

**SUBSTITUTE FOR
HOUSE BILL NO. 4928**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 682, 741, 742, 907, and 909 (MCL 257.682,
257.741, 257.742, 257.907, 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, section 907 as amended by 2023 PA 40, 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

1 visual signals are no longer actuated. The operator of a vehicle
2 ~~who~~**that** fails to stop for a school bus as required by this
3 subsection, ~~who~~**that** passes a school bus in violation of this
4 subsection, or ~~who~~**that** fails to stop for a school bus in violation
5 of an ordinance that is substantially similar to this subsection,
6 is responsible for a civil infraction **and must be ordered to pay a**
7 **civil fine of not less than \$250.00 and not more than \$500.00.**

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

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

22 (4) ~~A~~**Notwithstanding any provision of law to the contrary, if**
23 **the operator of a vehicle fails to stop for a school bus** ~~may be~~
24 ~~equipped with a stop arm camera system in accordance with~~**as**
25 **required under subsection (1), or passes a school bus in violation**
26 **of subsection (1), or fails to stop for a school bus in violation**
27 **of an ordinance that is substantially similar to subsection (1),**
28 **and the school bus is equipped with a stop-arm camera system under**
29 section 20 of the pupil transportation act, 1990 PA 187, MCL

1 257.1820, the photograph captured or video recorded by the stop-arm
2 camera system may be used as evidence in a proceeding for a camera-
3 based violation. A school district that uses a stop-arm camera
4 system shall provide a ~~video~~ **photograph captured** or ~~photograph~~
5 **video** recorded by a stop-arm camera system for use as evidence in a
6 proceeding for a **camera-based** violation ~~of subsection (1)~~ if
7 requested by an investigating law enforcement agency. A photograph
8 or video recorded by a stop-arm camera system is admissible as
9 evidence in a proceeding for a **camera-based** violation ~~of subsection~~
10 ~~(1)~~ to the extent permitted by the rules of evidence of this state.
11 However, a photograph **captured** or video recorded by a stop-arm
12 camera system, is not required for the prosecution of a violation
13 of subsection (1).

14 (5) For a camera-based violation, the operator of a vehicle is
15 responsible for a civil infraction and must be ordered to pay a
16 civil fine of not less than \$250.00 and not more than \$500.00.

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

24 (7) For a camera-based violation, if a law enforcement agency
25 determines that it has sufficient evidence that a violation of
26 subsection (1) has occurred, the law enforcement agency may
27 initiate an action by mailing via first-class mail a citation to
28 the operator of the vehicle involved in the violation. The mailing
29 must include all of the following information:

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

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

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

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

8 (8) Notwithstanding any provision of law to the contrary, a
9 civil fine for a camera-based violation must be paid to the county
10 treasurer or the county treasurer's designee, who shall distribute
11 the paid civil fines not less than monthly to the school district
12 that operates the school bus.

13 (9) ~~(5)~~—As used in this section:

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

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

18 (i) The department of state police.

19 (ii) The county sheriff's office.

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

21 (iv) Any other governmental law enforcement agency in this
22 state.

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

25 (d) ~~(c)~~—"School"—"School district" means that term as defined
26 by ~~in section 5 of the pupil transportation act, 1990 PA 187, MCL~~
27 ~~257.1805-6 of the revised school code, 1976 PA 451, MCL 380.6, and~~
28 a public school academy as that term is defined in section 5 of the
29 revised school code, 1976 PA 451, MCL 380.5.

1 (e) ~~(d)~~ "Stop-arm camera system" means that term as defined by
 2 in section ~~20-5~~ of the pupil transportation act, 1990 PA 187, MCL
 3 ~~257.1820-257.1805~~.

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

13 (2) The following courts ~~shall~~ have jurisdiction over civil
 14 infraction actions:

15 (a) The district court.

16 (b) Any municipal court.

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

20 (4) The place specified in the citation for appearance ~~shall~~
 21 **must** be the court listed in subsection (2) ~~which~~**that** has
 22 territorial jurisdiction of the place where the civil infraction
 23 occurred. Venue in the district court ~~shall be~~**is** governed by
 24 section 8312 of the revised judicature act of 1961, 1961 PA 236,
 25 MCL 600.8312.

26 (5) If the ~~person~~**individual** cited is a minor, that individual
 27 ~~shall be permitted to~~**may** appear in court or ~~to~~ admit
 28 responsibility for a civil infraction without the necessity of
 29 appointment of a guardian or next friend. The courts listed in

1 subsection (2) ~~shall~~ have jurisdiction over the minor and may
2 proceed in the same manner and in all respects as if that
3 individual were an adult.

