Traffic Services Section
Michigan State Police
Field Update #1
Providing Traffic Related Information and Services to Michigan Law Enforcement
Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Introduction

This publication is the first of a series intended to provide information to the law enforcement community on current topics relating to traffic safety and traffic enforcement. Each update may address questions from the field received by the Traffic Services Section, or may contain information on equipment, legislation, training, and enforcement efforts. Additional information can be obtained at the Traffic Services Section webpage, or by contacting a specific unit directly at the numbers below. If viewing an electronic version, use the links to visit the various websites or send questions by e-mail.

School Bus Hazard Light Stops

MCL 257.1855 allows for the use of hazard lights instead of flashing overhead red lights under certain conditions when pupils are not required to cross the road, and traffic is able to legally flow around the bus to the left. Additional information and a slideshow explaining the circumstances under which this type of stop can be used are available on the website.

Safety Belts and Child Restraints

Based on the number of calls received by the section, there seems to be a great deal of confusion among the general public over the issue of who is required to wear safety belts, and at what age (height, weight, etc.) a child can switch to a safety belt instead of a child restraint system. This confusion has been compounded by the publication of a card entitled "Michigan's Safety Belt Law Enforcement Guide." The original undated version of the card could be interpreted to imply that exemptions existed for several types of vehicles that were not exempted, specifically trucks over 10,000 pounds and taxi cabs. These cards, intended solely for law enforcement use in making a determination to stop a vehicle based on visible non-use of a shoulder belt, have found their way into the hands of truck drivers and taxi drivers who occasionally use them when challenging tickets. The 2002 revision reformatted the information, allowing for appropriate interpretation.

MCL 257.710d requires that all children under age 4 must be properly secured in an approved child restraint system. There are no height and weight restrictions in the law, but manufacturers have height and weight limitations in place for the various systems. MCL 257.710e requires that all drivers, front seat passengers, and rear passengers "4 years of age or more but less than 16 years of age" must wear a properly adjusted and fastened safety belt. There are limited exemptions to each of the laws. The terms "properly secured," "properly adjusted and fastened," and "approved child restraint system" mean that the restraint system or belt must be used as specified by the manufacturer, as tested to meet the Federal Motor Vehicles Safety Standards.

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Winter Enforcement Tips

Plow truck lights

The Traffic Services Section (TSS) has received numerous calls from the field inquiring about the use of flashing, oscillating, or rotating overhead lights in use by some private snow plow operators. While a private plow vehicle may be equipped with an amber light pursuant to MCL 257.698(5)(f), there is no legal authority for private plow operators to use these lights while traveling on the road. A private plow operator may use a flashing, oscillating, or rotating amber light for safety only while on private property, or when incidentally entering a street during active plowing. Violation is a 90-day/$100 misdemeanor. Plow vehicles belonging to the Michigan Department of Transportation, a county road commission, or a municipality are allowed to use these lights while on the highway pursuant to MCL 257.698(5)(d).

Depositing snow in the street

Pursuant to MCL 257.677a(4), it is a 90-day/$100 misdemeanor to "deposit, or cause to be deposited, snow, ice or slush on any roadway or highway." By definition, a highway or street is "the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel" and includes the roadway, shoulders, ditch slopes, and sidewalks.

As always, common sense and good judgement should be used when taking enforcement action.

RADAR and LIDAR Information

The Traffic Services Section maintains the website for the Michigan Speed Measurement Task Force (MSMTF). There are several helpful links on the MSMTF website, including information on current RADAR/LIDAR equipment on state contract, upcoming RADAR/LIDAR instructor training, and RADAR/LIDAR equipment replacement certificates. Additional information on instrument certification and operator qualification is also available on the TSS website.

Traffic Crash Reconstruction Unit Update

All department Traffic Crash Reconstructionists are now equipped with Crash Data Retrieval System (CDR) Kits with the ability to download information from nearly all GM vehicles from 1996 to present and many Ford vehicles from 2001 to present. Information available depends on the year and model of the vehicle. Additional information on other services provided by the unit is available on the TSS website.

The vacant position at First District has been filled. Spl/Tpr. Allan Avery has been selected as the new First District Traffic Crash Reconstructionist effective January 16, 2005, and will receive his advanced training in February and March.

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BAC DataMaster Training

Training dates for 2005 have been finalized. Details can be found on the Traffic Services Section website.

PBT Grant

The Alcohol Enforcement Unit is purchasing 1,739 new Lifeloc FC-10 Preliminary Breath Test instruments to distribute to law enforcement agencies in Michigan. A letter explaining the details of the application process will be sent to the head of each law enforcement agency and Michigan State Police post in March. Applications must be returned to the Alcohol Enforcement Unit by the deadline specified in the letter in order to be considered.

Useful Websites

Michigan Compiled Laws Index http://www.michiganlegislature.org/mileg.asp?page=chapterindex

Michigan Legislature (current laws, pending legislation) http://www.michiganlegislature.org/

Michigan Judicial Institute—Traffic Benchbook http://courts.michigan.gov/mji/resources/traffic/traffic.htm

Michigan Speed Measurement Task Force http://www.michigan.gov/msmtf

Michigan Vehicle Code http://www.michiganlegislature.org/mileg.asp?page=getObject&objName=mcl-Act-300-of-1949&highlight

Uniform Traffic Code for Cities, Townships, and Villages (UTC) http://www.michigan.gov/documents/UTC_50201_7.pdf

UTC Conversion (old rule numbers to new and MVC) http://www.michigan.gov/documents/UTCConversion_chart_71189_7.pdf

Field Update E-Mail List

The Traffic Services Section has received numerous requests to be notified of future Field Updates by e-mail. To be placed on a group e-mail list, please notify the Vehicle Code Unit. Because this is a mass mailing, some spam filters may not allow the update to come through without adding the sender's e-mail address to an approved list.

Suggestions for future topics can also be sent to the Vehicle Code Unit.

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Tow Dollies

Tow dollies are two-wheeled towing devices used to transport vehicles by supporting one axle on the dolly, with the other axle on the road. A 1985 agreement between the Michigan State Police and the Michigan Department of State considers them as "coupling devices" rather than trailers in Michigan. The Michigan Department of State will not issue a registration plate for a tow dolly. Do not stop vehicles or issue citations for failing to display a registration plate on a tow dolly.

Gopeds and Pocket Bikes

With warmer weather approaching, motorized scooters (gopeds) and miniature motorcycles (pocket bikes) are once again becoming an issue on Michigan roads. Gopeds generally meet the definition of moped under MCL 257.32b, but are not usually equipped as required for registration by the Secretary of State. Some pocket bikes also meet the definition of moped, but most exceed the limits of 2.0 hp, 50cc piston displacement, or 30 mph top speed. For electric scooters, 2.0 hp is equal to 1500 watts and the 50cc piston displacement is irrelevant, as a vehicle without a piston cannot exceed 50cc piston displacement. Those gopeds and pocket bikes that exceed any of these limits become motorcycles under MCL 257.31 if they have a saddle or seat, or off-road vehicles under MCL 324.81101(m). Regardless of which of the above classifications are met, gopeds and pocket bikes are motor vehicles under MCL 257.33 and subject to all applicable traffic laws. Unless legally registered, they are not legal for use on roads in Michigan, and are never legal for use on sidewalks. Contact the Vehicle Code Unit for additional information.

UD-10 Traffic Crash Report Information

The Criminal Justice Information Center (CJIC) Traffic Crash Unit is planning their annual UD-10 Train the Trainer sessions for 2005, and is in the process of searching for agencies willing to host this training. The criteria for hosting these training sessions are the capacity to hold 25+ people and the equipment for a PowerPoint presentation. Mr. Michael Ransom, a new CJIC staff member, will be the instructor, and brings fresh ideas on making the training more informative and interesting. If interested in hosting a training session, please contact Mr. Ransom by email at ransomml@michigan.gov or phone at (517) 322-5418.

The UD-10 Instruction Manual was revised in May 2004. Please visit the CJIC web page to view or download the manual. In addition, you will find other useful information including Frequently Asked Questions, Most Common Errors, and a request form for access to the Traffic Crash Web Site.

CJIC Traffic Crash Report web page: http://w3.michigan.gov/msp/0,1607,7-123--28578--,00.html

Problems with Web Links in These Documents

For some readers using older versions of Adobe® Reader® (5.0 and earlier), some links may not work properly. While the cause is unknown, it appears that the problem can be remedied by installing a newer version of the free software. Click on the link below (or type it into your web browser) to download a newer version.

Adobe® Reader® download page: http://www.adobe.com/products/acrobat/readstep2.html

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Abandoned Vehicles

Vehicles as Litter

Effective December 27, 2004, 2004 PA 494 amended MCL 324.8901(a) to include abandoned vehicles in the definition of litter. It also amended MCL 324.8904(4) to provide a rebuttable presumption that the last registered owner abandoned the vehicle, and MCL 324.8905a(4) to make abandoning a vehicle a state civil infraction with a fine of $500 to $2500 for a first offense, and $1000 to $5000 for a subsequent offense. The vehicle must be properly disposed of pursuant to MCL 257.252g before the court can order the payment of a fine.

Abandoned Vehicle Towing and Processing

Effective October 1, 2005, 2004 PA 493 and 2004 PA 495 will amend several sections of the Michigan Vehicle Code, changing the process for towing and disposing of an abandoned vehicle. Although many of the changes are administrative or shift items to different sections, significant changes relevant to law enforcement are as follows:

- MCL 257.240 requires a person selling a vehicle to either accompany the purchaser to the Secretary of State branch office, or maintain a photocopy of the properly transferred title for 18 months. Violation is only a $15 civil infraction, but subjects the violator to civil liability for towing and storage fees.
- MCL 257.252a makes it a $50 civil infraction to abandon a vehicle. This section also removes the police agency from the process once the vehicle has been entered into LEIN as an abandoned impound, shifting most of the notification requirements to the Secretary of State.
- MCL 257.252g allows the wrecker company to conduct the public auction instead of the police agency.
- MCL 257.252k requires proper signs before towing from some private property.

