

FAILING TO STOP FOR STOPPED SCHOOL BUS

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<http://www.house.mi.gov/hfa>

House Bill 4928 (H-1) as passed by the House
Sponsor: Rep. Nate Shannon

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

House Bills 4929 and 4930 (H-1) as passed by the House
Sponsor: Rep. Tyrone Carter

Committee: Regulatory Reform [Discharged]
Complete to 11-7-24

SUMMARY:

House Bills 4928, 4929, and 4930 would amend different acts to do the following:

- Increase the minimum civil fine for failing to stop for a stopped school bus from \$100 to \$250, keeping the maximum at \$500, and provide that this fine range also applies to violations evidenced by a stop-arm camera system installed on a school bus. (HB 4928)
- Establish procedures for camera-based violations. (HB 4928)
- Require a civil fine for a camera-based violation to be distributed to the school district that operates the school bus. (HBs 4928 and 4929)
- Allow a school district to enter into an agreement with law enforcement agencies to establish responsibility and reimbursement for costs related to camera-based violations, and authorize the school district to enter into a contract with a private vendor to perform the school district's obligations under such an agreement. (HB 4930)
- Authorize a county treasurer to enter into a contract with a private vendor to process civil fines for camera-based violations. (HB 4928)
- 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 4930)
- Newly require a vehicle to stop for a stopped school bus, despite a physical barrier between the vehicle and bus, if there is a crosswalk or pedestrian walkway. (HB 4928)

House Bill 4928 would amend the Michigan Vehicle Code. Section 682 of the code now 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 for which the operator must be ordered to pay a civil fine of at least \$100 but not more than \$500 under section 907 of the code. (Section 682 establishes a rebuttable presumption that the registered owner of the vehicle was the operator of the vehicle at the time of the violation.) If a school bus is equipped with a stop-arm camera system, the investigating law enforcement agency can request a video or photograph recorded by the system, which can be used as evidence in a proceeding for a violation.

The bill would increase the civil fine to at least \$250 but not more than \$500. These amounts would also apply to *camera-based violations*.

Camera-based violation would mean a violation based solely on a photograph captured or a video recorded by a stop-arm camera system.

Camera-based violation proceedings

For camera-based violations, the bill would allow a law enforcement agency to review information from a stop-arm camera system within 30 days of receiving it to determine whether there is sufficient evidence of a violation. If the agency determines that there is sufficient evidence, the agency could initiate an action by mailing, by first-class mail, a citation including all of the following to the operator of the vehicle involved in the violation:

- A copy of the captured photograph or selected images from a recorded video showing the vehicle involved in the violation.
- If the violation is based on a recorded video, a method to review the recorded video on a website.
- The date, time, and location of the alleged violation.
- A statement of the facts inferred from the captured photograph or recorded video.

Fines for a camera-based violation would be paid to the county treasurer or their designee, who would have to distribute them to the school district that operates the school bus on at least a monthly basis. County treasurers could contract with private vendors to process civil fines for camera-based violations, including a private vendor contracted by a school district to operate a stop-arm camera system under House Bill 4930.

The bill would make complementary changes to other sections of the Vehicle Code.

Stopping for a school bus across a physical division

Currently, the act does not require a vehicle operator to stop upon meeting a school bus that has stopped across an intervening space, physical barrier, or dividing section that is constructed to impede vehicular traffic.

The bill would instead provide that an operator is not required to stop upon meeting a bus that has stopped across a raised intervening space, physical barrier, or dividing section *unless* a crosswalk or pedestrian walkway is present.

MCL 257.682 et seq.

House Bill 4929 would amend the Revised Judicature Act, which provides for the distribution of fines and costs that are assessed by a district court and imposed for a violation of a state or local criminal law or that are 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 camera-based violation of section 682 of the Michigan Vehicle Code (described above), or a substantially corresponding local ordinance, would be paid to the county treasurer or their designee and be distributed to a school district as proposed by HB 4928.

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, a civil fine ordered for

a camera-based violation of that ordinance must be paid to the county treasurer or their designee and be distributed to a school district as proposed by HB 4928.

MCL 600.8379 and 600.8396

House Bill 4930 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 photograph captured or video recorded 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 (which contains several other definitions that apply to the act).

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 do any of the following:

- Equip a school bus with a stop-arm camera system.
- Enter into an agreement with one or more *law enforcement agencies* to establish enforcement responsibilities for and reimbursement of any costs related to camera-based violations under House Bill 4928.
- Enter into a contract with a private vendor to do one or more of the following:
 - Install, operate, and provide support to a stop-arm camera system on a school bus.
 - Perform a school district's obligations under an agreement with a law enforcement agency as described above.

School district would mean a general powers school district organized under the Revised School Code, a community district, or a school district of the first class.

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.

If required by a contract entered into with a law enforcement agency, private vendors operating a stop-arm camera system would have to provide all of the following information to a law enforcement agency authorized to enforce the Michigan Vehicle Code requirement to stop for

a school bus that is stopped and flashing its red lights (as amended by HB 4928), if the camera system captures a photograph or records video showing an alleged violation of that statute:

- A copy of the photograph captured or video recorded showing the motor vehicle.
- The registration plate number and state of issuance of the registration plate.
- The date, time, and place of the alleged violation.

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

BRIEF DISCUSSION:

According to committee testimony, the current laws that allow schools to purchase and install stop-arm camera systems favor more affluent areas that can afford to allocate funds for the technology. Supporters argue that the bills would open the option to other areas by providing the opportunity to enter into contracts with private vendors to operate the systems and redirecting civil fines to cover the costs.

Opponents of the legislation argue that they are redundant, as school districts are already able to enter into contracts with private vendors for the camera systems. In addition, they argue that other legislation that has already been enacted, including funding in the school aid budget and allowing the use of sinking fund millages on school buses,¹ will enable more school districts to install the camera systems.

In addition, the bills 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. Some feel that the allocation of civil fine revenue to libraries should be protected.

FISCAL IMPACT:

The bills would likely cause increased administrative costs for law enforcement agencies, though the magnitude of the increase is currently indeterminate.

The bills could generate additional revenue for local school districts that operate a stop-arm camera system on school buses. The bills require revenue from civil fines collected from camera-based violations for passing or failing to stop for a stopped school bus to be directed to the school district that operates the school bus. The bills require fines to be between \$250 and \$500 per infraction.

¹ <http://legislature.mi.gov/doc.aspx?2023-SB-0063>

The bills would reduce revenue for public and county law libraries, as revenue from civil fines would be directed to school districts instead of to libraries.

POSITIONS:

A representative of Bus Patrol testified in support of the bills. (9-19-23)

A representative of the Michigan Association of Pupil Transportation testified in opposition to the bills. (9-19-23)

The following entities indicated opposition to the bills (9-19-23):

- Michigan Library Association
- Michigan District Judges Association
- Oakland Schools

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