

Legislative Analysis



PASSING 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
Complete to 3-8-22

BRIEF SUMMARY:

House Bill 5501 would authorize a school district to install and operate a stop-arm camera system on a school bus or enter into an agreement with a law enforcement agency and provide photographic or video evidence of a vehicle passing, or failing to stop behind, a school bus that is stopped and has its red lights flashing.

House Bill 5509 would do the following:

- Require the owner of a vehicle that passed, or failed to stop behind, a school bus that is stopped and flashing its red lights to be fined \$500.
- Revise the fine for texting while driving to \$100 for a first offense and \$200 for a repeat violation, instead of those amounts being the maximum fines.
- Revise the fine for failing to stop behind, or passing, a stopped school bus that has its red lights flashing to \$500, instead of a range from \$100 to \$500.
- Allow a civil fine for a stopped school bus related violation to be distributed to the school district that operated the school bus.

House Bill 5508 would provide an exception from the distribution schedule for civil fines under the Revised Judicature Act to allow, but not require, the civil fine revenue from violations of the school bus law to be distributed to the school district as proposed by HB 5509.

DETAILED SUMMARY:

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. Under the bill, a school district (rather than an individual school) could install and operate a stop-arm camera system on a school bus or enter into an agreement with a law enforcement agency (instead of contracting with a private vendor) to report a violation of the Michigan Vehicle Code

requirement to stop for a school bus which is stopped and flashing its red lights, and to provide the photograph captured or video recorded by the stop-arm camera system to the law enforcement agency.

The bill would define *law enforcement agency* to mean that term as defined in section 682 of the Michigan Vehicle Code and *school district* as the term is defined in section 6 of the Revised School Code. The definition of “motor bus” would be revised to mean a *bus* and the definition of “motor carrier of passengers” to mean “*motor carrier*” as those terms are defined in section 3 of the Motor Bus Transportation Act. Further, the definition of “stop arm camera system” would be relocated from section 20 to section 5 of the act.

MCL 257.1805 and 257.1820

House Bill 5508 would amend the Revised Judicature Act (RJA). The RJA 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 as proposed by House Bill 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 to 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 vehicle code, a civil fine ordered for a violation of that ordinance could be distributed as proposed by House Bill 5509.

MCL 600.8379 and 600.8396

House Bill 5509 would amend the Michigan Vehicle Code. Currently, an operator of a vehicle who passes, or fails to stop, a school bus that has stopped and is displaying two alternately flashing red lights is responsible for a civil infraction. The bill would require that the *owner* of that vehicle be fined \$500. The fine for the *operator* of the vehicle would also be set at \$500, instead of the current fine of not less than \$100 or more than \$500.

Notwithstanding any other provision of law to the contrary, the bill would 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 state law or a substantially similar local ordinance that the operator of a vehicle failed to stop behind, or passed, a stopped school bus flashing its red lights. 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. Also, notwithstanding any provision of law to the contrary, the bill would allow a fine imposed and paid for a violation to be paid to the school district that operates the school bus.

Currently, the civil fine for a violation of section 602b of the code, which generally prohibits texting while driving, in addition to other conduct involving a wireless 2-way communication device while driving, cannot be more than \$100 for a first offense and \$200 for a second or subsequent offense. The bill would instead require the fine to be \$100 for a first offense and \$200 for a second or subsequent offense.

The definition of “school” would be eliminated and replaced by “school district,” which would mean that term as defined in section 6 of the Revised School Code.

MCL 257.682, 257.907, and 257.909

Tie-bars

The bills are tie-barred to each other. A bill cannot become law unless the bill or bills to which it is tie-barred is or are also enacted into law.

FISCAL IMPACT:

A fiscal analysis is in progress.

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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.