

Legislative Analysis



SCHOOL BUS SAFETY

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

House Bill 4201 as reported from committee
Sponsor: Rep. Rep. Jack O'Malley

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

House Bill 4202 as reported from committee
Sponsor: Rep. Tyrone A. Carter

House Bill 4203 as reported from committee
Sponsor: Rep. Jewell Jones

House Bill 4204 as reported from committee
Sponsor: Rep. Greg VanWoerkom

Committee: Judiciary
Complete to 4-15-21

(Enacted as Public Acts 49 to 52 of 2012)

BRIEF SUMMARY: House Bills 4201 and 4203 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.

House Bills 4202 and 4204 would respectively amend the Michigan Vehicle Code and the Pupil Transportation Act to allow a school bus to be equipped with a stop-arm camera system and to provide for use of the recorded video as evidence in certain traffic violation proceedings.

FISCAL IMPACT: The fiscal implications of House Bill 4201 are indeterminate, and the remaining bills would have no direct fiscal impact on the state or local units of government. (See **Fiscal Information**, below, for more information.)

THE APPARENT PROBLEM:

In general, the most dangerous part of a child's ride to school in a school bus is when the bus is stopped to allow children to board and to disembark from the bus. One challenge school bus drivers face is when a stranger tries to enter a school bus when the door is opened to allow a child to enter or leave the bus. Obviously, the gravest concern is whether such a person is armed or intends to do harm to the driver or children. But even a parent who is upset with other children on the bus over interactions with his or her own children can upset all of the children on the bus if he or she engages in verbally or physically abusive behavior.

Of greater concern is the number of drivers who either do not know or do not care that when a stopped school bus has its red lights flashing, it is against the law to pass the bus. Hundreds of such illegal pass-bys are recorded in a typical school day. Not only have children crossing the street to or from the bus been hit and injured or killed, but drivers failing to stop have also crashed into the back of buses, resulting in death or injury to occupants of the vehicle. Increasingly, school buses across the country are being outfitted with cameras on the stop arm that can record the image of the vehicle's driver and the vehicle's license plate number. Such videos could be useful to law enforcement agencies, but currently there is no requirement for school districts to share the videos.

The legislation under consideration would address several of the concerns raised.

THE CONTENT OF THE BILLS:

BOARDING SCHOOL BUS WITHOUT PERMISSION

House Bill 4201 would prohibit an individual who is not an *authorized person* from entering a school bus without the permission of the school bus driver.

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 either of the above prohibitions 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.

MCL 257.1859

House Bill 4203 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 citation for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

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. (See image below.)

MCL 257.1833

Each bill would take effect 90 days after its enactment. The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.



STOP-ARM CAMERA SYSTEMS

House Bill 4204 would add a new section to the Pupil Transportation Act to allow a school bus to be equipped with a *stop-arm camera system*. Under the bill, a school could either install and operate a stop-arm camera system on a school bus or enter into a contract with a private vendor to install and operate it.

Stop-arm camera system would mean a system of two or more cameras affixed to a school bus that meets the following requirements:

- It is synchronized to automatically record video or one or more sequenced photographs of a vehicle failing to stop for a school bus or passing a school bus that is displaying its flashing red lights.
- It is capable of capturing images of the vehicle, the license plate on the rear of the vehicle, and a distance of at least 200 feet in front of the school bus.
- It records the date, time, and location on an image produced by the system.

Proposed MCL 257.1820

House Bill 4202 would amend the Michigan Vehicle Code to allow a school bus to be equipped with a stop-arm camera system in accordance with the amendments to the Pupil Transportation Act proposed by HB 4204.

Under the code, the operator of a vehicle that overtakes or meets a school bus that has stopped and is displaying its flashing red lights must stop his or her vehicle at least 20 feet from the bus and may not proceed until the school bus resumes motion or the flashing lights are turned off. A driver who passes the school bus or fails to stop as required is responsible for a civil infraction.

Currently, in addition to the civil fine and costs that may be imposed for a violation, the operator of the vehicle may be ordered to perform up to 100 hours of community service at a school. The bill would eliminate this provision.

In addition, the bill would require a school bus that uses a stop-arm camera system to provide, if requested by an investigating *law enforcement agency*, a recorded video or photograph for use as evidence in a proceeding involving a vehicle's failing to stop for a school bus or passing a school bus displaying its flashing red lights. A photograph or video recorded by a stop-arm camera system would be admissible in a proceeding for a violation to the extent permitted by the Michigan Rules of Evidence. However, a photograph or video recorded by a stop-arm camera system would not be required for prosecution of the violation.

Law enforcement agency would mean any of the following:

- The Department of State Police.
- The county sheriff's department.
- The police department of a county, city, village, township, or state university or college.
- Any other governmental law enforcement agency in Michigan.