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

22 (2) ~~Any If a~~ police officer, ~~having has~~ reason to believe
23 that the load, weight, height, length, or width of a vehicle or
24 load are in violation of section 717, 719, 719a, 722, 724, 725, or
25 726 ~~which and that~~ violation is a civil infraction, **that police**
26 **officer** may require the driver of the vehicle to stop, and the
27 **police** officer may investigate, weigh, or measure the vehicle or
28 load. If, after personally investigating, weighing, or measuring
29 the vehicle or load, the **police** officer determines that the load,

1 weight, height, length, or width of the vehicle or load are in
2 violation of section 717, 719, 719a, 722, 724, 725, or 726, the
3 **police** officer may temporarily detain the driver of the vehicle for
4 purposes of making a record or vehicle check and issue a citation
5 to the driver or owner of the vehicle as provided in those
6 sections.

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

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

24 (5) The officer shall inform the ~~person~~**individual** of the
25 alleged civil infraction or infractions and shall deliver the third
26 copy of the citation to the alleged offender.

27 (6) In a civil infraction action involving the parking or
28 standing of a motor vehicle, a copy of the citation is not required
29 to be served personally upon the defendant but may be served upon

1 the registered owner by attaching the copy to the vehicle. A city
2 may authorize personnel other than a police officer to issue and
3 serve a citation for a violation of its ordinance involving the
4 parking or standing of a motor vehicle. A city may authorize a
5 person other than personnel or a police officer to issue and serve
6 a citation for parking violations described in section 675d if the
7 city has complied with the requirements of section 675d. State
8 security personnel receiving authorization under section 6c of 1935
9 PA 59, MCL 28.6c, may issue and serve citations for violations
10 involving the parking or standing of vehicles on land owned by ~~the~~
11 **this** state or land of which ~~the~~**this** state is the lessee when
12 authorized to do so by the director of the department of state
13 police.

14 (7) If a parking violation notice other than a citation is
15 attached to a motor vehicle, and if an admission of responsibility
16 is not made and the civil fine and costs, if any, prescribed by
17 ordinance for the violation are not paid at the parking violations
18 bureau, a citation may be filed with the court described in section
19 741(4) and a copy of the citation may be served by first-class mail
20 upon the registered owner of the vehicle at the owner's last known
21 address. A parking violation notice may be issued by a police
22 officer, including a limited duty officer, or other personnel duly
23 authorized by the city, village, township, college, or university
24 to issue ~~such a~~**that parking violation** notice under its ordinance.
25 The citation filed with the court pursuant to this subsection need
26 not comply in all particulars with sections 727c and 743 but ~~shall~~
27 **must** consist of a sworn complaint containing the allegations stated
28 in the parking violation notice and ~~shall~~**must** fairly inform the
29 defendant how to respond to the citation.

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

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

8 **(10)** ~~(9)~~—As used in subsection (7):

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

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

21 Sec. 907. (1) A violation of this act, or a local ordinance
22 that substantially corresponds to a provision of this act, that is
23 designated a civil infraction must not be considered a lesser
24 included offense of a criminal offense.

25 (2) Permission may be granted for payment of a civil fine and
26 costs to be made within a specified period of time or in specified
27 installments but, unless permission is included in the order or
28 judgment, the civil fine and costs must be payable immediately.
29 Except as otherwise provided, a person found responsible or

1 responsible "with explanation" for a civil infraction must pay
2 costs as provided in subsection (4) and 1 or more of the following
3 civil fines, as applicable:

4 (a) Except as otherwise provided, for a civil infraction under
5 this act or a local ordinance that substantially corresponds to a
6 provision of this act, the person shall be ordered to pay a civil
7 fine of not more than \$100.00.

8 (b) If the civil infraction was a moving violation that
9 resulted in an at-fault collision with another vehicle, an
10 individual, or any other object, the civil fine ordered under this
11 section is increased by \$25.00 but the total civil fine must not be
12 more than \$100.00.

13 (c) For a violation of section 240, the civil fine ordered
14 under this subsection is \$15.00.

15 (d) For a violation of section 312a(4) (a), the civil fine
16 ordered under this section must not be more than \$250.00.