When citing a person for abandoning a vehicle, either MCL 324.8901(a) or MCL 257.252a (after 10/01/05) can be used, but not both. Circumstances, local policy, and common sense should be used when deciding which section is most appropriate. Check with your prosecutor if in doubt.

Recorked Wine Bottles

Effective May 19, 2005, 2005 PA 21 amended MCL 436.2021 to allow restaurants serving wine for consumption on the premises to recork a partially consumed bottle of wine, which the consumer can then take home. The recorking consists of nothing more than pushing the cork into the bottle to the point where the "top of the cork is level with the lip of the bottle." There is no additional seal or wrapper. The new section states, in part "The transportation or possession of the partially consumed bottle of wine shall be in compliance with section 624a of the Michigan vehicle code, 1949 PA 300, MCL 257.624a." The legislature has clearly indicated by this language that the recorked wine bottle is considered an open container, subject to the normal restrictions for possessing or transporting in a vehicle.

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Motorcycles

Helmets

Once again, legislation has been proposed to amend the requirement of motorcycle riders to wear crash helmets. **At this time, the law has not changed**. MCL 257.658(4) currently requires helmets for all riders and passengers, and any moped rider less than 19 years of age. Pursuant to the administrative rule R 28.951, helmets are approved for use in Michigan if the manufacturer certifies that they meet Federal Motor Vehicle Safety Standard (FMVSS) 218. Information on motorcycle safety, including recognizing an approved helmet, can be found on the National Highway Transportation Safety Administration website.

Loud Exhaust

While it is difficult to determine whether a motorcycle is exceeding the decibel levels found in MCL 257.707c(1)(b) as it passes at 55 or 70 mph, there are other sections that are enforceable without a decibel meter. MCL 257.707(1) prohibits the operation of a motor vehicle with exhaust that is not "in good working order and in constant operation to prevent **excessive or unusual noise** and annoying smoke," if the baffles in the muffler have been removed, destroyed, or damaged, or the motorcycle is equipped with a cutout, bypass, or similar device. MCL 257.707c(3) also prohibits the operation if the motorcycle "is not equipped with a muffler or other noise dissipative device, or is equipped with a cutout, bypass, amplifier, or similar device." MCL 257.707b requires that a motorcycle be "equipped with an exhaust system in good working order to prevent excessive or unusual noise." Type "motorcycle exhaust" into any search engine to link to numerous sites offering instruction and tips on making motorcycles louder.

Enforcement action can also be taken under MCL 257.707c(2), (4), (5), or (6) against the person or dealership that either modifies the exhaust or sells a motorcycle with loud or modified exhaust, while MCL 257.707d also makes the person who modifies the exhaust civilly responsible if the operator receives a citation.

Press Releases and Media Information

With the advent of the summer travel season, federally funded media campaigns and special enforcement initiatives are in full swing. When presenting information to the media, be aware of the unintended consequences of the terminology used to portray the initiative. Terms like "aggressive enforcement," "zero tolerance," and "wolf pack" have the potential to portray police as overzealous, and can be detrimental to both the specific initiative and law enforcement activities in general.

Speed Enforcement in Work Zones

The Michigan Department of Transportation (MDOT) has recently instituted a policy of posting all freeway construction projects with a 45 mph speed limit, regardless of whether there is lane closure or work activity in the immediate area. Enforcement efforts are most effective in increasing traffic safety and, therefore, are most appropriate when directed toward those areas where the speed limit is reduced because of lane reduction and work activity in the immediate area. Most work zone-related crashes occur due to merging in lane reduction areas, or speed differentials between vehicles prior to entering the zone.

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2005 Michigan Vehicle Code Excerpt Manual

The 2005 edition of the Michigan Vehicle Code (MVC) Excerpt Manual has recently been completed by the Traffic Services Section and has been forwarded to the Secretary of State (SOS) for publication. It is expected to be available for distribution by late August. As with previous versions, copies for Michigan State Police troopers will be distributed through the districts, while motor carrier officers will receive their copies through the Motor Carrier Division. County and municipal police agencies may purchase copies directly from SOS Purchasing and Contracts Section at (517) 373-2570 (request MVC Condensed Version), and may order standard or customized binders from the Michigan Department of Corrections, Michigan State Industries at (517) 373-4277.

For those that are not familiar, the manual is a 5 ½" x 8 ½" loose-leaf publication that easily fits in a briefcase or vehicle glove compartment. MVC sections are organized by subject, with tabs that roughly correspond to the headings on a ticket book cover. Sections that do not directly relate to enforcement have been omitted to reduce the size and simplify finding relevant information.

Motorcycle Headlamp Modulators

It has come to the attention of the Traffic Services Section that some motorcycle operators have been stopped and ticketed for having installed headlamp modulators. A modulator causes the headlamp to flicker at a set rate and intensity.

The tickets have been improperly written under MCL 257.698(5), which states "The use or possession of flashing, oscillating, or rotating lights of any color is prohibited **except as otherwise provided by law**…" Motorcycle headlamp modulators are "otherwise provided by law" under MCL 257.698(4), which states in part "Unless both covered and unlit, a vehicle…shall not be equipped with a lamp…unless expressly required or permitted by this chapter **or that meets the standards prescribed in 49 C.F.R. 571.108**." Motorcycle headlamp modulators are allowed as a safety device pursuant to 49 CFR 571.108 S7.9.4.

Legal devices can be used on either low-beam or high-beam, but not both, and will flicker approximately 240 times per minute. Properly working devices will give the appearance of a loose connection. Devices that alternate between high-beam and low-beam are illegal.

UD-10 Traffic Crash Report Information

There is a new shortcut to the UD-10 webpage. Type www.michigan.gov/crash to be routed directly to the page. Several new UD-10 Advisories have also recently been added.

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Abandoned Vehicle Law and Procedure Update Training

The Traffic Services Section will be conducting voluntary training on the changes to the abandoned vehicle laws that will become effective on October 1, 2005. Four sessions are currently scheduled, although additional sessions may be conducted if necessary. There is no cost to attend. Seating is limited. Contact Sgt. Lance Cook if you would be interested in hosting a session in Central or Northern Michigan.

Southwest Michigan
Monday, September 12, at the Van Buren Intermediate School District, 41 ½ South Paw Paw Street, Lawrence. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Sgt. Jim Campbell, MSP 5th District HQ, at (269) 657-6081.

Western Michigan
Thursday, September 15, at the MSP 6th District HQ Conference Room, 588 Three Mile Road, Grand Rapids. This session will begin at 1 p.m. and conclude before 5 p.m. For information and reservations, contact Sgt. Ed Hancock, MSP 6th District HQ, at (616) 647-0807.

Southeast Michigan
Wednesday, September 21, at Flat Rock Police Department, 25500 Gibraltar Road. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Chief Steve Tallman, Flat Rock Police Department, at (734) 782-0636.

Eastern Michigan
Wednesday, September 28, at Delta College, Room F-10, 1961 Delta Road, University Center. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Sgt. Lance Cook, MSP Traffic Services, at (517) 336-6660.

Traffic Crash Investigation Training

The Traffic Crash Reconstruction Unit, in conjunction with retired MSP Lt. Bill Brandt (BenchMark Traffic Services), will be offering a two-week At-Scene Traffic Crash Investigation school October 3-14. This course is fundamentally similar to the first two weeks of crash investigation training offered by other vendors. The training is open to all police agencies, and will be held at the MSP Metro South Post, 12111 Telegraph Road, Taylor. The cost is $500 per student. For information, contact Sgt. Kevin Lucidi at (734) 777-0767, or Mr. Bill Brandt at (517) 622-3135.

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School Bus Stops and Equipment

With the school year upon us, law enforcement personnel should be aware of two items related to school busses:

1) A new LED Overhead Warning Light System. This system has two modes of operation, conventional and strobe. Both modes alternately flash on and off. The conventional mode is typical of an existing warning light system; while the strobe mode flashes four times within a 255-millisecond period and then stays off for 745-milliseconds, alternating from one side to the other. The visual effect is very similar to the rear deck emergency lights in a patrol vehicle. In addition to this strobe effect, the LED lights are notably brighter than conventional halogen or incandescent lights. This new system meets all applicable state and federal laws and standards for use in Michigan.

2) Please remember that MCL 257.1855 allows for the use of hazard lights instead of flashing overhead red lights under certain conditions when pupils are not required to cross the road. See the Traffic Services Section webpage for additional information, Frequently Asked Questions, and to view a slideshow.

Abandoned Vehicle Update Training—Additional Dates and Locations

Due to the overwhelming response to the training announced in Field Update #8, four additional sessions have been scheduled. There is no cost to attend. Seating is limited. Due to time constraints, no other sessions will be scheduled before the October 1, 2005 changes in the law take effect. Consideration of future sessions will be based on response and feedback to the classes currently scheduled.

Location Changes for Delta College and Flat Rock
Delta College—the classroom has been changed to G-160. For those familiar with Delta, this is the auditorium where the police academy graduation is normally held.

Flat Rock—the location has been changed to the Community Center, 1 Maguire Drive. The new phone number for reservations and information is (734) 782-2496 Ext. 301.

