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**House Regulatory Reform Committee**  
**April 11, 2023**  
**House Bill 4132: Oppose**

The American Civil Liberties Union of Michigan testifies today in opposition to HB 4132.

The bill, while well-intended, has several concerning aspects.

Sec 627c(3) states that “A recorded image indicating a violation must be destroyed 90 days after the final disposition of the citation.” The ACLU of Michigan applauds the effort to limit data retention, but requests that the language read as follows: A recorded image indicating a violation must be destroyed as soon as the period for contesting the violation has lapsed, or the civil fine has been paid, whichever comes first. Given that the penalties listed in this bill for a violation are all civil infractions with a fine, the proposed language addresses data retention needs while acknowledging the violation can be resolved outside of court through payment.

In the following paragraph, Sec 627c(4), the bill creates a rebuttable presumption that the registered owner of the vehicle is the individual who committed the violation, only rebutted if the owner of the vehicle files an affidavit saying they were not the operator of the vehicle at the time of the offense. This creates a presumption of guilt, rather than innocence. In the case of a typical traffic violation, the officer issuing the citation can ascertain if the driver of the vehicle is the registered owner by asking for their license. With an automated camera system that, according to the bill, only captures the vehicle’s registration plate and the location and time of the recorded image, there is no human element to check who is violating the speed limit. The ACLU of Michigan maintains that no one should be presumed guilty, even for a speeding ticket.

Additionally, the ACLU of Michigan would like to see language added to the bill that specifies data – including recorded images – from the camera system is not shared with other individuals or agencies. This data sharing policy is critical, given that each police department operates somewhat independently from each other. By ensuring that the data remains in the proper hands, we can better protect the privacy of those driving on Michigan roads.

The ACLU of Michigan would also request a shorter timeframe for the reporting period. Five years without reporting on the effectiveness of the program is a long time to be

monitoring Michigan roads without accountability. In addition to lowering the reporting period, there should be a requirement that the report be produced annually and made publicly available. Lastly, the report should include data regarding who is getting citations to ensure the camera system is not being used in a discriminatory manner, regardless of intentionality.

Thank you for your time. I look forward to working with you on this bill.

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