

HOUSE BILL NO. 4202

February 10, 2021, Introduced by Reps. Tyrone Carter, O'Malley, Allor, Roth and Jones and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 682 (MCL 257.682), as amended by 2012 PA 263.

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 fails to stop for a school bus as required by this subsection,
3 who passes a school bus in violation of this subsection, or who
4 fails to stop for a school bus in violation of an ordinance that is
5 substantially similar to this subsection, is responsible for a
6 civil infraction.

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

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

20 ~~(4) In addition to the civil fine and costs provided for a~~
21 ~~civil infraction under section 907, the judge, district court~~
22 ~~referee, or district court magistrate may order a person who~~
23 ~~violates this section to perform not more than 100 hours of~~
24 ~~community service at a school.~~

25 (4) A school bus may be equipped with a stop-arm camera system
26 in accordance with section 20 of the pupil transportation act, 1990
27 PA 187, MCL 257.1820. A school that uses a stop-arm camera system
28 shall provide a video or photograph recorded by a stop-arm camera
29 system for use as evidence in a proceeding for a violation of

subsection (1) if requested by an investigating law enforcement agency. A photograph or video recorded by a stop-arm camera system is admissible as evidence in a proceeding for a violation of subsection (1) to the extent permitted by the rules of evidence of this state. However, a photograph or video recorded by a stop-arm camera system is not required for the prosecution of a violation of subsection (1).

(5) As used in this section:

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

(i) The department of state police.

(ii) The county sheriff's office.

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

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

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

(c) "School" means that term as defined by section 5 of the pupil transportation act, 1990 PA 187, MCL 257.1805.

(d) "Stop-arm camera system" means that term as defined by section 20 of the pupil transportation act, 1990 PA 187, MCL 257.1820.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. ____ or House Bill No. 4204 (request no. 01559'21 a) of the 101st Legislature is enacted into law.