Eastern Upper Peninsula
Monday, September 19, at the Michigan State Police (MSP) St. Ignace Post, 901 Graham Avenue. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Sgt. Amy Pendergraff, MSP St. Ignace Post, at (906) 643-7582.

Central Lower Peninsula
Thursday, September 22, at the Michigan State University Department of Public Safety, 87 Red Cedar Road, East Lansing. Free parking is available in Ramp 5/Lot 45 across from the department. This session will begin at 1 p.m. and conclude before 5 p.m. For information and reservations, contact Insp. Mary Johnson, Michigan State University Department of Public Safety, at (517) 355-2225.

Northwest Lower Peninsula
Friday, September 23, at the Kalkaska Memorial Hospital, Education Center, 419 South Coral Street, Kalkaska. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Helen Chew-Artress, Kalkaska Police Department, at (231) 258-9081 Ext. 10.

Northeast Lower Peninsula
Monday, September 26, at the Alpena Police Department, 501 West Chisholm Street. This session will begin at 8 a.m. and conclude before noon. For information and reservations, contact Tracy Marquardt, Alpena Police Department, at (989) 356-3371.

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Changes to the Uniform Law Citation

Both the Uniform Law Citation and Commercial Law Citation have recently been updated effective January 1, 2006. Agencies may continue to use the current stock until depleted. Law enforcement agencies must order the new revision when ordering citations, and should contact their vendors to ensure that the correct revision (Rev. 06/05) is used. For more information please refer to our Uniform Law Citation webpage.

Commercial Vehicle Crash Reporting

The federal government requires states to report data on truck/bus crashes for data analysis and grant funding. Proper completion of the truck/bus section of the UD-10 will help ensure Michigan's compliance. Any commercial vehicle used by a business with either an actual weight or gross vehicle weight rating (GVWR) of more than 10,000 pounds must be reported. Additionally, federal guidelines require that a van with a manufacturer's rated seated capacity of nine or more people must be reported as a "bus" if used by a business even though it may not otherwise qualify as a bus under Michigan law.

It is important to properly identify the motor carrier (the trucking company or business) on the UD-10. The identification on the door is not always the carrier. Check the bill of lading or the driver's log book. If unsure, ask the driver who is responsible for the load or who is paying the bills. A broker or freight forwarder is not the carrier. Contact an MSP Motor Carrier Officer if you need assistance.

UD-10 Purchasing System Information

The Criminal Justice Information Center, Traffic Crash Reporting Unit (TCRU) has a new website that will allow an involved party or an insurance agent to purchase a crash report. The cost is $10.00 with $3.00 being returned to the policing agency and the remaining funds retained for future enhancements to the Traffic Crash Reporting System. When an agency begins submission of electronic crash data, the revenue share is increased to $5.50. A card explaining how to retrieve a report through the internet can be given to an involved party at the scene of the crash and can be obtained for free from the TCRU. Please contact Jamie Mathews at (517) 322-1150 to receive a supply of cards or direct questions to Sydney Smith at (517) 322-1188.

Railroad Grade Crossing Crash Investigation Training

Michigan Operation Lifesaver is sponsoring two sessions of the Grade Crossing Collision Investigation course in December. This course is designed to enhance the investigative skills of law enforcement officers responding to rail/highway grade crossing crashes and other railroad incidents. The first course will be held December 7-8, 2005, at the Multisports Complex in Monroe. The second course will be December 13-14, 2005, at the Macomb County Sheriff's Department. Enrollment is limited to 20 officers for each session. The course is MCOLES certified. There is no fee to attend. Contact Michigan Operation Lifesaver at (800) 759-9012 for information or fax reservations requests for officer enrollment (name/department) to (517) 318-0527. The sessions will provide a hands-on field exercise at a rail facility and a locomotive ride that includes an overview of the "Officer on the Train" enforcement program.

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Traffic Crash Investigation Training

The Traffic Crash Reconstruction Unit, in conjunction with retired MSP Lt. Bill Brandt (BenchMark Traffic Services), will be offering two traffic crash investigation courses in 2006. A two-week At-Scene Traffic Crash Investigation school will be held from June 12-23, 2006. This course is fundamentally similar to the first two weeks of crash investigation training offered by other vendors. A two-week Technical Traffic Crash Investigation school will be held from February 6-17, 2006. This course builds on the At-Scene training and will prepare the student for Traffic Crash Reconstruction training if desired.

Students registering for the Technical level course should have completed an At-Scene course or its equivalent. Both sessions are open to all police agencies and will be held at the Troy Police Department Training Center, 4850 John R. Road, Troy. The cost is $500 per student for each class. For information, contact Sgt. Michael Bjork, Troy Police Department, at (248) 524-3430 or Mr. Bill Brandt at (517) 622-3135.

LIDAR Instructor Training

The Michigan State Police will be conducting three 8-hour LIDAR Instructor training sessions at the Training Academy, 7426 North Canal Road, Lansing, on January 10, 11, **or** 12, 2006. Students need to attend one day only. Each session is $30 per student, including all materials and lunch. The course is certified by the Michigan Commission on Law Enforcement Standards (MCOLES).

To be eligible, a candidate must be both a current RADAR and LIDAR operator, have a minimum of 24 hours of patrol experience with the LIDAR device, be an MCOLES certified police officer and have department approval to attend, and possess strong instructional and organizational skills. Each student must bring a LIDAR device approved for use in Michigan. Contact Sgt. Kevin Beasley at (517) 336-6651 for information or to reserve a seat.

New Registration Plate Font

With the recent introduction of seven digit registration plates, the Michigan Department of State (MDOS) has changed the font slightly in order to make plates easier to read. The new characters are narrower, allowing for more space, and have fewer curves, making them more distinct at a distance. Effective December 19, 2005, all new plates will be manufactured with the new font. Specialty plates will appear with the new font almost immediately, while standard plates will display the old font until existing inventory at the branch offices is depleted.

Abandoned Vehicle Information Update

The MDOS has recently added abandoned vehicles to their Frequently Asked Questions page. This page addresses most of the issues that have arisen as a result of the new law. The two most common concerns are:

- Some vehicles impounded pursuant to MCL 257.252d are held for evidence or forfeiture. Enter these vehicles into LEIN as impounded rather than abandoned.
- If a TR-52 is not received, the police agency address may not match the ORI. Confirm the address by checking the VIN on the abandoned vehicle website. A duplicate TR-52 can be obtained, or an old-stock paper TR-52 can be used. Contact Vicky Sandborn at (517) 336-6167 to provide an updated ORI address.

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Standardized Field Sobriety Testing Instructor Training

The four-day Standardized Field Sobriety Testing (SFST) Instructor Course will be held February 6-9, 2006, at the Clarion Hotel in Lansing. The course is free, and meals, materials, and lodging are provided. This course is approved by the National Highway Traffic Safety Administration (NHTSA). Candidates must be current SFST practitioners and must submit a brief resume indicating why they are interesting in becoming instructors and citing the dates, location, and instructor providing their original SFST training. Contact Mr. Robert L. Betzing, SFST Coordinator, at (517) 336-6436 for information.

Michigan Manual of Uniform Traffic Control Devices

The Michigan Manual of Uniform Traffic Control Devices (MMUTCD) has been recently updated to reflect changes in the Federal Manual of Uniform Traffic Control Devices (FMUTCD). The new version replaces the 1994 Edition. The MMUTCD can be downloaded at no cost directly from the Michigan Department of Transportation (MDOT) website by clicking on the link above or can be ordered through The Local Technical Assistance Program (LTAP) at Michigan Technological University. The cost for a copy through the LTAP is $135, and includes a CD in addition to the manual. Questions about the MMUTCD can be directed to Mr. Mark Bott, MDOT at (517) 335-2625 or Sgt. Lance Cook at (517) 336-6660.

Power Loss at a Signalized Intersection (Dark Signal)

The Traffic Services Section has recently received a number of phone calls regarding the right-of-way at intersections where a traffic signal has lost power. When a signal loses power, the intersection becomes uncontrolled and reverts back to the basic right-of-way requirements found in MCL 257.649(1) and (2). It does **not** become a four-way stop, as is frequently stated by members of the media.

There are a number of factors that are taken into account when determining the appropriate course of action in response to the loss of power at a signalized intersection. The Michigan Department of Transportation has issued a memorandum for response to power outages involving traffic signals on state trunkline highways, which accounts for a variety of factors that can influence if, when, and how temporary traffic control devices may be posted. While the memorandum is not binding on county road commissions or municipal road authorities, many have adopted a similar position. Check with your local road authority for their policy prior to the occurrence of an event.

The Michigan Department of State Police has adopted Official Order 49, Enclosure (9), to provide guidance to department members when responding to the loss of power at an intersection. Contact the Vehicle Code Unit for additional information.

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Michigan State Police
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Motorcycle Helmet Use Codes on UD-10 Crash Report

Some confusion seems to exist about the proper coding for motorcycle helmet use in the restraint section on the UD-10 Traffic Crash report. While conducting a recent study on helmet use, the Traffic Services Section (TSS) discovered that approximately one out of every four fatal motorcycle crashes from 2005 had the helmet use coded incorrectly. The most common incorrect coding was 01—No belts available. **There are three proper codes for helmet use: 10—Helmet worn, 11—Helmet not worn, and 12—Helmet use unknown.** The code 12—Helmet use unknown should rarely be used, as the investigation and/or autopsy should usually reveal whether the helmet was used. In the case of the use of a novelty helmet or other unapproved helmet, code the use as 10—Helmet worn and make a note in the remarks section that the helmet is unapproved.

