



House
Legislative
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FINE INCREASE, FAILURE TO STOP FOR SCHOOL BUS

House Bill 5290 as introduced First Analysis (12-9-97)

Sponsor: Rep. Paul Tesanovich
Committee: Transportation

THE APPARENT PROBLEM:

Throughout the nation, drivers are required to stop for buses whose flashing red lights serve as a signal that the school bus is unloading children. Nonetheless, drivers sometimes overtake school buses, ignoring their flashing red lights, and the passengers cannot safely disembark. The National Association for Pupil Transportation Directors has noted that this unlawful behavior is the most prevalent cause of death among what are sometimes called pupil transportation children.

According to the Motor Carrier Division of the Michigan State Police, there are 21,000 school buses in Michigan and they transport 850,000 school children each day. Although the extent of the problem in Michigan is not known, traffic safety experts report an increasing incidence of violations. During the 1996-97 school year, there was one fatality and one serious injury when vehicles bypassed school buses, and according to law enforcement officers, at least one fatality each year seems to have been a persistent and unacceptable norm.

A recent study in Florida estimated that as many as 10,000 vehicles bypass school buses there during each year. In order to more accurately document the incidence of the problem, and to design better regulatory and public education responses to punish and prevent the problem, safety officers in Indiana and Illinois have undertaken ride-along programs. Such a program is about to begin in Farmington Hills.

In the Farmington Hills School District, a large suburban district in southeastern Michigan where 9,000 students ride school buses each day, bus drivers have begun tabulating the number of drivers who bypass their school buses. The Farmington Hills bus fleet has more than 100 drivers. When possible, those drivers record the license plate number of those who unlawfully pass their stopped buses, and fax that information to the Farmington Hills Police Department. The police then mail the owner of the vehicle a ticket. (The owner is presumed to be the violator.) During the 1996-97 school year, 108 tickets were issued to violators using this law enforcement approach.

During the coming school year, bus drivers and community police plan to further document the extent of the problem. To do so, the Farmington Hills Police Department has received a \$10,000 grant from the fiscal year 1997-98 federal highway safety funds, administered by the Department of State Police Office of Highway Safety Planning. The funds will allow officers to ride the 20- to 30-stop bus routes, systematically record and videotape violators, issue tickets, and also use their documentation to design a cable public service community education campaign.

Some argue that a greater deterrent is needed in order to heighten awareness of the law, to reduce the violations, and also to penalize those who would ignore the law and risk the death of school children.

THE CONTENT OF THE BILL:

House Bill 5290 would amend the Michigan Vehicle Code to require a judge, district court referee, or district court magistrate to order a higher fine and costs when a person violates the law that prohibits overtaking a school bus. Specifically, the court would be required to set a \$250 to \$500 civil fine, and assess court costs to the violator.

Currently the law specifies that violators are subject to a civil fine of not more than \$100 and costs. (In addition to this penalty, the portion of the vehicle code that describes unacceptable driving practices near school buses [MCL 257.682] also provides that the court may order the violator to perform up to 100 hours of community service work at a school.)

MCL 257.907

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that an increase in fines from the failure to stop for a school bus displaying flashing red lights would result in an increase of revenues

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to local units of government. As this proposal institutes a range from \$250 to \$500, and projections cannot be made as to the amount of the fines levied, the amount of increased revenues to local units of government cannot be estimated. (12-4-97)

ARGUMENTS:

For:

The fine assessed against drivers who overtake a school bus is too low. In fact, higher civil fines can be assessed by district judges against those who litter. Certainly overtaking a school bus that has stopped at the roadside to allow school children to debark is a more grievous offense than is littering. When a driver endangers the safety of children, his or her behavior merits a stronger penalty than the current law now allows district judges to impose.

Against:

The bill would set a mandatory minimum civil fine of \$250. Under the bill, judges or magistrates would be required to impose at least that penalty. Many in the law enforcement community claim that when mandatory minimum penalties are required by law, and when judges find either that the penalties are too severe, or that their discretionary sentencing power is infringed upon, the judge is sometimes apt to ignore the mandatory minimum fine altogether, and dismiss the charge. It is possible that the mandatory minimum fine to be imposed under this bill would have that effect. To eliminate this unintended possibility, it would be wiser to avoid setting a mandatory minimum fine, but instead to increase the maximum possible fine to \$500.

POSITIONS:

There are no positions on the bill.

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