MCL 257.682

Each bill would take effect 90 days after its enactment.

The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

BACKGROUND INFORMATION:

House Bills 4201 and 4203 are reintroductions of HBs 5038 and 5040, and House Bills 4202 and 4204 are reintroductions of HBs 5041 and 5042, of the 2019-20 legislative session. Those bills were considered by the House Military, Veterans and Homeland Security committee and referred to the House Judiciary committee.

FISCAL INFORMATION:

House Bill 4201 would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals that would be responsible for a civil infraction under provisions of the bill is not known. Under section 909(1) of the Michigan Vehicle Code, civil fine revenue would be applied to the support of 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. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

House Bills 4202, 4203, and 4204 would have no direct fiscal impact on state or local government.

ARGUMENTS:

For:

Some would argue that a school bus is an extension of the classroom and therefore some protections for children and drivers should be extended. For instance, schools often have policies regarding who can and cannot enter the school and the protocols for doing so. School bus drivers should have the ability to refuse entry to persons who could delay the bus or who could engage in disruptive or even dangerous behaviors harmful to the children onboard. House Bill 4201 would make it a civil infraction for an unauthorized person to enter a school bus unless the driver granted permission. The civil infraction would also apply to a driver or pedestrian who blocked the path of a bus. For example, several cases have been reported of drivers deliberately positioning their vehicles in a roadway so that the bus cannot move in any direction and people approaching buses on foot. A driver in such situations can be put in a difficult position when it is not known whether the behavior is intended to do harm. A companion bill, House Bill 4203, would allow a sticker to be affixed to the side of the bus by

the door that alerts the public that entry is allowed only by authorized persons, which is defined in HB 4201, unless the driver gives permission to enter. The notice also would clearly alert a would-be boarder of the civil fine that could be imposed for noncompliance.

For:

Many instances of drivers failing to stop when a school bus displays its red flashing lights are not witnessed by police or sheriff's deputies. House Bill 4202 would specifically allow a school district to equip its fleet of school buses with stop-arm cameras that would record information on vehicles that fail to stop when the red lights are flashing—which are an indication that children are or about to board or disembark from the bus and are or may soon be in the process of crossing the street. House Bill 4204 would require the school district to make the videos available to a law enforcement agency if requested. Such videos could be an important tool to increase enforcement of the law prohibiting passing a school bus when the red flashing lights are on. Subsequently getting a ticket for failing to stop, or knowing that a ticket could be forthcoming, would be an effective deterrent to future violations. According to a vendor of stop-arm camera systems, communities where they are being installed typically ensure that people are educated about the cameras through public service announcements. As more drivers become aware of the law to stop when the red lights are flashing, and that a camera may be used to catch violators, it is likely that fewer drivers would speed past a stopped school bus when children are most vulnerable to being hit.

Against:

A concern was raised that parents intending to help a child board or disembark from a school bus could be prevented from assisting their child if they had not first obtained formal authorization to enter the bus or could be denied entry on the whim of the driver. Regarding the stop-arm camera, some wondered how the videos would be used by law enforcement, especially since the registered owner of the vehicle may not have been the driver who failed to stop when a bus's red lights were flashing.

Response:

A school bus driver is given responsibility for maintaining order and safety on the bus and for operating the bus so that children are transported safely to and from school. In light of this, many feel that the driver should have the authority to deny entrance to a person the driver believes may pose a risk of being disruptive or dangerous. It is difficult to legislate for every situation, and the exercise of that authority will always require individual judgment. It is hoped that school districts would have clear policies for parents to follow if disagreements arise over the appropriateness of a parent's being denied entrance.

The question of how the videos of illegal pass-bys are used would likely be determined by the local law enforcement agency and the school or school district. According to testimony by a vendor of stop-arm cameras, there are systems through which law enforcement agencies can access the videos and screen for pass-bys. Reportedly, screening the videos to identify violators may take an hour or less per week. Since the cameras record an image of the driver, it is likely that the owner of the vehicle, who would be identified through the vehicle's license plate, would recognize the driver and that any ticket or warning would be issued to the appropriate person.

POSITIONS:

Representatives of the following entities testified in support of the bills (3-16-21):

- Michigan Association for Pupil Transportation (MAPT)
- Dean Transportation

A representative of BusPatrol, LLC testified in support of HBs 4202 and 4204. (3-16-21)

The following entities indicated support for the bills:

- Michigan Education Association (3-23-21)
- Northwest Michigan Transportation Consortium (3-16-21)
- Michigan Association of School Boards (3-16-21)

The Department of State Police indicated a neutral position on the bills. (3-16-21)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ 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.