



THE DOCKET

The Newsletter of the Michigan Association of
District Court Magistrates

May, 2006

INTERNATIONAL DRIVERS

Do you need an International Drivers License?

*by James Pahl,
Magistrate, 55th District Court, based upon materials
provided by Sandra Aguirre, SOS.*

Many

President's Message, *by Tom Bleau, President, MADCM.*

As most magistrates are well aware, the imposition of the driver responsibility fee has had a dramatic impact on court procedures as well as the pocket books of defendants. According to figures from the Secretary of State, the fees have not raised the revenue projected, and it is clear that that it has had relatively little, if any, impact on public safety.

Currently, Rep. Bruce Caswell has introduced HB 5662 which would end these fees starting on the date of the state's new fiscal year, October 1, 2006. Your board of directors voted unanimously at our last meeting to support Rep. Caswell's efforts. The bill is currently in the House Transportation Committee chaired by Rep. LaJoy. A letter has been written on behalf of the board of directors in support of the bill. I

would urge any magistrate who wishes to express his or her opinion on the fees to contact Rep. Caswell at N992 House Office Building 124 N. Capitol Lansing Michigan 48933.

It should also be noted that the Secretary of State Terri Lynn Land is also supporting the legislation.

If you have any questions regarding this issue please feel free to call me at (989) 895-4231 or email me at bleaut@baycounty.net. Everyone's input is welcomed. We have no idea whether this effort will be successful, but feel it is too important to ignore.

Secretary of State & Court Liaison, *by Jim Pahl, Vice President, MADCM*

The Michigan Secretary of State has devoted two employees to coordinate operations with the courts and answering questions. Both are invaluable resources and are very willing to answer any question at all concerning Secretary of State procedures. They are: Peggy Leece, telephone 810-760-2961 (fax 810-760-2524), email is: leecep@michigan.gov and Sandy

Aguirre, telephone 517-636-0129 (fax 517-322-5458) email at aguirres@michigan.gov.

I recommend email contact and they are both real good at getting right back with you.

2006 Annual Educational Conference, by *Jim Pahl, Vice President, MADCM.*

Mailings will go out in the near future to register for our next conference, September 27, 28 and 29 at Crystal Mountain. The education committee is hard at work, putting together another great set of presenters. Annual elections will be held for officers and board members. This is not one to miss.

New Prima Facia Speed Limits, by *James Pahl, Magistrate, 55th District Court, based upon materials provided by Sandra Hartnell, SCAO.*

House Bill 5240 has been signed into law as Public Act 85 of the Public Acts of 2006. This new act amended section 627 of the vehicle code, in establishing a new prima facia speed limit for highways in our state. This is going to cause some confusion for motorists in the absence of postings, as most motorists will not have a clue a lower speed limit might be in effect for a certain area. Please access the Michigan Legislature web site and review the entire new section 627. The following is the key text from the new statute:

(2) Except in those instances where a lower speed is specified in this chapter or the speed is unsafe pursuant to subsection (1), it is prima facie lawful for the operator of a vehicle to operate that vehicle at a speed not exceeding the following, except when this speed would be unsafe:

- (a) 25 miles per hour on all highways in a business district as that term is defined in section 5.
- (b) 25 miles per hour in public parks unless a different speed is fixed and duly posted.
- (c) 25 miles per hour on all highways or parts of highways within the boundaries of land platted under the land division act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978

PA 59, MCL 559.101 to 559.276, unless a different speed is fixed and posted.

(d) 25 miles per hour on a highway segment with 60 or more vehicular access points within ½ mile.

(e) 35 miles per hour on a highway segment with not less than 45 vehicular access points but no more than 59 vehicular access points within ½ mile.

(f) 45 miles per hour on a highway segment with not less than 30 vehicular access points but no more than 44 vehicular access points within ½ mile.

Safety Information Available, by *Alicia Sledge, OHSP.*

The National Safety Council's Air Bag & Seat Belt Safety Campaign is offering FREE flyers, posters and television public service announcements that contain critical safety information about the importance of placing children 12 and under in a back seat. The materials are available in English and Spanish.

The National Safety Council encourages traffic safety partners to order and distribute the materials through their network in order to spread this important child passenger safety message.

A sample of the materials, along with an order form can be obtained by visiting the Kids in Back website at www.kidsinback.org.

If you have any questions, please feel free to contact me.

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Traffic Control Devices &

Placement, *by Jim Pahl, based upon materials provided by Mark Bott, Traffic Operations Manager, MDOT, provided at the Magistrate Specialty Seminar on June 20, 2006.*

As of August 15, 2005, a new Manual of Uniform Traffic Control Devices was adopted in Michigan, replacing the old and familiar 1994 edition in the yellow notebook. This new edition is modeled more upon the federal manual.

This manual discusses the placement of signs and other traffic control devices. The goal in all such placements is to be within the road users view, so as to provide adequate visibility both day and night, plus providing adequate time for proper response. The manual is also designed to promote uniformity with other states.

You can order a copy of the new Uniform Manual through Michigan's Local Technical Assistance Program, at Michigan Technological University. Contact them by calling 906-487-2101. The cost is \$135.00 and will include an interactive CD.

You can also download a copy from the internet, which will be in .pdf format.

<http://mdotwas1.mdot.state.mi.us/public/tands/plans.cfm>

You should be able to find this link on the MADCM web page.

Radar Task Force, *by Bobbi Wray
67th District Court and the MADCM representative to the Michigan Speed Measurement Task Force*

Courts who are requiring Radar Operator Certificates will be searching for hens' teeth. While some schools may still issue certificates, MCOLES (Michigan Commission on Law Enforcement Standards?) is no longer issuing them.

Instead, according to their representative on the Speed Measurement Task Force, the lists of Radar/Lidar Certified Operators may be obtained by persons authorized by MCOLES to access such confidential information.

The chiefs of each department either are authorized or have designated someone within the department to be authorized to obtain these records.

It has been suggested by MCOLES and the Speed Measurement Task Force that courts ask their Police Departments to obtain updated certification lists periodically to be held in the court files for reference when required.

If this continues to be a major concern for some courts/judges, as your representative on the MSMTF, I will be happy to bring it up again at the next meeting in October, or to have my successor do so. Let me know your requirements at the MADCM annual meeting in September. The next task force meeting is the first week in October, I believe.

Small Claims, *based upon material provided by Sandra Hartnell, SCAO.*

House Bill No 4160 was introduced, to amend the jurisdiction of the Small Claims Division to \$10,000.00. At a hearing before one of the committees in the House in mid June of this year, the amount was amended to \$7,500.00, but this was reported out to the full House for consideration.