

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4928

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 682, 741, 742, and 909 (MCL 257.682, 257.741,
257.742, and 257.909), section 682 as amended by 2021 PA 50,
section 741 as amended by 2006 PA 298, section 742 as amended by
2008 PA 171, and section 909 as amended by 2000 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 682. (1) The operator of a vehicle overtaking or meeting
2 a school bus that has stopped and is displaying 2 alternately
3 flashing red lights located at the same level shall bring the
4 vehicle to a full stop not less than 20 feet from the school bus
5 and shall not proceed until the school bus resumes motion or the
6 visual signals are no longer actuated. The operator of a vehicle

1 ~~who~~**that** fails to stop for a school bus as required by this
2 subsection, ~~who~~**that** passes a school bus in violation of this
3 subsection, or ~~who~~**that** fails to stop for a school bus in violation
4 of an ordinance that is substantially similar to this subsection,
5 is responsible for a civil infraction **and must be ordered to pay a**
6 **civil fine of not less than \$100.00 and not more than \$500.00. A**
7 **citation issued under this subsection is not a citation for a**
8 **camera-based violation under subsection (4), and a civil fine for a**
9 **violation of this subsection must be applied as provided in section**
10 **909(1).**

11 (2) ~~The~~**Except where a crosswalk or pedestrian walkway is**
12 **present, the** operator of a vehicle on a highway that has been
13 divided into 2 roadways by leaving ~~an~~**a raised** intervening space,
14 or by a physical barrier, or clearly indicated dividing sections so
15 constructed as to impede vehicular traffic, is not required to stop
16 upon meeting a school bus that has stopped across the ~~dividing~~
17 **raised intervening** space, **physical** barrier, or **dividing** section.

18 (3) In a proceeding for a violation of subsection (1), proof
19 that the particular vehicle described in the citation was in
20 violation of subsection (1), together with proof that the defendant
21 named in the citation was, at the time of the violation, the
22 registered owner of the vehicle, constitutes a rebuttable
23 presumption that the registered owner of the vehicle was the driver
24 of the vehicle at the time of the violation.

25 (4) ~~A~~**Notwithstanding any provision of law to the contrary, if**
26 **the operator of a vehicle fails to stop for a school bus may be**
27 ~~equipped with a stop-arm camera system in accordance with as~~
28 **required under subsection (1), or passes a school bus in violation**
29 **of subsection (1), or fails to stop for a school bus in violation**

1 of an ordinance that is substantially similar to subsection (1),
2 and the school bus is equipped with a stop-arm camera system under
3 section 20 of the pupil transportation act, 1990 PA 187, MCL
4 257.1820, the photograph captured or video recorded by the stop-arm
5 camera system may be used as evidence in a proceeding for a camera-
6 based violation. A school district that uses a stop-arm camera
7 system shall provide a ~~video~~ **photograph captured** or ~~photograph~~
8 **video** recorded by a stop-arm camera system for use as evidence in a
9 proceeding for a **camera-based** violation ~~of subsection (1)~~ if
10 requested by an investigating law enforcement agency. A photograph
11 or video recorded by a stop-arm camera system is admissible as
12 evidence in a proceeding for a **camera-based** violation ~~of subsection~~
13 ~~(1)~~ to the extent permitted by the rules of evidence of this state.
14 However, a photograph **captured** or video recorded by a stop-arm
15 camera system, is not required for the prosecution of a violation
16 of subsection (1).

17 (5) For a camera-based violation, the operator of a vehicle is
18 responsible for a civil infraction and must be ordered to pay a
19 civil fine of not less than \$100.00 and not more than \$500.00.

20 (6) For a camera-based violation, by not later than 30 days
21 after receiving stop-arm camera system information as described in
22 section 20 of the pupil transportation act, 1990 PA 187, MCL
23 257.1820, a law enforcement agency may review that information to
24 determine if there is sufficient evidence that a violation of
25 subsection (1) occurred and, if there is sufficient evidence that a
26 violation occurred, may issue a citation.