17 (e) For a first violation of section 319f(1), the civil fine
18 ordered under this section must not be less than \$2,500.00 or more
19 than \$2,750.00; for a second or subsequent violation, the civil
20 fine must not be less than \$5,000.00 or more than \$5,500.00.

21 (f) For a violation of section 319g(1) (a), the civil fine
22 ordered under this section must not be more than \$10,000.00.

23 (g) For a violation of section 319g(1) (g), the civil fine
24 ordered under this section must not be less than \$2,750.00 or more
25 than \$25,000.00.

26 (h) For a violation of section 602b, the civil fine ordered
27 under this section must be as follows:

28 (i) For a violation of section 602b(1), either of the
29 following:

1 (A) If the violation does not involve an accident, \$100.00 for
2 a first offense and \$250.00 for a second or subsequent offense.

3 (B) If the violation involves an accident, \$200.00 for a first
4 offense and \$500.00 for a second or subsequent offense.

5 (ii) For a violation of section 602b(2), either of the
6 following:

7 (A) If the violation does not involve an accident, \$200.00 for
8 a first offense and \$500.00 for a second or subsequent offense.

9 (B) If the violation involves an accident, \$400.00 for a first
10 offense and \$1,000.00 for a second or subsequent offense.

11 (i) For a violation of section 674(1)(s) or a local ordinance
12 that substantially corresponds to section 674(1)(s), the civil fine
13 ordered under this section must not be less than \$100.00 or more
14 than \$250.00.

15 (j) For a violation of section 676a(3), the civil fine ordered
16 under this section must not be more than \$10.00.

17 (k) For a violation of section 676c, the civil fine ordered
18 under this section is \$1,000.00.

19 (l) For a violation of section 682 or a local ordinance that
20 substantially corresponds to section 682, the civil fine ordered
21 under this section must not be less than ~~\$100.00~~ **\$250.00** or more
22 than \$500.00.

23 (m) For a violation of section 710d, the civil fine ordered
24 under this section must not be more than \$10.00, subject to
25 subsection (11).

26 (n) For a violation of section 710e, the civil fine and court
27 costs ordered under this subsection must be \$25.00.

28 (3) Except as provided in this section, if an individual is
29 determined to be responsible or responsible "with explanation" for

1 a civil infraction under this act or a local ordinance that
2 substantially corresponds to a provision of this act while driving
3 a commercial motor vehicle, the individual must be ordered to pay
4 costs as provided in subsection (4) and a civil fine of not more
5 than \$250.00.

6 (4) If a civil fine is ordered under subsection (2) or (3),
7 the judge or district court magistrate shall summarily tax and
8 determine the costs of the action, which are not limited to the
9 costs taxable in ordinary civil actions, and may include all
10 expenses, direct and indirect, to which the plaintiff has been put
11 in connection with the civil infraction, up to the entry of
12 judgment. Costs must not be ordered in excess of \$100.00. A civil
13 fine ordered under subsection (2) or (3) must not be waived unless
14 costs ordered under this subsection are waived. Except as otherwise
15 provided by law, costs are payable to the general fund of the
16 plaintiff.

17 (5) In addition to a civil fine and costs ordered under
18 subsection (2) or (3) and subsection (4) and the justice system
19 assessment ordered under subsection (12), the judge or district
20 court magistrate may order the individual to attend and complete a
21 program of treatment, education, or rehabilitation.

22 (6) A district court magistrate shall impose the sanctions
23 permitted under subsections (2), (3), and (5) only to the extent
24 expressly authorized by the chief judge or only judge of the
25 district court district.

26 (7) Each district of the district court and each municipal
27 court may establish a schedule of civil fines, costs, and
28 assessments to be imposed for civil infractions that occur within
29 the respective district or city. If a schedule is established, it

1 must be prominently posted and readily available for public
2 inspection. A schedule need not include all violations that are
3 designated by law or ordinance as civil infractions. A schedule may
4 exclude cases on the basis of a defendant's prior record of civil
5 infractions or traffic offenses, or a combination of civil
6 infractions and traffic offenses.

7 (8) The state court administrator shall annually publish and
8 distribute to each district and court a recommended range of civil
9 fines and costs for first-time civil infractions. This
10 recommendation is not binding on the courts having jurisdiction
11 over civil infractions but is intended to act as a normative guide
12 for judges and district court magistrates and a basis for public
13 evaluation of disparities in the imposition of civil fines and
14 costs throughout this state.

15 (9) If a person has received a civil infraction citation for
16 defective safety equipment on a vehicle under section 683, the
17 court shall waive a civil fine, costs, and assessments on receipt
18 of certification by a law enforcement agency that repair of the
19 defective equipment was made before the appearance date on the
20 citation.

