

# Legislative Analysis



## UNAUTHORIZED ENTRY OF A SCHOOL BUS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5038 (proposed substitute H-1)**  
**Sponsor: Rep. Jack O'Malley**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5040 as referred to second committee**  
**Sponsor: Rep. Jewell Jones**

**1st Committee: Military, Veterans and Homeland Security**  
**2nd Committee: Judiciary**  
**Complete to 8-31-20**

### SUMMARY:

House Bills 5038 and 5040 would amend the Pupil Transportation Act to prohibit unauthorized individuals from entering a school bus without the driver's permission and to allow school buses to have stickers alerting people to this prohibition. The bills would also prohibit impeding the progress or operation of a school bus.

**House Bill 5038** would prohibit a person who is not an *authorized person* from entering a school bus without the permission of the school bus driver. A person who violated this provision would be guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$100, or both.

*Authorized person* would mean any of the following:

- A student.
- A person enrolled in a school-sponsored preschool program.
- A teacher or other school employee.
- A chaperone of the students authorized by the school.
- A person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the people on the school bus.

The bill would also prohibit a person from impeding the progress or operation of a school bus. A person who violated this provision would be responsible for a civil infraction and could be ordered to pay a fine of up to \$500. The civil infraction would have to be processed in the same manner as a civil infraction under the Michigan Vehicle Code.

The bill would take effect 90 days after its enactment.

MCL 257.1859

**House Bill 5040** would allow a sticker to be affixed to the side of a school bus that reads as follows:

An unauthorized person attempting to board or boarding this school bus is subject to arrest and prosecution.

The sticker would have to be affixed on the left side of the service door between the bottom of the window and the black rub rails. (The arrow on the image below indicates the approximate proposed location of the sticker.)

MCL 257.1833



#### **FISCAL IMPACT:**

**House Bill 5038** would have an indeterminate fiscal impact on the state and on local units of government. The number of misdemeanor convictions that would result under provisions of the bill is not known.

New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction.

Any increase in penal fine revenue resulting from misdemeanor convictions would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues. Revenues collected from the payment of new civil fines established under the bill would also be used to support public and county law libraries.

In addition, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System.

We do not have a practical way to determine the number of violations that will occur under provisions of the bill, so cannot estimate the amount of additional revenue that would be

collected for libraries or the state. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

**House Bill 5040** would have no direct fiscal impact on state or local government.

**POSITIONS:**

A representative of AFSCME Local 25 testified in support of the bills. (12-3-19)

The following organizations indicated support for the bills (12-3-19):

Michigan Association of Pupil Transportation

Michigan Education Association

Michigan Fraternal Order of Police

Legislative Analyst: E. Best  
Fiscal Analyst: Robin Risko

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.