27 (7) For a camera-based violation, if a law enforcement agency
28 determines that it has sufficient evidence that a violation of
29 subsection (1) has occurred, the law enforcement agency may

1 initiate an action by mailing via first-class mail a citation to
 2 the operator of the vehicle involved in the violation. The mailing
 3 must include all of the following information:

4 (a) A copy of the captured photograph or selected images from
 5 a recorded video showing the vehicle involved in the violation.

6 (b) If the violation is based on a recorded video, a method to
 7 review the recorded video on a website.

8 (c) The date, time, and location of the alleged violation.

9 (d) A statement of the facts inferred from the captured
 10 photograph or recorded video.

11 (8) Notwithstanding any provision of law to the contrary, a
 12 civil fine for a camera-based violation must be paid to the county
 13 treasurer or the county treasurer's designee, who shall distribute
 14 the paid civil fines not less than monthly to the school district
 15 that operates the school bus. A school district that receives money
 16 under this subsection must use that money for school transportation
 17 safety-related purposes.

18 (9) ~~(5)~~—As used in this section:

19 (a) "Camera-based violation" means a violation of subsection
 20 (1) based solely on a photograph captured or a video recorded by a
 21 stop-arm camera system.

22 (b) ~~(a)~~—"Law enforcement agency" means any of the following:

23 (i) The department of state police.

24 (ii) The county sheriff's office.

25 (iii) The police department of a local unit of government.

26 (iv) Any other governmental law enforcement agency in this
 27 state.

28 (c) ~~(b)~~—"Local unit of government" means a state university or
 29 college or a county, city, village, or township.

1 (d) ~~(c)~~ "School" **"School district"** means that term as defined
2 by ~~in~~ section 5 of the pupil transportation act, 1990 PA 187, MCL
3 257.1805-6 of the revised school code, 1976 PA 451, MCL 380.6, and
4 a public school academy as that term is defined in section 5 of the
5 revised school code, 1976 PA 451, MCL 380.5.

6 (e) ~~(d)~~ "Stop-arm camera system" means that term as defined by
7 in section 20-5 of the pupil transportation act, 1990 PA 187, MCL
8 257.1820-257.1805.

9 Sec. 741. (1) A civil infraction action is a civil action in
10 which the defendant is alleged to be responsible for a civil
11 infraction. A civil infraction action is commenced upon the
12 issuance and service of a citation as provided in section 742. The
13 plaintiff in a civil infraction action ~~shall~~ **must** be either the
14 **this** state if the alleged civil infraction is a violation of this
15 act, or a political subdivision if the alleged civil infraction is
16 a violation of a local ordinance of that subdivision ~~which~~ **that**
17 substantially corresponds to a provision of this act.

18 (2) The following courts ~~shall~~ have jurisdiction over civil
19 infraction actions:

20 (a) The district court.

21 (b) Any municipal court.

22 (3) The time specified in a citation for appearance ~~shall~~ **must**
23 be within a reasonable time after the citation is issued pursuant
24 to section **682 or** 742.

25 (4) The place specified in the citation for appearance ~~shall~~
26 **must** be the court listed in subsection (2) ~~which~~ **that** has
27 territorial jurisdiction of the place where the civil infraction
28 occurred. Venue in the district court ~~shall be~~ **is** governed by
29 section 8312 of the revised judicature act of 1961, 1961 PA 236,

1 MCL 600.8312.

2 (5) If the ~~person~~**individual** cited is a minor, that individual
3 ~~shall be permitted to~~**may** appear in court or ~~to~~ admit
4 responsibility for a civil infraction without the necessity of
5 appointment of a guardian or next friend. The courts listed in
6 subsection (2) ~~shall~~ have jurisdiction over the minor and may
7 proceed in the same manner and in all respects as if that
8 individual were an adult.

