

HOUSE BILL NO. 5509

November 02, 2021, Introduced by Reps. Puri and Tyrone Carter and referred to the Committee on Judiciary.

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

1 and shall not proceed until the school bus resumes motion or the
2 visual signals are no longer actuated. The ~~operator~~ **owner** of a
3 vehicle ~~who~~ **that** fails to stop for a school bus as required by this
4 subsection, ~~who~~ **that** passes a school bus in violation of this
5 subsection, or ~~who~~ **that** fails to stop for a school bus in violation
6 of an ordinance that is substantially similar to this subsection,
7 is responsible for a civil infraction **and must be fined \$500.00.**

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

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

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

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

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

16 **(6)** ~~(5)~~—As used in this section:

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

18 (i) The department of state police.

19 (ii) The county sheriff's office.

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

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

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

25 (c) ~~"School"~~**"School district"** means that term as defined ~~by~~
 26 **in** section 5 of the pupil transportation act, 1990 PA 187, MCL
 27 ~~257.1805-6~~ **of the revised school code, 1976 PA 451, MCL 380.6.**

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

1 ~~257.1820.~~**257.1805.**

2 Sec. 907. (1) A violation of this act, or a local ordinance
3 that substantially corresponds to a provision of this act, that is
4 designated a civil infraction must not be considered a lesser
5 included offense of a criminal offense.

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

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

18 (b) If the civil infraction was a moving violation that
19 resulted in an at-fault collision with another vehicle, a person,
20 or any other object, the civil fine ordered under this section is
21 increased by \$25.00 but the total civil fine must not be more than
22 \$100.00.

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

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

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

1 fine must not be less than \$5,000.00 or more than \$5,500.00.

2 (f) For a violation of section 319g(1) (a), the civil fine
3 ordered under this section must not be more than \$10,000.00.

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

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

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

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

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

18 (l) For a violation of section 682 or a local ordinance that
19 substantially corresponds to section 682, the civil fine ordered
20 under this section must ~~not be less than \$100.00 or more than~~
21 \$500.00.

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

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

27 (3) Except as provided in this section, if ~~a person~~ **an**
28 **individual** is determined to be responsible or responsible "with
29 explanation" for a civil infraction under this act or a local

1 ordinance that substantially corresponds to a provision of this act
2 while driving a commercial motor vehicle, he or she must be ordered
3 to pay costs as provided in subsection (4) and a civil fine of not
4 more than \$250.00.

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

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

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

25 (7) Each district of the district court and each municipal
26 court may establish a schedule of civil fines, costs, and
27 assessments to be imposed for civil infractions that occur within
28 the respective district or city. If a schedule is established, it
29 must be prominently posted and readily available for public

1 inspection. A schedule need not include all violations that are
2 designated by law or ordinance as civil infractions. A schedule may
3 exclude cases on the basis of a defendant's prior record of civil
4 infractions or traffic offenses, or a combination of civil
5 infractions and traffic offenses.

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

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

20 (10) A default in the payment of a civil fine or costs ordered
21 under subsection (2), (3), or (4) or a justice system assessment
22 ordered under subsection (12), or an installment of the fine,
23 costs, or assessment, may be collected by a means authorized for
24 the enforcement of a judgment under chapter 40 of the revised
25 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
26 under chapter 60 of the revised judicature act of 1961, 1961 PA
27 236, MCL 600.6001 to 600.6098.

28 (11) The court may waive any civil fine, cost, or assessment
29 against a person ~~who~~**that** received a civil infraction citation for

1 a violation of section 710d if the person, before the appearance
2 date on the citation, supplies the court with evidence of
3 acquisition, purchase, or rental of a child seating system meeting
4 the requirements of section 710d.

5 (12) In addition to any civil fines or costs ordered to be
6 paid under this section, the judge or district court magistrate
7 shall order the defendant to pay a justice system assessment of
8 \$40.00 for each civil infraction determination, except for a
9 parking violation or a violation for which the total fine and costs
10 imposed are \$10.00 or less. On payment of the assessment, the clerk
11 of the court shall transmit the assessment collected to the state
12 treasury to be deposited into the justice system fund created in
13 section 181 of the revised judicature act of 1961, 1961 PA 236, MCL
14 600.181. An assessment levied under this subsection is not a civil
15 fine for purposes of section 909.

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

22 (14) If a person has received a citation for a violation of
23 section 328(1) for failing to produce a certificate of insurance
24 under section 328(2), the court may waive the fee described in
25 section 328(3)(c) and shall waive any fine, costs, and any other
26 fee or assessment otherwise authorized under this act on receipt of
27 verification by the court that the person, before the appearance
28 date on the citation, produced valid proof of insurance that was in
29 effect at the time the violation of section 328(1) occurred.

1 Insurance obtained subsequent to the time of the violation does not
2 make the person eligible for a waiver under this subsection.

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

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

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

26 (a) Seventy percent to the local authority in which the
27 citation is issued.

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

29 (2) Subsection (1) is intended to maintain a source of revenue

1 for public libraries ~~which~~**that** previously received penal fines for
2 misdemeanor violations of this act ~~which~~**that** are now civil
3 infractions.

4 (3) A civil fine ordered for a violation of section 682 may be
5 distributed to the school district that operates the school bus as
6 provided in that section.

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

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

14 (a) Senate Bill No. ____ or House Bill No. 5501 (request no.
15 02703'21 a **).

16 (b) Senate Bill No. ____ or House Bill No. 5508 (request no.
17 02704'21 **).