

CIVIL PROCEDURE & COURTS COMMITTEE
Respectfully submits the following position on:

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HB 4763

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The Civil Procedure & Courts Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Civil Procedure & Courts Committee. The State Bar of Michigan has authorized the Civil Procedure & Courts Committee to advocate its position.

The State Bar of Michigan's position on this matter is to oppose.

The total membership of the Civil Procedure & Courts Committee is 18.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 14. The number who voted against it was 0. The number who abstained was 1.

Report on Public Policy Position

Name of Committee:

Civil Procedure & Courts Committee

Contact person:

Daniel D. Quick

E-Mail:

DQuick@dickinson-wright.com

Bill Numbers:

[HB 4763](#) (Schmidt) Traffic control, traffic regulation. Traffic control; traffic regulation; use of automated traffic enforcement safety devices at certain intersections; allow. Amends secs. 727c & 741 of 1949 PA 300 (MCL 257.727c & 257.741) & adds div. heading & adds secs. 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761 & 762.

Date position was adopted:

July 18, 2013

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

18

Number who voted in favor and opposed to the position:

14 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The committee opposes this bill for two key reasons: (1) This bill codifies automated traffic tickets and reinvents the civil infraction system as civil offenses; (2) There is concern as to the proposal putting an undue burden of context of the presumed offense on citizens. This position is based on those taken by the Michigan District Judges Association and the State Court Administrator's Office.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2013-HB-4763>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

The bill affects the functioning of the courts in that it reinvents the civil infraction system in a different way calling it civil offenses which would distribute money from fines in a different manner. Additionally, because the use of such devices would place heavy burden on the defendant for context, this could clog the courts.