

Legislative Analysis



TRAFFIC VIOLATIONS IN SCHOOL BUS ZONE: INCREASE PENALTIES

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House Bill 4167

Sponsor: Rep. Tom McMillin

House Bill 4168

Sponsor: Rep. Margaret O'Brien

Committee: Judiciary

Complete to 2-22-11

A SUMMARY OF HOUSE BILLS 4167 AND 4168 AS INTRODUCED 2-1-11

The bill would add moving violations that occur in a school bus zone to the list of offenses for which enhanced penalties apply.

House Bill 4168

Currently, a person responsible for a moving violation in a work zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school is subject to a fine that is double the fine for a similar moving violation occurring elsewhere. House Bill 4168 would amend the Michigan Vehicle Code (MCL 257.601b) to also apply the double fine to a moving violation occurring in a school bus zone. "School bus zone" would mean the area lying within 20 feet of a school bus that has stopped and is displaying two alternately flashing red lights at the same level, except as provided for in Section 682(2) which pertains to school buses stopped on a divided highway.

The code also makes it a criminal offense to commit a moving violation in a work zone for which not fewer than three points are assigned on a person's driving license if another person in the work zone is injured (misdemeanor) or killed (felony). The misdemeanor penalty is a fine of not more than \$1,000 and/or a maximum term of imprisonment of one year. The felony penalty is a fine of not more than \$7,500 and/or imprisonment for not more than 15 years. The criminal penalties do not apply if the injury or death is caused by the negligence of the injured or deceased person. The bill would apply these penalties to incidents that occurred in a work zone or a school bus zone.

[Offenses that result in three points being assigned include improper passing, driving over the lawful maximum speed in a work zone (45 miles per hour) by 10 miles per hour or less, exceeding the lawful maximum speed by more than 10 miles per hour but less than 15 miles per hour, or careless driving.]

House Bill 4167

The bill would amend the Code of Criminal Procedure (MCL 777.12e) to make complementary amendments to felony sentencing guidelines provisions. It is tie-barred to

House Bill 4167. Currently, the code refers to a "moving violation causing death to another person in a work zone." The bill would make the code refer instead to a "moving violation causing death to another person in a work zone or a school bus zone." (The felony is a Class C felony against a person.)

FISCAL IMPACT:

House Bill 4168 would have an indeterminate fiscal impact on state and local government. Any fiscal impact would be dependent upon the number of new violations under the bill as amended. First, the bill would include "school bus zone" in the list of zones where a person responsible for a moving violation is subject to a fine that is double the fine otherwise prescribed for that moving violation. Generally speaking, if the violation were written under statute, the fine would be distributed to libraries. However, if the violation were written under local ordinance, the fine would be distributed as follows (for non-commercial vehicles): (1) one-third to the political subdivision whose ordinance was violated and (2) two-thirds to the court funding unit. For commercial vehicles under local ordinance, the fine would be distributed as follows: (1) 30% to libraries and (2) 70% to the political subdivision whose ordinance was violated. Under the bill, costs and Justice System assessments would not be doubled.

Second, the bill would include "school bus zone" in the list of zones where a person responsible for a moving violation for which not fewer than 3 points are assigned, and which causes injury to another person is guilty of a misdemeanor. Any fine levied as a result of a violation of this subsection would be dedicated to the support of libraries. Any local court costs associated with the adjudication of the case would be offset to some degree through the payment of court costs.

Lastly, the bill would include "school bus zone" in the list of zones where a person responsible for a moving violation for which not fewer than 3 points are assigned, and which causes death to another person is guilty of a felony. Any fine levied as a result of a violation of this subsection would be dedicated to the support of libraries. Any local court costs associated with the adjudication of the case would be offset to some degree through the payment of court costs.

To the extent that the bill increased the number of misdemeanor or felony convictions that resulted in incarceration or increased the minimum sentences received as a result of such violations, it could increase state or local costs related to jail or prison incarceration or probation. The average annual cost of housing a prisoner in a state prison is around \$34,000, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year. Local jail costs vary by jurisdiction.

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