

Legislative Analysis



FAILING TO STOP FOR STOPPED SCHOOL BUS

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

House Bill 5501 as introduced
Sponsor: Rep. TC Clements

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

House Bill 5508 as introduced
Sponsor: Rep. Tyrone A. Carter

House Bill 5509 as introduced
Sponsor: Rep. Ranjeev Puri

Committee: Judiciary
Revised 4-21-22

SUMMARY:

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

- Authorize a school district to install and operate a stop-arm camera system on a school bus *or* to enter into an agreement with a law enforcement agency to report and provide evidence from a stop-arm camera system of a vehicle passing, or failing to stop behind, a school bus that is stopped and has its red lights flashing. (House Bill 5501)
- Remove a provision that allows a school to enter into a contract with a private vendor to install and operate a stop-arm camera system. (House Bill 5501)
- Provide that the owner of a vehicle that passes, or fails to stop behind, a school bus that is stopped and flashing its red lights must be fined \$500 (instead of between \$100 and \$500, as currently). (House Bill 5509)
- Allow (but not require) the civil fine described above to be paid to the school district that operates the school bus. (House Bills 5508 and 5509)

House Bill 5501 would amend the Pupil Transportation Act. Recently, 2021 PA 52 amended the act to allow a school bus to be equipped with a stop-arm camera system and to allow 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 would remove the provision that now allows a school to enter into a contract with a private vendor to install and operate a stop-arm camera system. Instead, under the bill, a school district (rather than an individual school) could do either of the following:

- Install and operate a stop-arm camera system on a school bus.
- 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” and would move the definition of “stop arm camera system” from section 20 to section 5 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 would instead 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 still keep the rebuttable presumption that the owner was the operator, although it would appear to have no bearing on the civil infraction or on the fine.) In addition, under the bill, the owner would have to be fined \$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 fix 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 (RJA), 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, could be distributed to a school district as proposed by HB 5509.

The RJA 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, a civil fine ordered for a violation of that ordinance could 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.

FISCAL IMPACT:

House Bill 5501 would not have a 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 the bills, civil fines for violating section 682 of the Michigan Vehicle Code would be \$500 instead of an amount that is at least \$100 and not more than \$500. These fines are 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% for libraries. Under the bills, 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.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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