

**SUBSTITUTE FOR  
HOUSE BILL NO. 5509**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 682, 907, and 909 (MCL 257.682, 257.907, and  
257.909), section 682 as amended by 2021 PA 50, section 907 as  
amended by 2020 PA 382, 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  
6 visual signals are no longer actuated. The ~~operator~~**owner** of a  
7 vehicle ~~who~~**that** fails to stop for a school bus as required by this

1 subsection, ~~who~~**that** passes a school bus in violation of this  
2 subsection, or ~~who~~**that** fails to stop for a school bus in violation  
3 of an ordinance that is substantially similar to this subsection,  
4 is responsible for a civil infraction **and shall be ordered to pay a**  
5 **civil fine of not more than \$500.00.**

6 (2) The operator of a vehicle on a highway that has been  
7 divided into 2 roadways by leaving an intervening space, or by a  
8 physical barrier, or clearly indicated dividing sections so  
9 constructed as to impede vehicular traffic, is not required to stop  
10 upon meeting a school bus that has stopped across the dividing  
11 space, barrier, or section.

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

19 (4) ~~A~~**Notwithstanding any provision of law to the contrary, if**  
20 **the operator of a vehicle fails to stop for a school bus** ~~may be~~  
21 ~~equipped with a stop-arm camera system in accordance with~~ **as**  
22 **required under subsection (1), or passes a school bus in violation**  
23 **of subsection (1), or fails to stop for a school bus in violation**  
24 **of an ordinance that is substantially similar to subsection (1),**  
25 **and the school bus is equipped with a stop-arm camera system under**  
26 **section 20 of the pupil transportation act, 1990 PA 187, MCL**  
27 **257.1820, the photograph captured or video recorded by the stop-arm**  
28 **camera system may be used as evidence in a proceeding for a**  
29 **violation of subsection (1).** A school **district** that uses a stop-arm

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

11 **(5) Notwithstanding any provision of law to the contrary, a**  
 12 **fine imposed and paid under subsection (1) must be paid to the**  
 13 **school district that operates the school bus.**

14 **(6)** ~~(5)~~As used in this section:

15 (a) "Law enforcement agency" means any of the following:

16 (i) The department of state police.

17 (ii) The county sheriff's office.

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

19 (iv) Any other governmental law enforcement agency in this  
 20 state.

21 (b) "Local unit of government" means a state university or  
 22 college or a county, city, village, or township.

23 (c) ~~"School"~~**"School district"** means that term as defined ~~by~~  
 24 **in section 5 of the pupil transportation act, 1990 PA 187, MCL**  
 25 **257.1805.6 of the revised school code, 1976 PA 451, MCL 380.6.**

26 (d) "Stop-arm camera system" means that term as defined ~~by in~~  
 27 ~~section 20-5~~ of the pupil transportation act, 1990 PA 187, MCL  
 28 ~~257.1820.~~**257.1805.**

29 Sec. 907. (1) A violation of this act, or a local ordinance

1 that substantially corresponds to a provision of this act, that is  
2 designated a civil infraction must not be considered a lesser  
3 included offense of a criminal offense.

4 (2) Permission may be granted for payment of a civil fine and  
5 costs to be made within a specified period of time or in specified  
6 installments but, unless permission is included in the order or  
7 judgment, the civil fine and costs must be payable immediately.  
8 Except as otherwise provided, a person found responsible or  
9 responsible "with explanation" for a civil infraction must pay  
10 costs as provided in subsection (4) and 1 or more of the following  
11 civil fines, as applicable:

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

16 (b) If the civil infraction was a moving violation that  
17 resulted in an at-fault collision with another vehicle, a person,  
18 or any other object, the civil fine ordered under this section is  
19 increased by \$25.00 but the total civil fine must not be more than  
20 \$100.00.

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

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

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

29 (f) For a violation of section 319g(1) (a), the civil fine

1 ordered under this section must not be more than \$10,000.00.

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

5 (h) For a violation of section 602b, the civil fine ordered  
6 under this section must ~~not be more than~~ \$100.00 for a first  
7 offense and \$200.00 for a second or subsequent offense.

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

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

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

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

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

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

25 (3) Except as provided in this section, if ~~a person an~~  
26 **individual** is determined to be responsible or responsible "with  
27 explanation" for a civil infraction under this act or a local  
28 ordinance that substantially corresponds to a provision of this act  
29 while driving a commercial motor vehicle, he or she must be ordered

1 to pay costs as provided in subsection (4) and a civil fine of not  
2 more than \$250.00.

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

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

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

23 (7) Each district of the district court and each municipal  
24 court may establish a schedule of civil fines, costs, and  
25 assessments to be imposed for civil infractions that occur within  
26 the respective district or city. If a schedule is established, it  
27 must be prominently posted and readily available for public  
28 inspection. A schedule need not include all violations that are  
29 designated by law or ordinance as civil infractions. A schedule may

1 exclude cases on the basis of a defendant's prior record of civil  
2 infractions or traffic offenses, or a combination of civil  
3 infractions and traffic offenses.

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

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

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

26 (11) The court may waive any civil fine, cost, or assessment  
27 against a person ~~who~~**that** received a civil infraction citation for  
28 a violation of section 710d if the person, before the appearance  
29 date on the citation, supplies the court with evidence of

1 acquisition, purchase, or rental of a child seating system meeting  
2 the requirements of section 710d.

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

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

20 (14) If a person has received a citation for a violation of  
21 section 328(1) for failing to produce a certificate of insurance  
22 under section 328(2), the court may waive the fee described in  
23 section 328(3)(c) and shall waive any fine, costs, and any other  
24 fee or assessment otherwise authorized under this act on receipt of  
25 verification by the court that the person, before the appearance  
26 date on the citation, produced valid proof of insurance that was in  
27 effect at the time the violation of section 328(1) occurred.  
28 Insurance obtained subsequent to the time of the violation does not  
29 make the person eligible for a waiver under this subsection.

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

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

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

24 (a) Seventy percent to the local authority in which the  
 25 citation is issued.

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

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

1    infractions.

2           (3) A civil fine ordered for a violation of section 682 must  
3    be distributed by the county treasurer to the school district that  
4    operates the school bus as provided in that section.

5           (4) A civil fine ordered for a violation of a code or  
6    ordinance of a local authority that substantially corresponds to  
7    section 682 must be distributed by the county treasurer to the  
8    school district that operates the school bus as provided in that  
9    section.

10           Enacting section 1. This amendatory act does not take effect  
11    unless all of the following bills of the 101st Legislature are  
12    enacted into law:

13           (a) House Bill No. 5501.

14           (b) House Bill No. 5508.