Abandoned Vehicles Registered in Other States

When entering an abandoned vehicle that is titled and/or registered in another state, please be advised that the Michigan Department of State (SOS) will not send a TR-52 Notice of Abandoned Vehicle to the out-of-state owner or secured party. Their representative advises that SOS does not have access to other states' registration information through their computer system, and that they have fulfilled their legal requirement by sending the TR-52 to the police agency. They suggest that the police agency can mail a paper TR-52 to the out-of-state parties as a "courtesy." The VIN should still show up on the SOS auto lost and found website with the associated police and custodian information. This becomes a bigger issue when there is a lien holder that is not notified and does not have the opportunity to redeem the vehicle prior to auction. This is one of many issues that should be addressed through clean-up legislation, which has yet to be introduced.

Work Zone Speed Limits

With the upcoming 2006 construction season, the Michigan Department of Transportation (MDOT) is abandoning the 2005 policy of setting all work zone speed limits at 45 mph and adopting an approach to setting work zone speed limits that is more consistent with standard and accepted engineering practices. Additionally, new signs will be posted directing drivers to slow down where workers are present. To most appropriately enforce a "where workers are present" speed limit, the TSS recommends that patrol vehicles set up LIDAR activities slightly downstream from an area with workers present and aim the device to **measure vehicles while they are directly adjacent to the area with workers in close proximity to traffic**.

Because compliance with MDOT standards is not universal among construction and maintenance contractors, common sense and discretion should be used when determining whether a particular work zone has workers "present" for the purpose of speed limit enforcement. Workers should be in close proximity to the travel lane with only channelizing devices (cones or barrels) rather than concrete barriers or guardrails separating the workers from passing vehicles. Once a vehicle has passed the last worker in close proximity to the passing vehicles, the driver can resume the regular speed limit for the work zone.

Alcohol Enforcement Unit	(517) 336-6338	Crash Reconstruction Unit	(517) 336-6579
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Section Commander	(517) 336-6611	Section Technician	(517) 336-6171
Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

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Railroad Incident Enforcement Guide

Railroad incidents can be some of the more intensive and complicated situations that law enforcement officers encounter. Incidents can include crashes, derailments, hazardous materials spills, terrorist threats or attacks, or simply trespassing. Several organizations have combined efforts with state and local law enforcement agencies and compiled a resource designed to assist officers who respond to railroad incidents, the 2005 edition of the Michigan's Model Enforcement Guide. Michigan Operation Lifesaver is providing a copy of this guide to each road patrol officer in Michigan. The guide can also be accessed online through the Traffic Services Section (TSS) website and may be reprinted for official use by any first responder agency or organization.

BAC Datamaster Procedures

When administering subject breath tests subsequent to an arrest, be careful to follow the procedures as set forth in the Michigan Breath Test Operator Training Manual. Failure to follow the proper procedures could result in the court refusing to allow the test results as admissible evidence. Areas of concern include observing the subject for the full 15 minute observation period, using a new mouthpiece for each test, and starting a new 15 minute observation period if an additional test is needed due to "invalid sample" or "interference detected" messages.

Work Zone Traffic Enforcement Follow-Up

The Traffic Services Section has received a number of calls from both law enforcement and members of the driving public requesting clarification on the speed limit "45 Where Workers Present" sign for purposes of enforcement in a work zone. Generally, if a police officer is not sure that enforcement action is appropriate for a given situation, a citation should not be issued. Conversely, if a motorist is not sure if the speed limit applies, the driver should assume that it does apply and slow down accordingly in the presence of workers.

The sign's presence does not automatically indicate its applicability. Police officers should identify an area within a work zone where workers are in close physical proximity to passing vehicles and position themselves downstream from that area to measure vehicle speeds as they pass adjacent workers. That alone is the point at which the speed limit is appropriate, necessary for the safety of the workers and other motorists, and most closely matches the behavior of normal, prudent drivers.

It is important to remember that the "45 Where Workers Present" speed limit is not appropriate or enforceable where workers are protected by guardrail or barrier wall. If the only workers in a work zone are protected in that fashion, the applicable speed limit is the speed limit posted for areas other than "Where Workers (are) Present."

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Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

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Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Tinted Window Enforcement and Medical Exception

MCL 257.709(3)(e) provides an exception to the prohibition against tinted windows for "a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating that the special window treatment or application is a **medical necessity**." Although there are a few genuine medical conditions, like skin cancer, that could potentially offer a legitimate use of the medical necessity exception, in many cases the doctor's letter is either obtained under false pretense, overstates a minor eye problem that is better treated with sunglasses, or amounts to a "permission slip" rather than a prescription.

Because tinted windows can be detrimental to traffic safety by reducing a driver's visibility outward, and to officer safety by reducing visibility inward, reducing the number of vehicles with tinted windows by eliminating marginal or improper doctor's letters is a legitimate goal. The Traffic Services Section has been made aware of several creative ideas used in this regard including obtaining a subpoena for the doctor to testify to the medical necessity and submitting a Request for Reexamination (OC-88) form to the Secretary of State.

International Driving Permit

It appears that the fraudulent "International Driver License" (IDL) is again becoming an issue in Michigan. The Vehicle Code Unit was recently contacted regarding the use of such a fraudulent document by a Michigan Militia member during a traffic stop. The driver produced a document that appeared to be a legitimate document issued by the government of the Turks and Caicos Islands. The IDL does not exist, per se, but is often confused with the legitimate International Driving Permit (IDP).

Under the Geneva Convention on Road Traffic (1949), the IDP is a supplementary document that provides a translation of a current valid operator's license into several languages (usually nine). It is not valid by itself, and must be used in conjunction with a valid license. It is not valid in the country where issued and is only valid for one year. Its sole purpose is to facilitate the contact between a police officer and a motorist who speak different languages. The permit is not required to operate a vehicle in most of the treaty countries, but Article 24 (2) advises that "A Contracting State **may** however require that any driver admitted to its territory shall carry an international driving permit conforming to the model contained in Annex 10..." An IDP is not required for foreign drivers in Michigan.

There are numerous companies advertising on the Internet, attempting to sell documents as if they were legitimate international licenses. Most of the advertisements are just confusing enough to entice customers into thinking they are obtaining a valid document, making reference to or using language from the Convention. The ads generally state that such "license" can't be revoked or assessed points, which is technically true but misleading as it is not a license at all. The target audience of these ads appears to be those persons looking to hide their identity or confuse police officers. **A citizen of the United States operating a motor vehicle in the United States would be required to have a license from his home state and should not be presenting an IDP to a police officer. A police officer that is presented only an IDP or IDL on a traffic stop should request identification documents, especially a valid license and passport, to verify the subject's identity and ability to drive.** Particular attention should be given to documents alleged to have been issued by nations in the Caribbean.

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UD-10 Traffic Crash Report Update Training for 2006

The Criminal Justice Information Center (CJIC) has announced their 2006 UD-10 update training calendar. For information or reservations, please contact Michael Ransom at RansomML@michigan.gov or (517) 322-5418, Amanda Heinze at HeinzeA@michigan.gov or (517) 636-0192, or Angela Stanton at StantonA@michigan.gov or (517) 636-6034. Email is preferred.

Urban Legends of Michigan Traffic Law

The Traffic Services Section frequently receives questions based on misconceptions or urban legends. Some of these questions may involve valid laws or procedures in other states or provinces, but many fall into the category of myth or urban legend. A few of the more frequently asked questions appear below.

Riding in a Trailer: There is nothing in the Michigan Vehicle Code that specifically prohibits riding in a trailer, regardless of the type of hitch or configuration. Two-way communication between driver and occupants is not required. Child restraint violations might apply, but this is questionable as both MCL 257.710d and 257.710e refer to riding in a motor vehicle. Careless or reckless driving may apply in extreme circumstances if a police officer observes a particular action that substantiates such a charge.

Barefoot Driving: There is nothing in the Michigan Vehicle Code that prohibits barefoot driving. Careless or reckless driving would really be a stretch, as an argument could be made that a barefoot person has more control over the pedals.

Driving with Headphones: There is nothing in the Michigan Vehicle Code that specifically prohibits driving with headphones or earbuds. A driver could, however, be cited for careless, reckless, or failure to yield to an emergency vehicle if a police officer could show that the headphones interfered with the driver's ability to safely operate the vehicle. Some other states do have prohibitions against headphone use.

Suicide Knobs: There is nothing in the Michigan Vehicle Code that specifically prohibits "suicide knobs" or "spinners" on steering wheels. Such knobs could actually be required pursuant to a restricted operator's license for a person with a disability.

*677, *67, #77, etc.: This internet myth is actually based partially in reality, but does not apply to Michigan. In Michigan, as well as most states, the number to contact for an emergency is 911. Some states have a non-emergency number as well, with *677 being the variant that works in Ontario (677=OPP on the telephone keypad).

Alcohol in Recreational Vehicle: MCL 257.624a prohibits possessing or transporting an open container of alcoholic beverage in a vehicle. A motor home, camper, van, etc. that is a single unit is a motor vehicle and falls under this prohibition. Because trailers are also vehicles, passengers in a trailer are similarly prohibited from possessing open intoxicants. Alcoholic beverages are required to be stored in an inaccessible area if there is no trunk available. There is an exception in subsection (4) for a chartered vehicle (limousine) authorized to operate by the Michigan Department of Transportation.

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Stationary Emergency Vehicles

The Traffic Services Section has received a number of calls from drivers who have been cited for a violation of the "move over" law expressing concern that the law was misinterpreted or misapplied. MCL 257.653a requires a driver, when approaching a stationary emergency vehicle with overhead lights activated, to move over into an adjacent lane, if available. On roads with only one lane in each direction, or **when it is not possible to move over** into an adjacent lane due to traffic, weather, or road conditions, the driver is required to "**reduce and maintain a safe speed...and proceed with due care and caution**, or as directed by a police officer." Whether it is possible to move over, or what is considered a safe speed for the conditions, is a judgement call based on the specific circumstances at the scene.

