

FAILING TO STOP FOR STOPPED SCHOOL BUS

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House Bill 5501 (H-1) as reported from committee
Sponsor: Rep. TC Clements

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

House Bill 5508 as reported from committee
Sponsor: Rep. Tyrone A. Carter

House Bill 5509 (H-2) as reported from committee
Sponsor: Rep. Ranjeev Puri

Committee: Judiciary
Complete to 9-28-22

SUMMARY:

House Bills 5501, 5508, and 5509 would amend different acts to do the following:

- Authorize a school district (instead of, as currently, a school) to install or operate a stop-arm camera system on a school bus or enter into a contract with a vendor to do so. (HB 5501)
- Additionally allow a school district to enter into an agreement with a law enforcement agency to report a vehicle passing, or failing to stop behind, a school bus that is stopped and has its red lights flashing and to provide evidence to the agency from the stop-arm camera system. (HB 5501)
- Remove a provision that now requires a stop-arm camera system to be able to capture images of a distance of at least 200 feet in front of the school bus. (HB 5501)
- Require the *owner* of a vehicle that passes or fails to stop behind a school bus that is stopped and flashing its red lights to be fined up to \$500 (instead of, as currently, requiring the *operator* of the vehicle to be fined between \$100 and \$500). (HB 5509)
- Allow (but not require) the civil fine described above to be paid to the school district that operates the school bus. (HBs 5508 and 5509)

House Bill 5501 would amend the Pupil Transportation Act, which was recently amended by 2021 PA 52 to allow a school bus to be equipped with a *stop-arm camera system*.

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

- It is synchronized to automatically record video or one or more sequenced photographs of a vehicle passing or failing to stop behind a school bus that is stopped and flashing its red lights.
- It is capable of capturing images of the vehicle, the registration 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.

The bill would amend the above definition to remove the italicized language. The bill also would move the definition from section 20 of the act to section 5.

The act now allows a school to 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.

The bill instead would allow a *school district* (rather than a school) to equip a school bus with a stop-arm camera system or contract with a vendor to do so. The bill would additionally allow a school district to enter into an agreement with a *law enforcement agency* to report a violation of the Michigan Vehicle Code requirement to stop for a school bus that is stopped and flashing its red lights and provide the photograph captured or video recorded by the stop-arm camera system to the law enforcement agency.

Law enforcement agency would mean the Department of State Police, a county sheriff's office, the police department of a local unit of government (a county, city, village, or township or state university or college), or any other governmental law enforcement agency in this state.

School district would mean (as defined in section 6 of the Revised School Code) a general powers school district organized under the Revised School Code, a community district, or a school district of the first class.

The bill also would make a technical correction to the definitions of the terms "motor bus" and "motor carrier of passengers" for purposes of the act.

MCL 257.1805 and 257.1820

House Bill 5509 would amend the Michigan Vehicle Code. Section 682 of the code currently provides that the *operator* of a vehicle who fails to stop at least 20 feet away from a school bus that has stopped and is displaying two alternately flashing red lights is responsible for a civil infraction and must be ordered to pay a civil fine of at least \$100 but not more than \$500. (The section establishes a rebuttable presumption that the owner of the vehicle was the operator of the vehicle at the time of the violation.)

The bill instead would provide that the *owner* of such a vehicle is responsible for a civil infraction, no matter who was operating the vehicle at the time. (The bill would retain the rebuttable presumption that the owner was the operator, although under the bill it would appear to have no bearing on the civil infraction or the fine.) In addition, under the bill, the owner would have to be ordered to pay a civil fine of any amount up to \$500, rather than an amount from \$100 to \$500.

The bill would expressly allow a photograph captured or video recorded by a stop-arm camera system on a school bus to be used as evidence in a proceeding for a violation of the above provision, notwithstanding any provision of law to the contrary. As currently under the code, a school district using a stop-arm camera system would have to provide the photograph or video for use as evidence if requested by a law enforcement agency.

In addition, the bill would newly allow (but not require) a fine imposed and paid for such a violation to be paid to the school district that operates the school bus, notwithstanding any provision of law to the contrary.

The definition of "school" would be eliminated and replaced by "school district," which would mean that term as defined in the Revised School Code (see above).

Finally, the bill would make a technical correction concerning the civil fine for a violation of section 602b of the code, which generally prohibits certain conduct involving a wireless two-way communication device (such as texting while driving) and for which the fine is \$100 for a first offense and \$200 for a second or subsequent offense.