9 Sec. 742. (1) ~~A~~**If a** police officer ~~who witnesses a person~~**an**
10 **individual** violating this act or a local ordinance substantially
11 corresponding to this act, ~~which~~**and that** violation is a civil
12 infraction, **that police officer** may stop the ~~person~~**individual**,
13 detain the ~~person~~**individual** temporarily for purposes of making a
14 record of vehicle check, and prepare and subscribe, as soon as
15 possible and as completely as possible, an original and 3 copies of
16 a written citation, which ~~shall~~**must** be a notice to appear in court
17 for 1 or more civil infractions. If a police officer of a village,
18 city, township, or county, or a police officer who is an authorized
19 agent of a county road commission, witnesses ~~a person~~**an individual**
20 violating this act or a local ordinance substantially corresponding
21 to this act within that village, city, township, or county and that
22 violation is a civil infraction, that police officer may pursue,
23 stop, and detain the ~~person~~**individual** outside the village, city,
24 township, or county where the violation occurred for the purpose of
25 exercising the authority and performing the duties prescribed in
26 this section and section 749, as applicable.

27 (2) ~~Any~~**If a** police officer, ~~having~~**has** reason to believe
28 that the load, weight, height, length, or width of a vehicle or
29 load are in violation of section 717, 719, 719a, 722, 724, 725, or

1 726 ~~which~~ **and that** violation is a civil infraction, **that police**
2 **officer** may require the driver of the vehicle to stop, and the
3 **police** officer may investigate, weigh, or measure the vehicle or
4 load. If, after personally investigating, weighing, or measuring
5 the vehicle or load, the **police** officer determines that the load,
6 weight, height, length, or width of the vehicle or load are in
7 violation of section 717, 719, 719a, 722, 724, 725, or 726, the
8 **police** officer may temporarily detain the driver of the vehicle for
9 purposes of making a record or vehicle check and issue a citation
10 to the driver or owner of the vehicle as provided in those
11 sections.

12 (3) A police officer may issue a citation to ~~a person~~ **an**
13 **individual** who is a driver of a motor vehicle involved in an
14 accident when, based upon personal investigation, the officer has
15 reasonable cause to believe that the ~~person~~ **individual** is
16 responsible for a civil infraction in connection with the accident.
17 A police officer may issue a citation to ~~a person~~ **an individual** who
18 is a driver of a motor vehicle when, based upon personal
19 investigation by the police officer of a complaint by someone who
20 witnessed the ~~person~~ **individual** violating this act or a local
21 ordinance substantially corresponding to this act, ~~which~~ **and that**
22 violation is a civil infraction, the officer has reasonable cause
23 to believe that the ~~person~~ **individual** is responsible for a civil
24 infraction and if the prosecuting attorney or attorney for the
25 political subdivision approves in writing the issuance of the
26 citation.

27 (4) The form of a citation issued under subsection (1), (2),
28 ~~or~~ (3), **or (9)** shall be as prescribed in sections 727c and 743.

29 (5) The officer shall inform the ~~person~~ **individual** of the

1 alleged civil infraction or infractions and shall deliver the third
2 copy of the citation to the alleged offender.

3 (6) In a civil infraction action involving the parking or
4 standing of a motor vehicle, a copy of the citation is not required
5 to be served personally upon the defendant but may be served upon
6 the registered owner by attaching the copy to the vehicle. A city
7 may authorize personnel other than a police officer to issue and
8 serve a citation for a violation of its ordinance involving the
9 parking or standing of a motor vehicle. A city may authorize a
10 person other than personnel or a police officer to issue and serve
11 a citation for parking violations described in section 675d if the
12 city has complied with the requirements of section 675d. State
13 security personnel receiving authorization under section 6c of 1935
14 PA 59, MCL 28.6c, may issue and serve citations for violations
15 involving the parking or standing of vehicles on land owned by ~~the~~
16 **this** state or land of which ~~the~~**this** state is the lessee when
17 authorized to do so by the director of the department of state
18 police.

19 (7) If a parking violation notice other than a citation is
20 attached to a motor vehicle, and if an admission of responsibility
21 is not made and the civil fine and costs, if any, prescribed by
22 ordinance for the violation are not paid at the parking violations
23 bureau, a citation may be filed with the court described in section
24 741(4) and a copy of the citation may be served by first-class mail
25 upon the registered owner of the vehicle at the owner's last known
26 address. A parking violation notice may be issued by a police
27 officer, including a limited duty officer, or other personnel duly
28 authorized by the city, village, township, college, or university
29 to issue ~~such a~~**that parking violation** notice under its ordinance.