UD-10 Truck/Bus Section Training

The Michigan State Police Motor Carrier Division and the United States Department of Transportation are offering two one-day training sessions on the proper completion of the Truck/Bus Section of the UD-10 traffic crash report. Topics include vehicle configurations, when a Commercial Driver License (CDL) and medical card are needed, and proper identification of the carrier.

Both sessions will be held at the Michigan State Police Training Academy on July 10 **or** July 11, from 8 a.m. to 5 p.m. There is no cost to attend this training. Lunch and breaks are included. Please contact Ms. Josefina Romero at (517) 336-6489 or by e-mail at romeroJ@michigan.gov to reserve a seat in either session.

In Case of Emergency (ICE) Contact Information on Cell Phones

Many cellular telephone companies and safety advocacy groups are recommending that cellular telephone users enter an emergency contact name and telephone number under the heading of ICE or I.C.E. in their cell phone address book. While there is no state or national database for such contacts, first responders otherwise unable to locate a contact for an unconscious or deceased victim should consider checking the victim's cell phone for such a contact.

Please be aware that there are a number of urban legends associated with the use of ICE numbers and cell phones relating to spreading viruses or draining account balances, none of which are true.

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Historic Vehicle Registration Plates

MCL 257.20a defines "historic vehicle" as a vehicle that is over 25 years old and used "**solely as a collector's item** and for participation in club activities, exhibitions, tours, parades, and similar uses...but is **not used for general transportation**." MCL 257.803a and MCL 257.803p provide for two types of historic vehicle registration plates. If a vehicle is over 25 years old, but is used for general transportation, then it does not qualify as a historic vehicle. Violations of 803a and 803p are 90 day/$100 misdemeanors, and the plates are subject to cancellation by the Secretary of State (SOS).

Dealer Registration Plates

MCL 257.244(3) allows a dealer to use a dealer plate on a vehicle "otherwise required to be registered under this act" to operate or move the vehicle without registering the vehicle to the dealership. This exemption also includes "an employee, servant, or agent of the dealer." Subsection (5) states "A licensee **shall not use** a special plate described in this section **on service cars or wreckers** operated as an adjunct of a licensee's business." Attorney General Opinion 6634 states that a dealer plate is permissible on a vehicle used to transport vehicles to auctions or other dealers, if such vehicles could have legally been driven with a dealer plate. Subsection (8) allows a lessee or purchaser to operate a vehicle with a dealer plate for up to 72 hours after the time of lease or purchase with appropriate paperwork.

While the language is relatively permissive in how these plates can be used, there are some restrictions. Family members of employees are generally not covered by the exemption. Vehicles owned by and titled to an employee are also not covered. When investigating possible dealer plate misuse by an employee of a dealership, check the VIN to determine the actual titled owner.

Special Mobile Equipment

MCL 257.62 defines special mobile equipment as "every vehicle **not designed or used primarily** for the transportation of persons or property and **incidentally operated or moved over the highways**, including farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, and well-boring and well-servicing apparatus. The foregoing enumeration shall be considered partial and shall not operate to exclude other vehicles which are within the general terms of this definition." MCL 257.216 exempts special mobile equipment from the requirement to display a registration plate, but a special plate may be purchased through SOS.

For a trailer to qualify as a mobile tool shed, it must be towed to the worksite empty, disconnected from the towing vehicle, placed on supports, and left at the site for an extended period of time. A trailer used to haul plumbing, roofing, electrical, landscape, painting, or other similar supplies, and removed from the worksite frequently is not a mobile tool shed trailer.

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Changes to the Speed Limit Laws

Effective November 9, 2006, several sections of the Michigan Vehicle Code related to speed limits are changing. Many of these changes are designed to increase traffic safety by reducing the number of artificially low speed limits, especially within municipalities, and to increase driver confidence that speed limit signs accurately reflect the actual conditions faced by drivers. Artificially low speed limits are often set for political reasons due to misunderstanding of traffic engineering principles. They tend to increase passing maneuvers and tailgating, cause contempt among motorists for legitimate traffic controls and law enforcement, and are often responsible for the phenomenon known as "road rage." Links to the amended versions of the specific sections listed below have not been included, as they will change after the laws take effect. Both the old and new language is available at www.legislature.mi.gov.

Truck Speeds

The speed limit for most trucks on freeways where the speed limit for other vehicles is 70 mph will be increased from 55 mph to 60 mph. Highways with speed limits between 55 mph and 65 mph (inclusive) will remain at 55 mph for trucks (MCL 257.627(6)).

School Bus Speeds

The speed limit for school buses will be increased from 50 mph to 55 mph on highways with a speed limit between 55 mph and 65 mph (inclusive), and 60 mph on freeways with a speed limit of 70 mph (MCL 257.627(6) and (7)).

Minimum Freeway Speed

The minimum speed on all freeways will be increased from 45 mph to 55 mph, except as necessary for conditions, or pursuant to a permit issued by the road authority (MCL 257.628(8)).

Business District

The definition of "business district" (MCL 257.5) will be amended to more clearly and accurately define those areas where the 25 mph **prima facie** business district speed limit is appropriate (MCL 257.627(2)(a)). **Please note** that some municipalities have labeled certain sections of town as their business districts. These designated areas may or may not meet the definition of business district for purposes of traffic enforcement.

Residence District

The definition of "residence district" (MCL 257.51) will be repealed. For urban and suburban residential areas with moderate to high population densities, there will be a formula for **prima facie** speed limits (MCL 257.627(2)(d) through (f)) based on the number of driveways and intersecting streets. If not posted, these areas are 55 mph (MCL 257.627(10)). Public streets **within** platted subdivisions and condominium complexes will be **prima facie** 25 mph (MCL 257.627(2)(c)), and do not have to be posted.

Traffic Control Orders

Speed limits higher than 25 mph and lower than 55 mph (or 70 mph freeway) require a Traffic Control Order (TCO) based on a traffic engineering study. A TCO must be filed with the county clerk for absolute speed limits on county roads or state trunkline highways (MCL 257.628(6)), or municipal clerk for **modified prima facie** speed limits on city or village streets (R 28.1153), in order to be valid.

Note on Prima Facie Speed Limits

All prima facie speed limits, including **all** municipal speed limits, are **presumed** valid based on expected worst-case conditions, i.e. heavy vehicle and pedestrian traffic. If these conditions are not present at the time of the offense, a driver receiving a citation may **rebut this presumption through an affirmative defense and successfully argue that enforcement was not appropriate**. This shifts the burden of proof back to the police officer.

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Work Zone Traffic Enforcement Video

The Traffic Services Section, in conjunction with the Michigan Department of Transportation, has produced a video to answer some of the more common questions about the "45 Where Workers Present" speed limit in work zones. The video shows recommended patrol vehicle location and positioning, as well as discussing unwarranted and improper signing by some road construction contractors. The low-resolution video is currently available as a link from the Traffic Services Section webpage under the heading of "Headlines." The high-resolution video will be available as a link in the near future for those with high-speed internet connections. A limited number of DVDs are available for those unable to view the video online. Contact Debra Schrauben at (517) 336-6171 to obtain a copy.

Field Update Listserv

Due to the large number of subscribers, the Field Update e-mail list has been converted to a listserv. This should eliminate most of the problems related to spam filters and firewalls. New subscribers can join the list by: (1) sending an e-mail to LISTSERV@LISTSERV.MICHIGAN.GOV with only the words "SUBSCRIBE MSP_TRAFFIC" without quotes in the body of the e-mail, (2) joining at the website, or (3) sending an e-mail to cooklr@michigan.gov with name and e-mail address.

2006 Michigan Vehicle Code Excerpt Manual

The 2006 edition of the Michigan Vehicle Code (MVC) Excerpt Manual has recently been completed by the Traffic Services Section and has been forwarded to the Secretary of State (SOS) for publication. It is expected to be available for distribution by late September. As with previous versions, copies for Michigan State Police troopers will be distributed through the districts, while motor carrier officers will receive their copies through the Motor Carrier Division. County and municipal police agencies may purchase copies directly from SOS Purchasing and Contracts Section at (517) 373-2570 (request MVC Condensed Version), and may order standard or customized binders from the Michigan Department of Corrections, Michigan State Industries at (517) 373-4277.

The manual is a 5 ½" x 8 ½" loose-leaf publication that easily fits in a briefcase or vehicle glove compartment. MVC sections are organized by subject, with tabs that roughly correspond to the headings on a ticket book cover. Sections that do not directly relate to enforcement have been omitted to reduce the size and simplify finding relevant information.

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Non-Traditional and Alternative Vehicles

The rising cost of gasoline has created a proliferation of non-traditional vehicles being used for transportation. Some of these vehicles are street legal as manufactured, some can be modified and registered, and some are not street legal under any circumstances. They fall into three broad categories:

Electric Bicycles and Other Non-Traditional Mopeds

Mopeds are defined by MCL 257.32b as two- or three-wheeled vehicles with a motor (gasoline or electric) that does not exceed 50 cc (not applicable to electric motors), produces 2.0 brake horsepower (1500 watts) or less, is not capable of traveling faster than 30 mph on a level surface, and does not **require** the operator to shift gears. The law does not prohibit gear shifting mechanisms. Any vehicle with two or three wheels that exceeds these criteria becomes a motorcycle if equipped with a saddle or seat, or an off-road vehicle if not so equipped. Any vehicle that meets the definition can be registered with the Secretary of State (SOS) and legally operated on a street if it possesses all of the required equipment and if a TR-54 form is completed by a police officer.

