



# THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Fall, 2007

## CONFERENCE IN REVIEW

Approximately 50 MADCM members gathered together at The Bay Harbor Resort in Petoskey, Michigan for our 34<sup>th</sup> Annual Conference from September 19-21, 2007.

On Wednesday evening, we first received agency updates from the Secretary of State, State Court Administrative Office, Michigan Judicial Institute, and Office of Highway Safety Planning / MCOLES.

We also conducted the Annual Meeting with reports from the committees and the election of the new Officers and Board of Directors. Next year's officers will be: Jim Pahl, President; Charles Anderson, Vice-President; Norene Kastys, Secretary, and Charity Mason, Treasurer. The directors for next year will be: Dena Altheide, Robert Clark, Dennis Hall, and Krista Krause serving the last year of their term, and Millicent Sherman, Kevin McKay, Jennifer Bennon, and Cora-Jean Gregory were all elected to 2 year terms. Both Tom Truesdell (treasurer) and Charlie Pope (director) decided to not run for re-election.

On Thursday morning, we experienced an enlightening program by Dr. Mark Pitcavage from the Anti-Defamation League on "Traffic and the Sovereign Citizen".

We also enjoyed a demonstration by Sgt. Robert Phelps of the Saginaw County Sheriff's Department on their electronic tickets program.

At the Dinner Banquet on Thursday evening, Charles Pope was given The President's Award for his exceptional service to the Association. Charlie has been a member of MADCM for the last 23 years, and 20 of those years he spent as a director or officer. Thanks Charlie - for all the years.

On Friday morning we enjoyed presentations on "Electronic Monitoring of Intersections" by Mr. David Morena from the Federal Highway Administration, and "Educating the Magistrates" by Retired Judge Thomas Gilbert.

### **MARK YOUR CALENDARS FOR 2008 TRAFFIC SAFETY SUMMIT**

The Michigan Traffic Safety Summit is set for March 11-13, 2008, at the Kellogg Hotel & Conference Center in East Lansing. Watch for more information regarding the Summit will be coming out soon.

### **Training Opportunities**

**New Magistrate Seminar** – for those new District Court Magistrates, the two day training seminar will be March 6-7, 2008 at the Hall of Justice in Lansing, MI.

### **What Happens When a Traffic Signal Losses Power ?**

Answer: It **does not** become a four-way stop. MSP Traffic Services Section's Field Update #32 states that the intersection becomes uncontrolled and reverts back to the basis right-of-way requirements found in MCL 257.649(1) and (2), which states:

- (1) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.
- (2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

Field Update #32 also contains some interesting progressive ideas and potential direction of traffic control in the future. If you have not seen it, go to: [http://www.michigan.gov/documents/msp/Archived\\_Field\\_Updates\\_Table\\_203934\\_7.pdf](http://www.michigan.gov/documents/msp/Archived_Field_Updates_Table_203934_7.pdf)

### **LEARNED HIS LESSON ?**

*by Norene Kastys, Magistrate, 86<sup>th</sup> District Court.*

Recently, a man received a marine violation ticket for not having a personal flotation device in his kayak. He responded in writing to the Court, after exercising his right to a pretrial conference - "Enclosed please find my plea and payment with respect to Ticket 8134. Please forward my thanks to the Prosecuting Attorney and the Magistrate for their patience. I will try to stop by next year to say 'hello'. I'll be the one wearing a yellow life jacket."

### **Michigan observes Teen Driver Safety Week with Ford**

#### **October 15, 2007**

A group of teenage drivers will have the opportunity to receive behind-the-wheel experience with Michigan State Police (MSP) driving instructors this spring, with funding secured by the Michigan Office of Highway Safety Planning (OHSP) through the Ford Motor Company Fund's Driving Skills for Life (DSFL) program.

This announcement coincides with the first-ever National Teen Driver Safety Week, Oct. 15 - 20, designated by Congress to bring attention to the issue of teen driving safety and the need to prevent teen crashes and injuries.

Teen drivers, because of their lack of experience and risk-taking behaviors, face a greater crash risk. This risk increases when teens have multiple passengers in their vehicle. While the 16-24 age group represents 14.5 percent of the state's drivers, this group represented 22.8 percent of drivers in all crashes last year and 21.5 percent of drivers in fatal crashes.

DSFL has committed \$20,000 to establish a unique, educational driving experience for Michigan teens with the MSP Precision Driving Unit. While details of the program are still being developed, it will include hands-on experience with MSP's expert driving instructors at the MSP drive track in Lansing to improve their skills.

In addition to the upcoming teen driver program, OHSP is awarding \$60,000 in federal traffic safety funds to the Michigan Department of State this fiscal year to fund training for driver's education instructors on the new Michigan version of the American Driver Traffic Safety Education Association's curriculum.

For more information concerning the program, contact Anne Readett at OHSP (517) 333-5317. Also check out the driving skills for life website: <https://www.drivingskillsforlife.com/index.php>

### **Nominations Are Being Accepted for the "Outstanding Contributions to Traffic Safety" Awards for 2007**

*Based upon materials from Office of Highway Safety Planning.*

Each year the Governor's Traffic Safety Advisory Commission (GTSAC) honors

organizations, programs, and/or individuals by presenting awards for outstanding contributions to traffic safety in Michigan. This is your opportunity to be a participant in the key element of the awards program, that of nominating candidates.