1 The citation filed with the court pursuant to this subsection need
2 not comply in all particulars with sections 727c and 743 but ~~shall~~
3 **must** consist of a sworn complaint containing the allegations stated
4 in the parking violation notice and ~~shall-must~~ fairly inform the
5 defendant how to respond to the citation.

6 (8) A citation issued under subsection (6) or (7) for a
7 parking or standing violation ~~shall-must~~ be processed in the same
8 manner as a citation issued personally to a defendant under
9 subsection (1) or (3).

10 (9) **A citation may be issued by mail to the registered owner**
11 **of a vehicle as provided in section 682 for a camera-based**
12 **violation as defined in section 682.**

13 (10) ~~(9)~~ As used in subsection (7):

14 (a) "Parking violation notice" means a notice, other than a
15 citation, directing a person to appear at a parking violations
16 bureau in the city, village, or township in which, or of the
17 college or university for which, the notice is issued and to pay
18 the fine and costs, if any, prescribed by ordinance for the parking
19 or standing of a motor vehicle in violation of the ordinance.

20 (b) "Parking violations bureau" means a parking violations
21 bureau established pursuant to section 8395 of the revised
22 judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable
23 parking violations bureau established in a city or village served
24 by a municipal court or established pursuant to law by the
25 governing board of a state university or college.

26 Sec. 909. (1) Except as provided in ~~subsection~~ **subsections** (2)
27 **and (3)**, a civil fine ~~which-that~~ is ordered under section 907 for a
28 violation of this act or other state statute ~~shall-must~~ be
29 exclusively applied to the support of public libraries and county

1 law libraries in the same manner as is provided by law for penal
2 fines assessed and collected for violation of a penal law of ~~the~~
3 ~~state. A~~ **this state. Except as provided in subsection (4), a** civil
4 fine ordered for a violation of a code or ordinance of a local
5 authority regulating the operation of commercial motor vehicles and
6 substantially corresponding to a provision of this act ~~shall~~ **must**
7 be paid to the county treasurer and ~~shall~~ **must** be allocated as
8 follows:

9 (a) Seventy percent to the local authority in which the
10 citation is issued.

11 (b) Thirty percent for library purposes as provided by law.

12 (2) Subsection (1) is intended to maintain a source of revenue
13 for public libraries ~~which~~ **that** previously received penal fines for
14 misdemeanor violations of this act ~~which~~ **that** are now civil
15 infractions.

16 (3) **A civil fine ordered for a violation of section 682 that**
17 **is a camera-based violation as defined in section 682 must be paid**
18 **to the county treasurer or the county treasurer's designee and be**
19 **distributed by the county treasurer or the county treasurer's**
20 **designee to the school district that operates the school bus and be**
21 **used for school transportation safety-related purposes as provided**
22 **in section 682.**

23 (4) **A civil fine ordered for a violation of a code or**
24 **ordinance of a local authority that substantially corresponds to**
25 **section 682 that is a camera-based violation as defined in section**
26 **682 must be paid to the county treasurer or the county treasurer's**
27 **designee and be distributed by the county treasurer or the county**
28 **treasurer's designee to the school district that operates the**
29 **school bus and be used for school transportation safety-related**

1 purposes as provided in section 682.

2 (5) A county treasurer may enter into a contract with and
3 designate a private vendor to process a civil fine described in
4 subsection (3) or (4). A private vendor described in this
5 subsection may be a private vendor contracted by a school district
6 to install, operate, and provide support to a stop-arm camera
7 system on a school bus under section 20 of the pupil transportation
8 act, 1990 PA 187, MCL 257.1820.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 102nd Legislature are
11 enacted into law:

12 (a) House Bill No. 4929.

13 (b) House Bill No. 4930.