Golf Carts and Low-Speed Vehicles

A low speed vehicle is defined by MCL 257.25b as an electrically powered vehicle designed to be operated at a speed less than 35 mph with a capacity of no more than four occupants. They are limited to certain types of roads pursuant to MCL 257.660. Some electric golf carts can be **extensively** modified and registered as low-speed vehicles, subject to the completion of a TR-54 form by a police officer. Golf carts that don't possess the required equipment or are gasoline powered are off-road vehicles and **cannot be legally operated on any road**.

Off-Road Vehicles

There are several off-road vehicles that can be made street legal through **extreme** modification, including traditional dune buggies, the John Deere Gator, Kawasaki Mule, and Polaris Ranger. If so modified, and a TR-54 completed, these vehicles will be titled and registered as "assembled" vehicles rather than as the original brand name.

Registration, Insurance, and Licensing

Mopeds are exempt from the insurance requirement pursuant to MCL 257.801e(1), but are required to be registered by SOS. Operators must possess a valid Operator, Chauffeur, or Moped License. Low-speed vehicles and modified off-road vehicles are required to be registered by SOS and insured. Operators must possess a valid Operator or Chauffeur License.

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Traffic Crash Investigation Training

The Michigan State Police (MSP) and BenchMark Traffic Services, LLC, are conducting a Technical Traffic Crash Investigation course, October 16-27, 2006, at the Troy Police Department Training Center, 4850 John R. Road. The course will be instructed by Mr. Bill Brandt, retired MSP Traffic Crash Reconstruction Unit Commander, along with current MSP Reconstruction Specialists. The pre-requisite for this training is either the two-week At-Scene Traffic Crash Investigation course conducted by MSP, Accident Investigation 1 **and** 2 from Michigan State University (MSU), or comparable training from another vendor. Upon successful completion, the student will be eligible to attend Traffic Crash Reconstruction training offered by MSP, MSU, and other vendors including the Institute of Police Technology and Management (IPTM).

This course is MCOLES Certified and tuition is $500 per student. Contact Mr. Bill Brandt, BenchMark Traffic Services, LLC, at (517) 622-3135 to register. Class size is limited and only 6 seats remain. For additional information, contact Mr. Brandt, or Lt. Gary Megge, MSP Traffic Services, (517) 336-6579.

Recent Traffic Law Changes

Low Speed Vehicles

2006 PA 377 amended MCL 257.25b, adopting the definition found in the Federal Motor Vehicle Safety Standard (FMVSS) 3(b) (49 CFR 571.3(b)), and the required equipment found in FMVSS 500 (49 CFR 571.500) by reference. There are no real changes to the legal requirements for operating or registering low speed vehicles. The changes to the law merely allow for improvements in technology and safety equipment approved by the federal government to become immediately legal for use in Michigan without having to go through the legislative process.

Bicycles

2006 PA 339 amended MCL 257.612, requiring vehicle operators to yield the right-of-way to bicycles lawfully within an intersection. Under the existing language, the requirement applied specifically to pedestrians, making it unclear whether bicycles were to be treated as pedestrians or as vehicles. MCL 257.660 was also amended to remove the references to bicycles. The language from this section was then inserted into four new sections, MCL 257.660a through 660d. This change separates bicycles from mopeds, low speed vehicles, and Segway devices for purposes of use and operator requirements.

Archived Copies of Previous Field Updates

The Traffic Services Section web page has recently been revised in the way that previous Field Updates are archived. The current version is located under the heading of “Headlines” while the archived copies are located under the heading of “Programs.” Archived copies are currently available as individual .PDF files. A cumulative file with index and publication dates is available for those with high speed internet connections. Please be advised that this file is currently larger than 3 megabytes, and will take several minutes to download over a dial-up connection.

Alcohol Enforcement Unit	(517) 336-6338	Crash Reconstruction Unit	(517) 336-6579
Grant Administration Unit	(517) 336-6121	Field Support Unit	(517) 336-6685
Section Commander	(517) 336-6611	Section Technician	(517) 336-6171
Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #23
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

RADAR and LIDAR Instructor Training

Three separate one-day LIDAR Instructor courses are currently scheduled for February 20, 21, and 22, 2007, at the Michigan State Police Training Academy. Cost for the course is $30, which includes all materials and lunch. The class runs from 8:00 a.m. until 5:00 p.m. Contact Sgt. Kevin Beasley at (517) 336-6651 for information or to register.

The Traffic Services Section is also in the process of scheduling additional RADAR Instructor courses. Cost for the one-week course is $150. Contact Sgt. Beasley for information.

Abandoned Watercraft, Snowmobiles, and Off-Road Vehicles

Abandoned watercraft and snowmobiles are not processed using the abandoned vehicle procedure, MCL 257.252a, but are transferred to the custodian through a court order or surety bond. If a snowmobile or watercraft is not abandoned, but an owner does not have a title in possession, 2005 PA 271, effective December 19, 2005, allows for the issuance of a title for watercraft or snowmobiles valued at less than $2500 through the use of an affidavit of ownership. The Secretary of State (SOS) has updated the TR-205 Ownership Certification form to accommodate the changes. This form can be used for situations where a person obtains ownership of a watercraft or snowmobile through some means other than abandonment, i.e. part of property purchase, gift, trade, etc.

Abandoned off-road vehicles can now be processed in the same manner as motor vehicles and trailers, using the TR-52 Abandoned Vehicle form or the TR-208 Certificate of Scrapping form. The TR-208 can be used in lieu of a paper TR-52 for abandoned scrap vehicles. Please note that in order to be considered scrap, a vehicle must be both at least seven years old **AND** extensively damaged or inoperable.

The new contact person at SOS for information or problems related to abandoned vehicle web postings or TR-52 forms is Cherie Price at (517) 636-5234. Continue to contact Sgt. Lance Cook at (517) 336-6660 for information related to proper procedures or interpretation and applicability.

BAC DataMaster Issues

Once a subject who has agreed to take a chemical test on the BAC DataMaster provides a breath sample that the instrument accepts for analysis, he/she has met the statutory obligation pursuant to MCL 257.625c to submit to a chemical test. The subject may then decline a second test without being considered a “refusal.” A suspect who declines a second test would not be subject to the refusal procedures in MCL 257.625d through g.

If a subject’s sample analysis shows INVALID SAMPLE or INTERFERENCE DETECTED, the subject may be **requested to provide another sample**, but he/she is **not legally obligated** to do so. Seek a warrant for blood, if appropriate, but do not complete the DI-93 Report of Refusal to Submit to Chemical Test form or destroy the subject’s license.

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Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #24
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Motorcycle Helmets

The Traffic Services Section has recently updated the motorcycle helmet legality web page. A new page entitled How to Recognize a Novelty Helmet has also been added with photographs and information to assist with making a reasonable determination whether or not a helmet is approved for use in Michigan. Several photographs from the new page appear below.

The Traffic Services Section is also in the process of collecting data on motorcycle traffic crash injuries and fatalities. Contact Sgt. Steve Spink at (517) 336-6685 for additional information on these studies.

Helmets are typically manufactured in three distinct styles.

Full Face

Open Face

Shorty

Unless modified, most full face and open face helmets are approved by the United States Department of Transportation (USDOT).

It can be difficult, however, to recognize at first glance whether or not a "shorty" helmet is USDOT approved. The photos below illustrate some of the differences. Additional information is available on the new web page.

Examples of USDOT "Shorty" Style Helmets

Examples of a Typical Novelty Type Helmet

Alcohol Enforcement Unit	(517) 336-6338	Crash Reconstruction Unit	(517) 336-6579
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Section Commander	(517) 336-6611	Section Technician	(517) 336-6171
Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #25-1
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Traffic Services Training Programs Offered in 2007

The Traffic Services Section will be conducting or facilitating several training programs during 2007. Additional programs can be offered if there is sufficient interest or a special circumstance. The following list includes the standard training regularly offered by the section and its traffic safety partners, along with some **tentative** dates, where available. Final dates will generally appear on the TSS website and in future Field Updates. Please feel free to forward ideas or requests to the appropriate unit listed at the bottom.

Abandoned Vehicles

Abandoned vehicle training has been put on hold pending clean-up language from the Legislature. Upon passage of appropriate legislation during the 2007-2008 legislative session, a determination will be made regarding future abandoned vehicle classes. Contact Sgt. Lance Cook at (517) 336-6660 for information.

Breath Testing

BAC DataMaster

Dates for 2007 have not yet been finalized. The BAC DataMaster schedule is expected to be available in late January. Contact Sgt. Perry Curtis at (517) 336-6338 for information.

Preliminary Breath Test Instructor

Dates for the Class IIIA schedule will be published in late February. Contact Sergeant Curtis for information.

Motor Carrier Enforcement

The Motor Carrier Division (MCD) will be offering three separate one-day courses on Commercial Vehicle Awareness (CVA) for patrol officers who wish to become more familiar with trucking regulations applicable to routine traffic stops. Dates and locations will appear in various law enforcement publications and will be available at the MCD website. Contact Lt. David Ford at (517) 336-6449 for additional information.

Speed Measurement Instructor

LIDAR Instructor

Three separate one-day LIDAR Instructor courses are currently scheduled for February 20, 21, and 22, 2007, at the Michigan State Police Training Academy, 7426 North Canal Road, Lansing. Cost for the course is $30, which includes all materials and lunch. The class runs from 8 a.m. until 5 p.m. Contact Sgt. Kevin Beasley at (517) 336-6651 for information or to register.

