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BILL



ANALYSIS

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Senate Bill 1196 (as reported without amendment)
Sponsor: Senator Alan L. Cropsey
Committee: Education

(as enrolled)

Date Completed: 7-14-10

RATIONALE

A Michigan law permits a State college or university to enact and enforce traffic, parking, and other ordinances on its campus, although the amount of a civil fine for a violation of such an ordinance generally may not exceed \$25. Since that law was enacted in 1967, amendments to the Michigan Vehicle Code have established larger fines for many violations. Consequently, the civil fine for a traffic violation on a college or university campus may be much lower than the fine for a similar violation off campus. It has been suggested that colleges and universities should be able to impose fines that are in line with those imposed under the Vehicle Code.

CONTENT

The bill would amend Public Act 291 of 1967 (which deals with traffic ordinances at State universities and colleges) to specify that if the governing board of a State university or college enacted an ordinance substantially corresponding to a provision of the Michigan Vehicle Code, a civil fine for that infraction could not exceed the maximum civil fine for the corresponding provision of the Code.

Public Act 291 authorizes the governing board of a State university or college to enact parking, traffic, and pedestrian ordinances for the control of its campus. The governing board must specify whether a particular violation is a misdemeanor or a civil infraction.

If a violation is designated a civil infraction, the governing board may establish civil sanctions for the infraction, although a civil fine generally may not exceed \$25. If the governing board establishes civil sanctions for a violation of an ordinance that prohibits parking in a space reserved for use by persons with disabilities substantially corresponding to a section of the Michigan Vehicle Code, the board must establish a civil fine of at least \$50 and not more than \$100. The bill would delete these provisions.

Under the bill, if a civil infraction included in an ordinance enacted by the governing board of a State university or college substantially corresponded to a provision of the Michigan Vehicle Code, a civil fine established by the board for that infraction could not exceed the maximum civil fine for the corresponding provision of the Code described in Section 907 of that statute. (Section 907 is described below.)

MCL 390.892a

BACKGROUND

Section 907 of the Michigan Vehicle Code establishes civil fines for a person determined to be responsible for a civil infraction under the Code or a local ordinance substantially corresponding to a provision of the Code. The maximum fine is \$100 except as otherwise provided for specific violations, or for a violation committed by a person driving a commercial motor vehicle (CMV). Beginning on October 1, 2010, if the civil infraction was a moving violation that resulted in an at-fault collision

with another vehicle, any other object, or a person, the civil fine ordered under Section 907 must be increased by \$25, but the total may not exceed \$100.

For a violation involving a child restraint system, the maximum fine is \$10. The fine for a violation of seat belt requirements is \$25.

The fine for vehicle abandonment is \$50, and the maximum fine for failure to provide proof of insurance is \$50.

For parking in a space reserved for use by disabled individuals, except as allowed, Section 907 sets a minimum fine \$100 and a maximum fine of \$250.

Failure to stop for a school bus as required is subject to a minimum fine of \$100 and a maximum fine of \$500.

A person who violates text-messaging prohibitions is subject to a fine of \$100 for a first offense, and \$200 for a second or subsequent offense.

A person who is responsible for a civil infraction while driving a CMV generally is subject to a maximum fine of \$250. Operating a CMV in violation of an out-of-service order is subject to minimum fine of \$1,100 and a maximum fine of \$2,750. The maximum fine is \$10,000 for a CMV driver who violates railroad crossing laws, hazardous material regulations, or other specified motor carrier safety regulations.

Section 907 also prescribes fines for an employer who allows or requires a driver to operate a CMV in violation of railroad crossing laws or Federal hazardous material transportation regulations.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The fines currently permitted under Public Act 291 are not severe enough to act as an effective deterrent to potential violators. Because many State universities and colleges have dense populations of students with large numbers of vehicles in a limited area, many have persistent problems

managing traffic and parking. Strict enforcement of university ordinances is essential to maintaining an orderly campus, protecting pedestrians and other drivers, and deterring repeat offenders, but traffic and parking fines are effective only if they are substantial enough to influence behavior. The current limit of \$25 is outdated and too small to have the desired effect, particularly since the maximum is lower than many fines authorized under the Vehicle Code. For consistency and greater effectiveness, the bill would permit a college or university to impose the same penalty as that prescribed under the Code for an ordinance substantially corresponding to a provision of the Code.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have no fiscal impact on State government but could affect revenue collected by State universities, community colleges, and local units of government. The bill would allow universities and colleges to increase civil fines, limited to the maximum civil fine for the substantially corresponding provision of the Michigan Vehicle Code. For example, currently the civil fine for violations of university and college ordinances related to parking in spaces reserved for use by persons with disabilities is not less than \$50 or more than \$100. The corresponding provision of the Michigan Vehicle Code prescribes a civil fine from \$100 to a maximum of \$250.

To the extent that university and community college governing boards changed the civil fines they are currently charging for infractions, different levels of revenue could be collected. The bill also could affect revenue of local units of government, if it resulted in more citations being issued under ordinances instead of the Michigan Vehicle Code.

Fiscal Analyst: Bill Bowerman
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.