



Senate Fiscal Agency
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BILL ANALYSIS



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House Bills 4167 and 4168 (as reported without amendment)

Sponsor: Representative Tom McMillin

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

House Bill 4168 would amend the Michigan Vehicle Code to do the following:

- Specify that a person responsible for a moving violation in a "school bus zone" would be subject to a fine that was double the fine otherwise prescribed for the violation.
- Make it a misdemeanor, punishable by a maximum fine of \$1,000 and/or up to one year's imprisonment, to commit a moving violation for which at least three points would be assigned, in a school bus zone, that resulted in injury to another person.
- Make it a felony, punishable by a maximum fine of \$7,500 and/or up to 15 years' imprisonment, to commit a moving violation for which at least three points would be assigned, in a school bus zone, that resulted in the death of another person.
- Specify that the criminal penalties would not apply if the injury or death were caused by the injured or deceased person's negligence.

The bill would define "school bus zone" as 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 described in Section 682(2) of the Vehicle Code. (Under that provision, the driver of a vehicle upon a divided highway need not stop for a school bus that has stopped across the divide.)

House Bill 4167 would amend the Code of Criminal Procedure to establish sentencing guidelines for a moving violation causing death to another person in a school bus zone.

Under the Code, a moving violation causing the death of another person in a work zone is a Class C felony against a person, with a statutory maximum sentence of 15 years' imprisonment. The bill would refer to a work zone or a school bus zone.

The bills would take effect on July 1, 2011. House Bill 4167 is tie-barred to House Bill 4168.

MCL 777.12e (H.B. 4167)
257.601b (H.B. 4168)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class C offense under the bills would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State

would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. It is likely that the bills would result in an increase in penal fine revenue due to the inclusion of school bus zones in the list of areas where moving violation fees are double the standard amount. This additional penal fine revenue would benefit public libraries.

Date Completed: 5-4-11

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.