This is a chance to honor the best of Michigan's traffic safety community: people who are motivated to seek changes and improvement and who work effectively as an individual or as part of a team. You can go to the link below to get the information and form to nominate organizations or individuals who have made outstanding contributions to traffic safety in Michigan. Individuals or organizations may be nominated by a person (including supervisor or employee) who is familiar with the activities for which the nominee is being considered. A person/organization may only be nominated in one category. No self nominations. However, a person may nominate a program, organization, or activity they are involved in. Nominees must be a Michigan resident or an organization located in the state. All entries must be postmarked on or before December 3, 2007, and returned to the address listed on the form. The GTSAC will present awards on March 13, 2008, at the Michigan Traffic Safety Summit in East Lansing.

[http://www.michigan.gov/documents/msp/GTSA\\_C\\_form\\_2007\\_04\\_211304\\_7.pdf](http://www.michigan.gov/documents/msp/GTSA_C_form_2007_04_211304_7.pdf)

### **OHSP Offers New Publications**

*Based upon materials from Office of Highway Safety Planning.*

Five new publications have been added to the Office of Highway Safety Planning Traffic Safety Materials Catalog. The publications include updated pedestrian and bicycle safety brochures, and a new flyer about the dangers of driving drunk. Other recent additions are two new posters; one urging motorcyclists to get their motorcycle endorsement on their driver's license and another reminding teens that being caught drinking alcohol before they are 21 has serious consequences. A copy of the OHSP materials catalog and order forms can be found online at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp), click on Traffic Safety Materials.

### **Unsecure Load ?**



MSP's October 2007 Commercial Motor Vehicle Enforcement Quarterly focuses on load securement. Don't be surprised if we start to see more of these tickets coming in from the Motor Carrier Officers.

### **"CONSTANT LOVE & INFECTION"**

*by Kevin McKay, Magistrate, 66<sup>th</sup> District Court.*

One poor groom made his very first mistake of the marriage while he was reciting his vows. He was repeating the words of the magistrate fine until they got to the part of "receive this ring as a token of my constant love and affection". He actually said "...as a token of my constant love and **infection**". The magistrate kept a straight face during the rest of the ceremony, but after the "you may kiss the bride" – the groom's mother made sure everyone in the room knew he messed up. Since blood tests are no longer required in Michigan, we are unsure if the inadvertent vows were actually true.



## Legislation To Watch

*Based upon Bills currently pending in the Michigan legislature.*

**HB 4006** – Would eliminate driver responsibility fees – still in the House Judiciary Committee (since January).

**HB 4123** – Would create civil infraction for disregarding a traffic device at an accident – still in the House Transportation Committee (since January).

**HB 4289, 4920, 4921**- The high BAC bills have passed the House and were referred to the Senate Transportation & Judiciary Committees on 10/16 & 17.

**HB 4304** – Would prohibit passing in an intersection – Passed House, still stuck in the Senate Transportation Committee (since March).

**HB 4323** – Would allow off road vehicles on road right of ways - Passed House, still in Senate Natural Resource Environmental Affairs Comm (since March).

**HB 4422** – Would raise Small Claims limit to \$6,000 – still in House Judiciary Committee (since March).

**HB 4578** – Would allow attorney representation in enforcement actions in small claims court – still in House Judiciary Committee (since April).

**SB 105** – Would allow magistrates to arraign on contempt and probation violations – Passed Senate, still in House awaiting passage (since May).

**SB 492** – Would eliminate double the fine bonds on overweight trucks - Passed Senate, still in House Transportation Committee (since June).

## New Laws Passed

### P.A. 89 of 2007 – Field Tests for P.E.

*Based upon a Memo from Jill Booth dated October 11, 2007.*

Added MCL 766.11b to the Code of Criminal Procedure - so that in preliminary examinations that begin on or after December 29, 2007, evidence of the results of properly performed drug analysis field testing is admissible solely to establish that the substance tested is a controlled substance. Laboratory analysis of the substance will still be required at the trial stage.

### P.A. 143 of 2007 – Unsigned Registration

*Based upon an email from Sgt. Lance R. Cook, MSP Traffic Services Section, Vehicle Code Unit (517) 336-6660.*

Yesterday afternoon, the Governor signed Senate Bill 79, which became Public Act 143. This bill removes the requirement that a person sign their registration certificate. The bill was filed with the Secretary of State yesterday afternoon as well, and was passed with immediate effect.

[http://www.legislature.mi.gov/\(S\(ha4snjqxtunvnp2drvdhz545\)\)/mileg.aspx?page=getobject&objectname=2007-sb-0079&queryid=20856846](http://www.legislature.mi.gov/(S(ha4snjqxtunvnp2drvdhz545))/mileg.aspx?page=getobject&objectname=2007-sb-0079&queryid=20856846)

Please pass this information along to enforcement personnel. Thanks.