RADAR Instructor

The Traffic Services Section is in the process of scheduling additional RADAR Instructor courses. Cost for the one-week course is $150. Contact Sergeant Beasley for information.

Police Mobile Videotaping

The Speed Measurement Unit offers training on Police Mobile Videotaping on a request basis. Contact Sergeant Beasley for information.

Standardized Field Sobriety Testing

An instructor course is being offered January 22-25, 2007, at the Marriott SpringHill Suites, 111 South Marketplace Boulevard, Lansing. Several practitioner courses are also scheduled for various locations around the state. Contact Mr. Robert Betzing at (517) 336-6436 for information.

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Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #25-2
Providing Traffic Related Information and Services to Michigan Law Enforcement
Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Traffic Services Training Programs Offered in 2007—Continued

Traffic Crash Investigation and Reconstruction

The Michigan State Police (MSP) and BenchMark Traffic Services, LLC, are conducting a number of traffic crash investigation and reconstruction courses. The courses will be instructed by Mr. Bill Brandt, retired MSP Traffic Crash Reconstruction Unit Commander, along with current MSP Reconstruction Specialists.

At-Scene Traffic Crash Investigation

April 30-May 11, 2007, Marriott SpringHill Suites, 111 South Marketplace Boulevard, Lansing. There is no prerequisite for this course. Cost is $510.

September 10-21, 2007, Troy Police Training Center, 4850 John R. Road, Troy. There is no prerequisite for this course. Cost is $510.

Technical Traffic Crash Investigation

November 5-16, 2007, Troy Police Training Center, 4850 John R. Road, Troy. The prerequisite for this course is successful completion of the MSP At-Scene course, Accident Investigation 1 **and** 2 from Michigan State University (MSU), or comparable training from another vendor. Cost is $510.

Traffic Crash Reconstruction Training

June 4-15, 2007, Troy Police Training Center, 4850 John R. Road, Troy. The prerequisite for this course is successful completion of the MSP Technical course, including its prerequisites, or comparable training from another vendor. Cost is $600.

Contact Mr. Bill Brandt, BenchMark Traffic Services, LLC, at (517) 622-3135 to register for the courses listed above or Lt. Gary Megge, MSP Traffic Services, (517) 336-6579 for additional information and accepted comparable training for prerequisites.

Michigan Vehicle Code for the Traffic Crash Investigator

The Traffic Services Section is currently developing a course on traffic law related to traffic crash investigation and reconstruction. Contact Sgt. Lance Cook at (517) 336-6660 for additional information.

UD-10 Traffic Crash Report Instructor Update

Dates for 2007 have not yet been finalized. Contact Mr. Michael Ransom at RansomML@michigan.gov or (517) 322-5418 for information.

Vehicle Code and Traffic Law

In addition to the course for traffic crash investigators and reconstructionists listed above, a course on the Michigan Vehicle Code and related traffic law for patrol officers is currently being developed. This course can potentially be offered in various lengths and with different emphasis to accommodate particular needs. Contact Sgt. Lance Cook at (517) 336-6660 for information or suggestions.

Traffic Services Section
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Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Electric Bicycles

A bicycle equipped with either an electric or gasoline motor meets both the definition of Motor Vehicle, MCL 257.33, and Moped, MCL 257.32b, and is subject to state laws and local ordinances applicable to motor vehicles rather than those governing the use of bicycles. Some retailers and operators of electric bicycles are under the misconception that a federal law exempts these vehicles from applicable motor vehicle laws. They will cite Public Law 107-319, which makes low speed electric bicycles consumer products rather than motor vehicles **solely for the purpose of manufacturing requirements and safety standards**.

Contrary to the misconception of these retailers and operators, Public Law 107-319 **has no effect on state laws or local ordinances governing the use of vehicles** on public streets and highways. The federal law is very clear on this distinction. At least one manufacturer of these vehicles provides the correct information to the public. As always, common sense and good judgement should be used when taking enforcement action.

Motorcycle Crash Supplemental Form UD-10MC

Beginning on January 1, 2007, the Michigan State Police (MSP) Traffic Services Section (TSS) will be conducting a two-year study on motorcycle injury and fatality characteristics in an attempt to find solutions to the problem of an increase in both the numbers and rate of motorcycle fatalities in Michigan. In particular, the study will examine the roles of motorcycle safety training, license endorsement, and helmet use.

All MSP personnel will be required to complete this form for all crashes involving a motorcycle as defined by MCL 257.31, and submit the report directly to TSS. Other agencies that would like to contribute to motorcycle traffic safety by participating in this study should contact Sgt. Steve Spink at (517) 336-6685 for information and to obtain copies of the form.

Motorcycle Headlamp Modulator Law

As discussed previously in Field Update #7, MCL 257.698(4) has allowed motorcycles in Michigan to be equipped with conspicuity enhancing headlamp modulators as an exception “otherwise provided by law” to the prohibition against unapproved lighting on vehicles. Because of the ongoing confusion, 2006 PA 453 was recently enacted to specifically allow these safety enhancing devices, provided they are in compliance with 49 CFR 571.108 S7.9.4.

Flicker rates and intensities are strictly regulated, with the bulb intensity alternating between normal intensity and a reduced intensity. Legal devices can be used on either low beam or high beam and will have the appearance of a loose connection. Devices that increase above normal intensity, or are easily confused with an emergency vehicle light, are not in compliance with the federal standard and are prohibited.

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Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #27
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Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

UD-10 Traffic Crash Report Information

The Criminal Justice Information Center (CJIC) is requesting that law enforcement agencies forward all 2006 UD-10 Traffic Crash Report forms to CJIC as soon as possible, with a deadline of January 31, 2007. Crash reports received after the deadline will not be included in the 2006 crash statistics. Agencies with potential problems meeting the deadline should contact Sydney Smith at smithsydney@michigan.gov or (517) 322-1188.

CJIC would also like to remind agencies that **fatal crash reports need to be sent to the FARS Analysts as soon as possible. Please do not hold the UD-10s pending a warrant request or lab results**. A corrected copy can be submitted if information obtained at a later date changes the original data. Contact Lori Salters at (517) 322-6910 or Lorie Sierra at (517) 322-5030 for information. CJIC requests that agencies make this information available to their UD-10 contact person.

New Registration Plate

Beginning January 1, 2007, the familiar blue registration plate has begun to be retired from use in Michigan. The plate is being replaced by a white plate with a blue line and lettering, similar in design to the permanent trailer plate. Because there will be some overlap in the timeframes where these plates will be used, and some issues with registration certificates and LEIN responses matching the plate on a vehicle, the Secretary of State (SOS) is developing guidelines for police officers to be aware of when dealing with new registration plates. These guidelines will be made available as soon as they are finalized and approved for release. In the meantime, some information is available through the SOS Frequently Asked Questions webpage under the heading of "New Standard and Spectacular Peninsula Plates."

VIN Inspections

Some confusion exists regarding the difference between VIN inspections, equipment inspections, and salvage vehicle inspections. Completion of Part 1 (VIN inspection) of a TR-54 Vehicle Number and On-Road Equipment Inspection form is required by SOS for certain titling purposes. MCL 257.213 and SOS policy authorize designated SOS employees to perform these inspections. Branch offices should not refer people to law enforcement for a VIN inspection except for unusual situations, including certain foreign vehicles imported directly by their owners. Michigan State Police (MSP) Official Order 111(1)(B) discourages VIN inspection by MSP members except in situations where the VIN cannot be located, or there is evidence of criminal activity.

If Part 2 (equipment inspection) of the TR-54 is required, a police officer must complete the form, as SOS has no legal authority to conduct such an inspection. Official Order 111(6) requires MSP members to conduct equipment inspections on assembled, reconstructed, and converted vehicles. Salvage vehicles are required to be inspected by an authorized salvage vehicle inspector prior to receiving a title.

Traffic Services Section
Michigan State Police
Field Update #28
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Motorcycle Crash Information

Motorcycle Crash Supplemental Form UD-10MC

Motorcycle season is now upon us. The Michigan State Police (MSP) Traffic Services Section (TSS) has recently begun to collect information for a two-year study on motorcycle crash characteristics in an attempt to find solutions to the problem of an increase in the numbers of motorcycle crashes and associated injuries in Michigan. The study is focusing on the roles of motorcycle operator training, license endorsement, and type of helmet used.

All MSP personnel are reminded that they must complete the supplemental UD-10MC form for all crashes involving a motorcycle as defined by MCL 257.31, and **submit the report directly to TSS**. Other agencies that would like to contribute to motorcycle traffic safety by participating in this study should contact Sgt. Steve Spink at (517) 336-6685 for information and to obtain copies of the form.

Motorcycle Helmet Inspections

Because the study is focusing partly on the role of motorcycle helmet performance in crashes, proper documentation of the damage to any helmets involved in a crash is imperative. Please include photos with the UD-10MC showing both the damaged areas, as well as any evidence of DOT approval or lack thereof, especially the impact absorbing Styrofoam inner liner.

Motorcycle Crash Victim Autopsies

Cause of death is extremely critical to this or any valid study concerning helmet use.

Part of the MSP two-year study involves particular attention to motorcycle fatalities. Sergeant Spink will be making a coordinated effort to attend all autopsies of motorcycle crash victims as part of the study.

Any law enforcement agency that responds to and investigates a fatal motorcycle crash is asked to notify Sgt. Spink (517) 336-6685 as soon as possible so that arrangements can be made to attend any autopsy.

Motorcycle Helmet Enforcement

Because the use of novelty motorcycle helmets appears to be on the increase, the TSS has developed a webpage to assist with proper identification. Additionally, if you need assistance in adjudicating a motorcycle helmet citation, please contact Sgt. Spink.