21 (10) A default in the payment of a civil fine or costs ordered
22 under subsection (2), (3), or (4) or a justice system assessment
23 ordered under subsection (12), or an installment of the fine,
24 costs, or assessment, may be collected by a means authorized for
25 the enforcement of a judgment under chapter 40 of the revised
26 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
27 under chapter 60 of the revised judicature act of 1961, 1961 PA
28 236, MCL 600.6001 to 600.6098.

29 (11) The court may waive any civil fine, cost, or assessment

1 against an individual who received a civil infraction citation for
2 a violation of section 710d if the individual, before the
3 appearance date on the citation, supplies the court with evidence
4 of acquisition, purchase, or rental of a child seating system
5 meeting the requirements of section 710d.

6 (12) In addition to any civil fines or costs ordered to be
7 paid under this section, the judge or district court magistrate
8 shall order the defendant to pay a justice system assessment of
9 \$40.00 for each civil infraction determination, except for a
10 parking violation or a violation for which the total fine and costs
11 imposed are \$10.00 or less. On payment of the assessment, the clerk
12 of the court shall transmit the assessment collected to the state
13 treasury to be deposited into the justice system fund created in
14 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
15 600.181. An assessment levied under this subsection is not a civil
16 fine for purposes of section 909.

17 (13) If a person has received a citation for a violation of
18 section 223, the court shall waive any civil fine, costs, and
19 assessment, on receipt of certification by a law enforcement agency
20 that the person, before the appearance date on the citation,
21 produced a valid registration certificate that was valid on the
22 date the violation of section 223 occurred.

23 (14) If a person has received a citation for a violation of
24 section 328(1) for failing to produce a certificate of insurance
25 under section 328(2), the court may waive the fee described in
26 section 328(3)(c) and shall waive any fine, costs, and any other
27 fee or assessment otherwise authorized under this act on receipt of
28 verification by the court that the person, before the appearance
29 date on the citation, produced valid proof of insurance that was in

1 effect at the time the violation of section 328(1) occurred.
 2 Insurance obtained subsequent to the time of the violation does not
 3 make the person eligible for a waiver under this subsection.

4 (15) If a person is determined to be responsible or
 5 responsible "with explanation" for a civil infraction under this
 6 act or a local ordinance that substantially corresponds to a
 7 provision of this act and the civil infraction arises out of the
 8 ownership or operation of a commercial quadricycle, the person must
 9 be ordered to pay costs as provided in subsection (4) and a civil
 10 fine of not more than \$500.00.

11 (16) As used in this section, "moving violation" means an act
 12 or omission prohibited under this act or a local ordinance that
 13 substantially corresponds to this act that involves the operation
 14 of a motor vehicle and for which a fine may be assessed.

15 Sec. 909. (1) Except as provided in ~~subsection~~**subsections** (2)
 16 **and (3)**, a civil fine ~~which~~**that** is ordered under section 907 for a
 17 violation of this act or other state statute ~~shall~~**must** be
 18 exclusively applied to the support of public libraries and county
 19 law libraries in the same manner as is provided by law for penal
 20 fines assessed and collected for violation of a penal law of ~~the~~
 21 ~~state. A~~**this state. Except as provided in subsection (4)**, a civil
 22 fine ordered for a violation of a code or ordinance of a local
 23 authority regulating the operation of commercial motor vehicles and
 24 substantially corresponding to a provision of this act ~~shall~~**must**
 25 be paid to the county treasurer and ~~shall~~**must** be allocated as
 26 follows:

27 (a) Seventy percent to the local authority in which the
 28 citation is issued.

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

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

5 (3) A civil fine ordered for a violation of section 682 that
6 is a camera-based violation as defined in section 682 must be paid
7 to the county treasurer or the county treasurer's designee and be
8 distributed by the county treasurer or the county treasurer's
9 designee to the school district that operates the school bus as
10 provided in section 682.

11 (4) A civil fine ordered for a violation of a code or
12 ordinance of a local authority that substantially corresponds to
13 section 682 that is a camera-based violation as defined in section
14 682 must be paid to the county treasurer or the county treasurer's
15 designee and be distributed by the county treasurer or the county
16 treasurer's designee to the school district that operates the
17 school bus as provided in section 682.

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

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

28 (a) House Bill No. 4929.

29 (b) House Bill No. 4930.