

SENATE BILL NO. 1098

September 10, 2020, Introduced by Senators SCHMIDT and WOJNO and referred to the Committee on Transportation and Infrastructure.

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 2012 PA 263, section 907 as amended by 2015 PA 126, 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

1 vehicle to a full stop not less than 20 feet from the school bus
2 and shall not proceed until the school bus resumes motion or the
3 visual signals are no longer actuated. The ~~operator~~**owner** of a
4 vehicle who fails to stop for a school bus as required by this
5 subsection, who passes a school bus in violation of this
6 subsection, or who fails to stop for a school bus in violation of
7 an ordinance that is substantially similar to this subsection, is
8 responsible for a civil infraction **and may be fined not more than**
9 **\$500.00.**

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

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

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

28 **(4) If the operator of a vehicle fails to stop for a school**
29 **bus as required under subsection (1), or passes a school bus in**

1 violation of subsection (1), or fails to stop for a school bus in
2 violation of an ordinance that is substantially similar to
3 subsection (1), and the school bus is equipped with a stop-arm
4 camera system under section 32 of the pupil transportation act,
5 1990 PA 187, MCL 257.1832, the photograph captured or video
6 recorded by the stop-arm camera system may be used as evidence in a
7 proceeding for a violation of subsection (1). A photograph captured
8 or video recorded by the stop-arm camera system is admissible as
9 evidence in a proceeding for a violation of subsection (1) if it is
10 consistent with the rules of evidence of this state. However, a
11 photograph captured or video recorded by a stop-arm camera system
12 is not required for the prosecution of a violation of subsection
13 (1).

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

17 (6) As used in this section:

18 (a) "School district" means that term as defined in section 6
19 of the revised school code, 1976 PA 451, MCL 380.6.

20 (b) "Stop-arm camera system" means that term as defined in
21 section 5 of the pupil transportation act, 1990 PA 187, MCL
22 257.1805.

23 Sec. 907. (1) A violation of this act, or a local ordinance
24 ~~that~~ substantially ~~corresponding~~ **corresponds** to a provision of this
25 act, that is designated a civil infraction ~~shall~~ **must** not be
26 considered a lesser included offense of a criminal offense.

27 (2) If a person is determined under sections 741 to 750 to be
28 responsible or responsible "with explanation" for a civil
29 infraction under this act or a local ordinance **that** substantially

1 ~~corresponding~~**corresponds** to a provision of this act, the judge or
2 district court magistrate may order the person to pay a civil fine
3 of not more than \$100.00 and costs as provided in subsection (4).
4 However, if the civil infraction was a moving violation that
5 resulted in an at-fault collision with another vehicle, a person,
6 or any other object, the civil fine ordered under this section
7 ~~shall~~**must** be increased by \$25.00 but the total civil fine ~~shall~~
8 **must** not exceed \$100.00. However, for a violation of section 602b,
9 the person ~~shall~~**must** be ordered to pay costs as provided in
10 subsection (4) and a civil fine of \$100.00 for a first offense and
11 \$200.00 for a second or subsequent offense. For a violation of
12 section 674(1)(s) or a local ordinance **that** substantially
13 ~~corresponding~~**corresponds** to section 674(1)(s), the person ~~shall~~
14 **must** be ordered to pay costs as provided in subsection (4) and a
15 civil fine of not less than \$100.00 or more than \$250.00. For a
16 violation of section 676c, the person ~~shall~~**must** be ordered to pay
17 costs as provided in subsection (4) and a civil fine of \$1,000.00.
18 For a violation of section 328, the civil fine ordered under this
19 subsection ~~shall~~**must** be not more than \$50.00. For a violation of
20 section 710d, the civil fine ordered under this subsection ~~shall~~
21 **must** not exceed \$10.00, subject to subsection (12). For a violation
22 of section 710e, the civil fine and court costs ordered under this
23 subsection ~~shall~~**must** be \$25.00. For a violation of section 682 or
24 a local ordinance substantially corresponding to section 682, the
25 person ~~shall~~**must** be ordered to pay costs as provided in subsection
26 (4) and a civil fine of not ~~less than \$100.00 or~~ more than \$500.00.
27 For a violation of section 240, the civil fine ordered under this
28 subsection ~~shall~~**must** be \$15.00. For a violation of section
29 252a(1), the civil fine ordered under this subsection ~~shall~~**must** be

1 \$50.00. For a violation of section 676a(3), the civil fine ordered
2 under this section ~~shall~~**must** be not more than \$10.00. For a first
3 violation of section 319f(1), the civil fine ordered under this
4 section ~~shall~~**must** be not less than \$2,500.00 or more than
5 \$2,750.00; for a second or subsequent violation, the civil fine
6 ~~shall~~**must** be not less than \$5,000.00 or more than \$5,500.00. For a
7 violation of section 319g(1)(a), the civil fine ordered under this
8 section ~~shall~~**must** be not more than \$10,000.00. For a violation of
9 section 319g(1)(g), the civil fine ordered under this section ~~shall~~
10 **must** be not less than \$2,750.00 or more than \$25,000.00. Permission
11 may be granted for payment of a civil fine and costs to be made
12 within a specified period of time or in specified installments, but
13 unless permission is included in the order or judgment, the civil
14 fine and costs ~~shall~~**must** be payable immediately.

