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House Bills 4201 through 4204 (as passed by the House)
Sponsor: Representative Jack O'Malley (H.B. 4201)
Representative Tyrone Carter (H.B. 4202)
Representative Jewell Jones (H.B. 4203)
Representative Greg VanWoerkom (H.B. 4204)

House Committee: Judiciary
Senate Committee: Transportation and Infrastructure

Date Completed: 5-26-21

CONTENT

House Bill 4201 would amend the Pupil Transportation Act to do the following:

- Prohibit an individual other than an authorized person from entering a school bus without the bus driver's permission.
- Prohibit a person from impeding the progress or operation of a school bus.
- Prescribe a civil infraction for a violation of the bill's prohibitions.

House Bill 4203 would amend the Pupil Transportation Act to allow a sticker to be affixed to the side of a school bus that specified that an unauthorized person attempting to board or boarding the bus would be subject to citation for a civil infraction.

House Bill 4204 would amend the Pupil Transportation Act to allow a school bus to be equipped with a stop-arm camera system.

House Bill 4202 would amend the Michigan Vehicle Code to do the following:

- Allow a school bus to be equipped with a stop-arm camera system in accordance with the Pupil Transportation Act, which House Bill 4204 would add.
- Require a school that used a stop-arm camera system to provide a video or photograph recorded by a stop-arm camera system for use as evidence in a proceeding for a violation if requested by a law enforcement agency.
- Specify that a photograph or video recorded by a stop-arm camera system would be admissible as evidence in a proceeding for a violation of the Code.

House Bill 4201 and House Bill 4203 are tie-barred to each other. House Bill 4202 and House Bill 4204 are tie-barred to each other. Each bill would take effect 90 days after its enactment.

House Bill 4201

The bill would amend the Pupil Transportation Act to prohibit an individual other than an authorized person from entering a school bus without the permission of the driver of the school bus. "Authorized person" would mean any of the following:

- A pupil.
- A person enrolled in a school-sponsored preschool program.
- A teacher or other school employee.
- A chaperone of the pupils authorized by a 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 occupants of the school bus.

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

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

House Bill 4203

The Pupil Transportation Act requires a school bus to be painted as prescribed by the Act. Under the bill, a sticker could be affixed to the side of a school bus that read 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." This 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.

House Bill 4204

The bill would amend the Act to allow a school bus to be equipped with a stop-arm camera system in accordance with the bill. "Stop-arm camera system" would mean a system of two or more cameras affixed to a school bus that meets the following requirements:

- Is synchronized to automatically record video or one or more sequenced photographs of a vehicle failing to stop for a school bus or passing a school bus in violation of Section 682(1) of the Michigan Vehicle Code.
- Is capable of capturing images of the vehicle, the registration plate on the rear of the vehicle, and a distance of not less than 200 feet in front of the school bus.
- Records the date, time, and location on an image produced by the system.

(House Bill 4202 would amend Section 682 of the Michigan Vehicle Code and is described below.)

The bill would allow a school to do either of the following:

- Install and operate a stop-arm camera system on a school bus.
- Enter into a contract with a private vendor to install and operate a stop-arm camera system on a school bus.

House Bill 4202

Under the Michigan Vehicle Code, the operator of a vehicle overtaking or meeting a school bus that has stopped and is displaying two alternately flashing red lights located at the same level must bring the vehicle to a full stop at least 20 feet from the school bus and may not proceed until the bus resumes motion or the visual signals are no longer actuated. The operator of a vehicle who fails to stop for a school bus, who passes a school bus in violation

of the requirement to stop, or who fails to stop for a school bus in violation of an ordinance that is substantially similar to the requirement above is responsible for a civil infraction.

Under the bill, a school bus could be equipped with a stop-arm camera system in accordance with Section 20 of the Pupil Transportation Act (which House Bill 4204 would add). A school that used a stop-arm camera system would have to provide a video or photograph recorded by a stop-arm camera system for use as evidence in a proceeding for a violation of the offense described above if requested by an investigating law enforcement agency.

"Stop-arm camera system" would mean that term as defined by Section 20 of the Pupil Transportation Act (see House Bill 4204). "Law enforcement agency" would mean the Department of State Police, the county sheriff's office, the police department of a local unit of government, or any other governmental law enforcement agency in the State. "Local unit of government" would mean a State university or college or a county, city, village, or township. "School" would mean that term as defined in Section 5 of the Pupil Transportation Act: a public school or a nonpublic school, or both.

The bill specifies that a photograph or video recorded by a stop-arm camera system would be admissible as evidence in a proceeding for a violation of the offense described above. However, a photograph or video recorded by a stop-arm camera system would not be required for the prosecution of that violation.

The Code specifies that in addition to the civil fine and costs provided for a civil infraction under Section 907, the judge, district court referee, or district court magistrate may order a person who violates the provisions described above to perform not more than 100 hours of community service at a school. The bill would delete this provision.

MCL 257.1859 (H.B. 4201)
MCL 257.682 (H.B. 4202)
MCL 257.1833 (H.B. 4203)
Proposed MCL 257.1820 (H.B. 4204)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

House Bill 4201

The bill could have a positive fiscal impact on State and local government. Revenue collected from civil fines proposed would be used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. This fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

House Bill 4202-4204

The bills would have no fiscal impact on State or local government, as the bill's provisions would be voluntary in nature. School districts that implemented the bill's provisions could realize some indeterminate costs associated with implementation.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.