MCL 257.682, 257.907, and 257.909

House Bill 5508 would amend the Revised Judicature Act, which provides for the distribution of fines and costs assessed by a district court and imposed for a violation of a state or local criminal law, or ordered in a state or local civil infraction action.

The bill would provide that a civil fine ordered in a civil infraction action for a violation of section 682 of the Michigan Vehicle Code (failing to stop for or passing a stopped school bus flashing its red lights), or a substantially corresponding local ordinance, may be distributed to a school district as proposed by HB 5509.

The Revised Judicature Act also provides that a county, city, village, or township may by ordinance establish a municipal ordinance violations bureau to accept admissions of responsibility for municipal civil infractions and collect and retain civil fines and costs under a schedule as prescribed by ordinance.

The bill would add that if the county, city, village, or township has an ordinance that substantially corresponds to section 682 of the Michigan Vehicle Code (failing to stop for or passing a stopped school bus flashing its red lights), a civil fine ordered for a violation of that ordinance may be distributed to a school district as proposed by HB 5509.

MCL 600.8379 and 600.8396

None of the bills would take effect unless all three bills were enacted.

BRIEF DISCUSSION:

Safety at school bus stops when students are getting on and off of buses and crossing the street to go to their homes continues to be an area of concern. Recent changes to the law now allow school buses to be equipped with stop-arm cameras that can capture the license plate numbers of vehicles that fail to stop when a bus indicates it is not safe for the vehicle to pass it. Amendments have been proposed to strengthen the new stop-arm camera law. For example, instead of authorizing individual schools to install cameras on their buses and arrange to provide evidence of violations, the bills would instead apply the provisions to school districts. In addition, under the package, civil fine revenue collected from violators could be distributed to the school district in which the violation occurred. A school district could use the revenue to make additional safety upgrades to protect students. Educating drivers as to the law regarding stopping behind a school bus when the red stop arm is deployed remains the most important tool to protect students, but receiving a ticket for a violation is an effective reminder of the need, and requirement, not to pass a school bus when the stop arm is deployed.

House Bills 5508 and 5509 would redirect revenue from civil fines away from its longstanding allocation to public libraries and county law libraries. This allocation was placed in law when several traffic violations were made civil infractions in 1978. Before those amendments, all traffic violations were criminal violations. Civil infractions were created as a new class of

traffic violations for which no imprisonment could be imposed. The state constitution requires that penal (e.g., criminal) fines be exclusively applied to the support of public libraries and county law libraries. The allocation of traffic civil fines to those libraries was enacted to offset the loss of penal fine revenue as a result of the decriminalization of traffic violations. Libraries play an important role in their communities but continue to face revenue shortfalls that affect the services and programs they can offer. Some feel that the allocation of civil fine revenue to libraries should be protected.

FISCAL IMPACT:

House Bill 5501 would have no fiscal impact on the state or on local units of government.

House Bills 5508 and 5509 would have an indeterminate fiscal impact on local units of government, including local school districts. Under House Bill 5509, violating section 682 of the Michigan Vehicle Code would be a civil infraction and would result in a civil fine of not more than \$500. Typically, this fine revenue is distributed as provided in section 909 of the Michigan Vehicle Code, which provides that civil fine revenue is to be exclusively applied to the support of public and county law libraries and civil fine revenue paid for violating code or ordinance of a local authority regulating the operation of commercial motor vehicles is to be paid to the county treasurer and allocated 70% to the local authority in which the citation is issued and 30% to libraries. Under House Bills 5508 and 5509, civil fines paid for violating section 682 of the Michigan Vehicle Code or for violating code or ordinance of a local authority that substantially corresponds to that section could instead be paid to the school district that operates the school bus. There is no way to determine the number of violations that would occur, so there is no practical way to estimate the amount of additional civil fine revenue that would be collected, and there is also no way to know which distribution formula would apply. There could be costs for the judiciary to implement a process for distributing fines to school districts in cases where the court orders that distribution.

POSITIONS:

A representative of BusPatrol LLC testified in support of the bills. (3-8-22)

The following entities indicated support for the bills:

- Oakland Schools (5-10-22)
- Michigan Elementary and Middle School Principals Association (3-8-22)

A representative of the Michigan Association of School Boards testified in opposition to the bills. (5-10-22)

The following entities indicated opposition to the bills (3-8-22):

- Michigan Association for Pupil Transportation
- Pupil Transportation Operation and Management Institute

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.