

Legislative Analysis



UNIVERSITY TRAFFIC INFRACTIONS

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House Bill 5854 as introduced
Sponsor: Rep. Mark Meadows
Committee: Judiciary

First Analysis (10-28-10)

BRIEF SUMMARY: The bill would allow civil fines for traffic violations on public campuses to have the same maximums as similar provisions under the Michigan Vehicle Code.

FISCAL IMPACT: The bill would have a positive fiscal impact on state universities and colleges. Any increase in fine revenue collected would be received and retained by the university or college.

THE APPARENT PROBLEM:

Public colleges and universities are authorized to enact ordinances to enforce (as civil infractions) traffic, pedestrian, and parking laws on campus property. This authority includes the ability to levy and collect fines. The problem is that statute currently restricts the amount that can be imposed for a civil fine by an institution to no more than \$25, an amount so low that there is little incentive to obey an ordinance. By comparison, the vehicle code and municipal ordinances have a maximum fine of \$100 for civil infractions. In addition, though campuses are required to impose a fine for parking in a space designated for a person with disabilities of at least \$50 but not more than \$100, this is far lower than the minimum \$100 and maximum \$250 required under the Michigan Vehicle Code.

If public institutions could set their civil fine levels at the same level established for similar violations in the vehicle code, campus ordinances would have a stronger deterrent, thus increasing public safety. Legislation to address this concern has been introduced.

THE CONTENT OF THE BILL:

The bill would amend Public Act 291 of 1967, which authorizes the governing boards of state universities and colleges to enact and enforce parking, traffic, and pedestrian ordinances on their campuses. The governing boards can establish civil sanctions (including fines). The bill would tie the civil fines for infractions under campus ordinances to the fines for substantially similar violations under the Michigan Vehicle Code.

Section 2a of the act currently says that for violations of campus ordinances that are civil infractions, civil fines cannot exceed \$25. However, civil infractions involving parking

in spaces reserved for persons with a disability must carry a fine of at least \$50 and no more than \$100.

House Bill 5854 would rewrite this section (MCL 390.892a) to specify that if a campus civil infraction substantially corresponds to a provision of the Michigan Vehicle Code, then a civil fine established by the university governing board could not exceed the maximum civil fine for the similar offense under the Vehicle Code.

ARGUMENTS:

For:

The maximum fine level that public colleges and universities can impose for civil fines for traffic violations on their campuses has not been raised since 1967. The current \$25 maximum fine is simply not enough to deter unsafe driving practices or enforce parking regulations. Considering that some of these campuses are the size of cities, it is important that penalties for violations have enough "teeth" to encourage compliance and ensure public safety. Campus police can write tickets under state statutes when available, but campuses also have unique issues that can only be addressed by a campus ordinance. Thus, fines need to be sufficient to deter would-be violators.

In addition, the current fine for parking in a space on a campus designated for persons with disabilities is far too low. The bill would enable colleges and universities to set the maximum fine for that offense near or at the level required by the Michigan Vehicle Code. Further, since fine revenue collected under campus ordinances would be kept by those institutions, the bill could generate much needed revenue that could be used to offset declining state funding.

Response:

Currently, public colleges and universities are required to establish a minimum fine of \$50 and a maximum fine of \$100 for parking in a space reserved for a person with a disability. The bill would delete this provision, thus creating the possibility that a fine less than \$50 could be imposed. Considering the impact on disabled persons to access classes and campus events if parking is not available because able-bodied drivers have filled handicapped spaces, this should be addressed. At the very least, a minimum fine should be restored.

POSITIONS:

Representatives of Michigan State University and the MSU Police Department testified in support of the bill. (3-10-10)

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