15 (3) Except as provided in this subsection, if ~~a person~~**an**
16 **individual** is determined to be responsible or responsible "with
17 explanation" for a civil infraction under this act or a local
18 ordinance substantially corresponding to a provision of this act
19 while driving a commercial motor vehicle, he or she shall be
20 ordered to pay costs as provided in subsection (4) and a civil fine
21 of not more than \$250.00.

22 (4) If a civil fine is ordered under subsection (2) or (3),
23 the judge or district court magistrate shall summarily tax and
24 determine the costs of the action, which are not limited to the
25 costs taxable in ordinary civil actions, and may include all
26 expenses, direct and indirect, to which the plaintiff has been put
27 in connection with the civil infraction, up to the entry of
28 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
29 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be

1 waived unless costs ordered under this subsection are waived.
2 Except as otherwise provided by law, costs are payable to the
3 general fund of the plaintiff.

4 (5) In addition to a civil fine and costs ordered under
5 subsection (2) or (3) and subsection (4) and the justice system
6 assessment ordered under subsection (13), the judge or district
7 court magistrate may order the person to attend and complete a
8 program of treatment, education, or rehabilitation.

9 (6) A district court magistrate shall impose the sanctions
10 permitted under subsections (2), (3), and (5) only to the extent
11 expressly authorized by the chief judge or only judge of the
12 district court district.

13 (7) Each district of the district court and each municipal
14 court may establish a schedule of civil fines, costs, and
15 assessments to be imposed for civil infractions that occur within
16 the respective district or city. If a schedule is established, it
17 ~~shall~~**must** be prominently posted and readily available for public
18 inspection. A schedule need not include all violations that are
19 designated by law or ordinance as civil infractions. A schedule may
20 exclude cases on the basis of a defendant's prior record of civil
21 infractions or traffic offenses, or a combination of civil
22 infractions and traffic offenses.

23 (8) The state court administrator shall annually publish and
24 distribute to each district and court a recommended range of civil
25 fines and costs for first-time civil infractions. This
26 recommendation is not binding upon the courts having jurisdiction
27 over civil infractions but is intended to act as a normative guide
28 for judges and district court magistrates and a basis for public
29 evaluation of disparities in the imposition of civil fines and

1 costs throughout the state.

2 (9) If a person has received a civil infraction citation for
3 defective safety equipment on a vehicle under section 683, the
4 court shall waive a civil fine, costs, and assessments upon receipt
5 of certification by a law enforcement agency that repair of the
6 defective equipment was made before the appearance date on the
7 citation.

8 (10) A default in the payment of a civil fine or costs ordered
9 under subsection (2), (3), or (4) or a justice system assessment
10 ordered under subsection (13), or an installment of the fine,
11 costs, or assessment, may be collected by a means authorized for
12 the enforcement of a judgment under chapter 40 of the revised
13 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
14 under chapter 60 of the revised judicature act of 1961, 1961 PA
15 236, MCL 600.6001 to 600.6098.

16 (11) If a person fails to comply with an order or judgment
17 issued under this section within the time prescribed by the court,
18 the driver's license of that person shall be suspended under
19 section 321a until full compliance with that order or judgment
20 occurs. In addition to this suspension, the court may also proceed
21 under section 908.

22 (12) The court may waive any civil fine, cost, or assessment
23 against a person who received a civil infraction citation for a
24 violation of section 710d if the person, before the appearance date
25 on the citation, supplies the court with evidence of acquisition,
26 purchase, or rental of a child seating system meeting the
27 requirements of section 710d.

28 (13) In addition to any civil fines or costs ordered to be
29 paid under this section, the judge or district court magistrate

1 shall order the defendant to pay a justice system assessment of
2 \$40.00 for each civil infraction determination, except for a
3 parking violation or a violation for which the total fine and costs
4 imposed are \$10.00 or less. Upon payment of the assessment, the
5 clerk of the court shall transmit the assessment collected to the
6 state treasury to be deposited into the justice system fund created
7 in section 181 of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.181. An assessment levied under this subsection is not a
9 civil fine for purposes of section 909.

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

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

26 (16) If a person is determined to be responsible or
27 responsible "with explanation" for a civil infraction under this
28 act or a local ordinance ~~that~~ substantially ~~corresponding~~
29 **corresponds** to a provision of this act and the civil infraction

1 arises out of the ownership or operation of a commercial
 2 quadricycle, he or she shall be ordered to pay costs as provided in
 3 subsection (4) and a civil fine of not more than \$500.00.

4 (17) As used in this section, "moving violation" means an act
 5 or omission prohibited under this act or a local ordinance **that**
 6 substantially ~~corresponding~~ **corresponds** to this act that involves
 7 the operation of a motor vehicle and for which a fine may be
 8 assessed.

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

21 (a) Seventy percent to the local authority in which the
 22 citation is issued.

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

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

28 (3) **A civil fine ordered for a violation of section 682 must**
 29 **be distributed to the school district that operates the school bus**

1 as provided in that section.

2 (4) A civil fine ordered for a violation of a code or
3 ordinance of a local authority substantially corresponding to
4 section 682 must be distributed to the school district that
5 operates the school bus as provided in that section.

6 Enacting section 1. This amendatory act does not take effect
7 unless all of the following bills of the 100th Legislature are
8 enacted into law:

9 (a) Senate Bill No. 1099.

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11 (b) Senate Bill No. 1100.

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