

Legislative Analysis



FAILING TO STOP FOR STOPPED SCHOOL BUS

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

House Bill 4928 as introduced
Sponsor: Rep. Nate Shannon

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

House Bills 4929 and 4930 as introduced
Sponsor: Rep. Tyrone Carter

Committee: Regulatory Reform
Complete to 9-19-23

SUMMARY:

House Bill 4928 would amend the Motor 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.)

The bill instead would provide that, in the case of a **camera-based violation**, the *registered owner* of a vehicle that fails to stop as described above 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 registered owner was the operator, although under the bill it would appear to apply only to violations that are not camera-based violations.) In addition, under the bill, the owner (or operator for violations other than a camera-based violation) would have to be ordered to pay a civil fine of at least \$250 but not more than \$500.

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

For a violation of the section, or an ordinance substantially similar to the section, a photograph captured or video recorded by a stop-arm camera system would be prima facie evidence in a proceeding for the violation described above. A certificate (or facsimile of a certificate) based on an inspection of a photograph captured or video recorded by a stop-arm camera system and sworn to or affirmed by a law enforcement officer of a law enforcement agency would also be prima facie evidence. While these pieces of evidence would not be required for a prosecution, a school district would have to provide a photograph or video from a stop-arm camera system upon request by an investigating law enforcement agency.

Camera-based violation proceedings

For camera-based violations only, a law enforcement agency would have to review information from a stop-arm camera system within 30 days of receiving it to determine if there is sufficient evidence of a violation, and electronically certify a citation if sufficient evidence is found. If it is determined that a violation occurred, the agency (or its agent) would have to send a citation

and notice of violation by first-class mail to the registered owner of the motor vehicle involved in the citation. The notice would have to include all of the following:

- A copy of the captured photograph or selected images from a recorded video showing the motor 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.
- The amount of the civil fine and the date by which it must be paid.
- A copy of a certificate described above, if applicable, and a statement of the facts inferred from the captured photograph or recorded video.
- Instructions for how to pay the civil fine or otherwise respond to the citation.
- A warning that a failure to pay the civil fine or otherwise respond to the citation within 30 days after it is mailed is an admission of responsibility for the civil infraction.

The registered owner of the vehicle could admit responsibility for the civil infraction and pay the civil fine as indicated on the citation and notice of violation or otherwise respond as provided in section 743 of the code. Payment of the civil fine would be a final disposition of the civil infraction. In addition, the bill would provide that, unlike other violations of the code, the failure of the citation would not require the owner to appear for a hearing or other appearance.

If the registered owner does not pay the fine or otherwise respond within 30 days of the mailing of the citation and notice, the law enforcement agency or agent would have to send a final notice of the unpaid civil fine that informs the owner that the agency or agent will send an electronic referral to the secretary of state (SOS), in a form prescribed by the SOS, if the civil fine is not paid within 30 days after the final notice was mailed and that the referral will result in the SOS's refusing to renew the registration of the motor vehicle and prohibiting the title transfer of the motor vehicle in Michigan.

Within five days of receiving a referral, the SOS would have to enter the referral into its motor vehicle database and refuse to renew the registration of the motor vehicle and prohibit the title transfer of the motor vehicle in Michigan until it has received notification from a law enforcement agency or agent the civil fine has been paid. The notification from the agency or agent would be in an electronic format and method prescribed by the SOS.

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

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

MCL 257.682 et seq.

House Bill 4929 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 camera-based 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, 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 would 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.

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 a *law enforcement agency* to report, directly or through a private vendor, a violation of the Michigan Vehicle Code requirement to stop for a school bus that 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.
- 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 (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.

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

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.

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.

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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.