Traffic Services Section
Michigan State Police
Field Update #29
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

Strategic Realignment

The Traffic Services Section has recently merged with the former Motor Carrier Division to form a new Traffic Safety Division. The merger reemphasizes the department's commitment to traffic safety, and should result in an improved level of service to the department, our traffic safety partners, and the general public. While the section name, phone numbers, and e-mail addresses will not change, the section will be relocating to new offices in the near future, and webpage links may change. We will provide additional information in a future update. There should otherwise be little or no impact on the field during the transition.

Alcohol Enforcement Unit	(517) 336-6338	Crash Reconstruction Unit	(517) 336-6579
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Section Commander	(517) 336-6611	Section Technician	(517) 336-6171
Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #30
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259
Field Update Archive

2007 Michigan Vehicle Code Excerpt Manual

The 2007 edition of the Michigan Vehicle Code (MVC) Excerpt Manual has recently been completed by the Traffic Services Section (TSS) and has been forwarded to the Secretary of State (SOS) for publication. It is expected to be available for distribution by early September. Copies for Michigan State Police troopers will be distributed through the districts, while motor carrier officers will receive their copies through the Traffic Safety Division. County and municipal police agencies may purchase copies directly from SOS Inventory Control Unit at (517) 335-4793 (request MVC Condensed Version), and may order standard or customized binders from the Michigan Department of Corrections, Michigan State Industries at (517) 373-4277.

The manual is a 5 ½" x 8 ½" loose-leaf publication that easily fits in a briefcase or vehicle glove compartment. MVC sections are organized by subject, with tabs that roughly correspond to the headings on a ticket book cover. Sections that do not directly relate to enforcement have been omitted to reduce the size and simplify finding relevant information.

MVC Full Version

The SOS is in the process of publishing a revised version of the full MVC to replace the 2003-2004 version that most departments are currently using. When it is available, information will be distributed through the TSS listserv.

New Contact Information to Purchase from SOS

The contact information for purchasing the MVC and other publications from SOS has changed. The former Purchasing and Contracts Sections is now the Inventory Control Unit. The new TX is (517) 335-4793.

MVC Electronic Version

The MVC can be accessed electronically at the Michigan Legislature website, either directly, or through a link on the TSS website. For those viewing a print version of this Field Update, visit the TSS website at www.michigan.gov/msp-traffic. You can also visit the Michigan Legislature home page at www.legislature.mi.gov. From the navigation bar on the left side, select the subheading "Chapter Index" under the main heading "Laws." As subsequent windows appear, select "Chapter 257," then "Act 300 of 1949."

Field Update Archives

Beginning with this issue, the electronic version of each Field Update will now contain a link to the archived editions. The link is located at the top of the page, below the section web page link. For those viewing a print version, the archives can be accessed through the TSS website, www.michigan.gov/msp-traffic, under the heading of "Resources."

Alcohol Enforcement Unit	(517) 336-6338	Crash Reconstruction Unit	(517) 336-6579
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Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

Traffic Services Section
Michigan State Police
Field Update #31
Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259
Field Update Archive

Traffic Fines, Costs, and Statutory Assessments

The primary purpose of traffic enforcement is to reduce traffic crashes by educating drivers about unsafe behavior. Motorists often complain, however, that revenue is a motivating factor for traffic enforcement. Compounding this perception are myriad laws in other states that allow for automated enforcement of speed and red light violations using cameras owned by private companies that often have a vested interest in the number of citations issued. While automated enforcement may sound like a sensible solution to some traffic safety problems, significant abuse has been documented across the country. Automated enforcement cameras **may not be used in Michigan**. MCL 257.742 allows a police officer to issue a civil infraction citation **only** if he/she observes a violation, investigates a crash, or receives authorization from the prosecutor pursuant to a citizen's complaint.

Money received by the court from a traffic citation is made up of three components: a fine, costs, and statutory assessments. MCL 257.907 specifically governs fines, costs, and assessments. The State Court Administrative Office publishes an annual list of recommendations for fines and costs as a guideline to the district courts pursuant to subsection (8), although courts may establish their own lists pursuant to subsection (7). Many violations have a specific fine and/or cost set pursuant to subsection (2), including safety belt and child restraint violations.

Fines

Fines are the penalty portion of the citation money received by the court. Distribution of a civil infraction fine is governed by MCL 257.909. For violations written under state law, usually by state troopers or county deputies, 100% of the fines are "applied to the support of public libraries and county law libraries..." For violations written under local ordinance, usually by municipal police officers or some county deputies assigned to townships pursuant to a contract, 30% of the fines are applied to the library fund, while 70% are given back to the municipality.

Costs

Costs are the portion of the citation money used to pay the expenses to prosecute the citation as authorized by MCL 257.907(4). Costs are capped at $100 unless specifically set by subsection (2).

Statutory Assessments

Statutory assessments are additional charges applied to most violations pursuant to MCL 257.907(14) to fund specific programs deemed important by the Legislature. A number of public acts that passed in 2003 consolidated the previously existing assessments into a single Justice System Assessment, and provided a new formula for their distribution. There is a great deal of confusion about these "restricted" funds, both among the general public and law enforcement. Some of these funds "pass through" the Michigan State Police (MSP) budget, but are eventually distributed to other law enforcement agencies as grants. The breakdown of the $40 statutory assessment on a typical civil infraction citation appears below. Other violations, including misdemeanors, felonies, and non-traffic civil infractions, have a slightly different formula. Contact Sgt. Lance Cook at (517) 336-6660 for additional information.

Secondary Road Patrol (sheriff departments for county secondary road traffic enforcement)	$10.00
Highway Safety Fund (MSP for recruit schools and traffic enforcement)	$7.44
Jail Reimbursement Program Fund (sheriff departments to house felons for state)	$3.72
Michigan Justice Training Fund (all police agencies and prosecutors for in-service training)	$3.72
Legislative Retirement System	$0.345
Drug Treatment Courts Fund	$0.855
State Forensic Lab Fund	$1.68
State Court Fund	$3.99
Court Equity Fund	$7.65
State Treasurer (for monitoring)	$0.30
State Court Administrative Office (for collections and audits)	$0.30

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Traffic Services Section
Michigan State Police
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Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259
Field Update Archive

Power Loss at a Signalized Intersection (Dark Signal)

The Traffic Services Section continues to receive questions regarding the right-of-way at intersections where a traffic signal has lost power. When a signal loses power, **the intersection becomes uncontrolled** and reverts back to the basic right-of-way requirements found in MCL 257.649(1) and (2). **It does not become a four-way stop**, as is frequently reported in the media.

A number of factors must be taken into account when determining the appropriate course of action in response to the loss of power at a signalized intersection. The Michigan Department of Transportation has issued a memorandum for response to power outages involving traffic signals on state trunkline highways, which accounts for a variety of factors that can influence if, when, and how temporary traffic control devices may be posted. While the memorandum is not binding on county road commissions or municipal road authorities, many have adopted a similar position. Check with your local road authority for their policy prior to the occurrence of an event.

The Michigan Department of State Police has adopted Official Order 49, Enclosure (9), to provide guidance to department members when responding to the loss of power at an intersection. Contact Sgt. Lance Cook, Vehicle Code Unit, for additional information.

Progressive Ideas and the Future of Traffic Control

As outlined above, the most prudent course of action often is to leave an intersection uncontrolled. While counterintuitive to the average driver, there is increasing evidence that a less regulated driving environment makes drivers more attentive to the driving task and to other road users in that driving environment. This also eliminates the false sense of security created by some signs, causing pedestrians and bicyclists to pay more attention as well. Several towns across Europe, particularly in The Netherlands and Germany, have experimented with removing nearly all traffic control devices in order to increase traffic safety and improve traffic flow. Results to date have generally been positive.

A number of communities in Michigan are also beginning to reexamine their use of traffic control devices, many of which have been in place for decades. The city of Livonia, for example, has begun a systematic process of removing existing signs and signals that do not meet the warrants of the Michigan Manual on Uniform Traffic Control Devices. Despite the fact that the sole intended purpose of stop signs and traffic signals is to assign right-of-way, similar devices in many communities were erected under the old paradigm of using stop signs, signal timing, and signal progression to attempt to control vehicle speeds in neighborhoods.

Although not warranted at the time of their installation, such traffic control devices were frequently placed due to public misperception and resultant political pressure. Decades of research have shown that unwarranted signs and signals often have unintended consequences and create an opposite effect on driver behavior of that intended. Drivers generally attempt to “make up for lost time” by rolling through unwarranted stop signs and driving faster in between. Drivers also tend to accelerate for improperly progressed yellow signals to avoid being trapped by a subsequent series of red signals. In addition to creating a more dangerous driving environment, these unwarranted traffic control devices increase fuel consumption, air pollution, and noise pollution through more frequent braking and acceleration. Traffic signals actually tend to increase the number of serious traffic crashes at intersections.

Because traffic safety is often counterintuitive, the biggest hurdle to effective traffic management and a safer driving environment continues to be interference by well-meaning but misinformed citizen groups and politicians. Education of these parties is the key to allowing the traffic engineer to maximize traffic safety and reduce traffic crashes.

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Traffic Services Section
Michigan State Police
Field Update Index

Providing Traffic Related Information and Services to Michigan Law Enforcement

Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

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Section Commander	(517) 336-6611	Section Technician	(517) 336-6171
Speed Measurement Unit	(517) 336-6651	Vehicle Code Unit	(517) 336-6660

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Michigan State Police
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Section Phone (517) 336-6171 www.michigan.gov/msp-traffic Fax (517) 336-6259

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