**  
4 **violation of section 627c must be paid to the state transportation**  
5 **department. The state transportation department shall deposit any**  
6 **civil fines described in this subsection in excess of the cost of**  
7 **using automated speed enforcement systems under section 627c into**  
8 **the work zone safety fund created in section 907a.**

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

