

Legislative Analysis



UNAUTHORIZED ENTRY OF A SCHOOL BUS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4201 as introduced
Sponsor: Rep. Jack O'Malley

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4203 as introduced
Sponsor: Rep. Jewell Jones

Committee: Judiciary
Complete to 3-15-21

SUMMARY:

House Bills 4201 and 4203 would amend the Pupil Transportation Act to prohibit unauthorized individuals from entering a school bus without the driver's permission and to allow school buses to have stickers alerting people to this prohibition.

House Bill 4201 would prohibit an individual who is not an *authorized person* from entering a school bus without the permission of the school bus driver.

Authorized person would mean any of the following:

- A student.
- A person enrolled in a school-sponsored preschool program.
- A teacher or other school employee.
- A chaperone of the students authorized by the school.
- A person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the people on the school bus.

The bill would also prohibit a person from impeding the progress or operation of a school bus.

A person who violated either of the above prohibitions would be responsible for a civil infraction and could be ordered to pay a fine of up to \$500. The civil infraction would have to be processed in the same manner as a civil infraction under the Michigan Vehicle Code.

MCL 257.1859

House Bill 4203 would allow a sticker to be affixed to the side of a school bus that reads as follows:

An unauthorized person attempting to board or boarding this school bus is subject to citation for a civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

The sticker would have to be affixed on the left side of the service door between the bottom of the window and the black rub rails. (See image below.)

MCL 257.1833

Each bill would take effect 90 days after its enactment. The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.



BACKGROUND:

House Bills 4201 and 4203 are reintroductions of HB 5038 and 5040 of the 2019-20 legislative session. Those bills were considered by the House Military, Veterans and Homeland Security committee and referred to the House Judiciary committee.

FISCAL IMPACT:

House Bill 4201 would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals that would be responsible for a civil infraction under provisions of the bill is not known. Under section 909(1) of the Michigan Vehicle Code, civil fine revenue would be applied to support of public and county law libraries.

In addition, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System.

We do not have a practical way to determine the number of violations that will occur under provisions of the bill, so cannot estimate the amount of additional revenue that would be collected. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

House Bill 4203 would have no direct fiscal impact on state or local government.

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