

**SUBSTITUTE FOR
HOUSE BILL NO. 4426**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 606, 608, 609, and 610 (MCL 257.320a,
257.606, 257.608, 257.609, and 257.610), section 320a as amended by
2012 PA 592 and section 606 as amended by 1980 PA 518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state, the
3 secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula, except
6 as otherwise provided in this section and section 629c:

7 (a) Manslaughter, negligent homicide, or a

- 1 felony resulting from the operation of a motor
- 2 vehicle, ORV, or snowmobile.....6 points
- 3 (b) A violation of section 601b(2) or (3),
- 4 601c(1) or (2), or 653a(3) or (4) or, beginning
- 5 October 31, 2010, a violation of section 601d.....6 points
- 6 (c) A violation of section 625(1), (4), (5),
- 7 (7), or (8), section 81134 or 82127(1) of the
- 8 natural resources and environmental protection act,
- 9 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
- 10 ordinance substantially corresponding to section
- 11 625(1), (4), (5), (7), or (8), or section 81134
- 12 or 82127(1) of the natural resources and
- 13 environmental protection act, 1994 PA 451,
- 14 MCL 324.81134 and 324.82127.....6 points
- 15 (d) Failing to stop and disclose identity
- 16 at the scene of an accident when required by law.....6 points
- 17 (e) Operating a motor vehicle in violation
- 18 of section 626.....6 points
- 19 (f) Fleeing or eluding an officer.....6 points
- 20 (g) A violation of section ~~627(9)~~**627(6)** pertaining
- 21 to speed in a work zone described in that section
- 22 by exceeding the lawful maximum by more than
- 23 15 miles per hour.....5 points
- 24 (h) A violation of any law ~~other than the~~
- 25 ~~law described in subdivision (g)~~ or ordinance
- 26 pertaining to speed by exceeding the lawful
- 27 maximum by more than 15 miles per hour.....4 points

1 (i) A violation of section 625(3) or (6),
 2 section 81135 or 82127(3) of the natural
 3 resources and environmental protection act,
 4 1994 PA 451, MCL 324.81135 and 324.82127,
 5 or a law or ordinance substantially corresponding
 6 to section 625(3) or (6) or section 81135
 7 or 82127(3) of the natural resources and
 8 environmental protection act, 1994 PA 451,
 9 MCL 324.81135 and 324.82127.....4 points

10 (j) A violation of section 626a or a law
 11 or ordinance substantially corresponding to
 12 section 626a.....4 points

13 (k) A violation of section 653a(2).....4 points

14 (l) A violation of section ~~627(9)~~ **627(6)** pertaining
 15 to speed in a work zone described in that section
 16 by exceeding the lawful maximum by more than 10
 17 but not more than 15 miles per hour.....4 points

18 (m) Beginning October 31, 2010, a
 19 moving violation resulting in an at-fault
 20 collision with another vehicle, a person,
 21 or any other object.....4 points

22 ~~(n) A violation of any law other than the~~
 23 ~~law described in subdivision (l) or ordinance~~
 24 ~~pertaining to speed by exceeding the lawful~~
 25 ~~maximum by more than 10 but not more than 15~~
 26 ~~miles per hour or careless~~ **CARELESS** driving in violation
 27 of section 626b or a law or ordinance substantially

- 1 corresponding to section 626b.....3 points
- 2 (o) A violation of ~~section 627(9)~~ **ANY LAW**
- 3 **OR ORDINANCE** pertaining to speed ~~in a work zone~~
- 4 ~~described in that section~~ by exceeding the lawful
- 5 maximum by **MORE THAN 10 miles per hour** ~~or less~~ **BUT NOT**
- 6 **MORE THAN 15 MILES PER HOUR**.....3 points
- 7 (p) A violation of any law ~~other than the law~~
- 8 ~~described in subdivision (e)~~ or ordinance
- 9 pertaining to speed by exceeding the lawful maximum
- 10 by **MORE THAN 5 MILES PER HOUR BUT NOT MORE THAN**
- 11 **10 miles per hour** ~~or less~~.....2 points
- 12 (Q) **A VIOLATION OF ANY LAW OR ORDINANCE PERTAINING**
- 13 **TO SPEED BY EXCEEDING THE LAWFUL MAXIMUM BY MORE THAN 1 MILE**
- 14 **PER HOUR BUT NOT MORE THAN 5 MILES PER HOUR**.....1 POINT
- 15 (R) ~~(q)~~ Disobeying a traffic signal or stop sign,
- 16 or improper passing.....3 points
- 17 (S) ~~(r)~~ A violation of section 624a, 624b, or
- 18 a law or ordinance substantially corresponding to
- 19 section 624a or 624b.....2 points
- 20 (T) ~~(s)~~ A violation of section 310e(4) or (6) or
- 21 a law or ordinance substantially corresponding to
- 22 section 310e(4) or (6).....2 points
- 23 (U) ~~(t)~~ All other moving violations pertaining to
- 24 the operation of motor vehicles reported under
- 25 this section.....2 points
- 26 (V) ~~(u)~~ A refusal by a person less than 21 years of
- 27 age to submit to a preliminary breath test required

1 by a peace officer under section 625a.....2 points

2 (W) A VIOLATION OF SECTION 627(6) PERTAINING TO SPEED
3 IN A WORK ZONE DESCRIBED IN THAT SECTION BY EXCEEDING THE
4 LAWFUL MAXIMUM BY 10 MILES PER HOUR OR LESS.....3 POINTS

5 (2) Points shall not be entered for a violation of section
6 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
7 723.

8 (3) Points shall not be entered for bond forfeitures.

9 (4) Points shall not be entered for overweight loads or for
10 defective equipment.

11 (5) If more than 1 conviction, civil infraction determination,
12 or probate court disposition results from the same incident, points
13 shall be entered only for the violation that receives the highest
14 number of points under this section.

15 (6) If a person has accumulated 9 points as provided in this
16 section, the secretary of state may call the person in for an
17 interview as to the person's driving ability and record after due
18 notice as to time and place of the interview. If the person fails
19 to appear as provided in this subsection, the secretary of state
20 shall add 3 points to the person's record.

21 (7) If a person violates a speed restriction established by an
22 executive order issued during a state of energy emergency as
23 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state
24 shall enter points for the violation ~~pursuant to~~ **UNDER** subsection
25 (1).

26 (8) The secretary of state shall enter 6 points upon the
27 record of a person whose license is suspended or denied ~~pursuant to~~

1 **UNDER** section 625f. However, if a conviction, civil infraction
2 determination, or probate court disposition results from the same
3 incident, additional points for that offense shall not be entered.

4 (9) If a Michigan driver commits a violation in another state
5 that would be a civil infraction if committed in Michigan, and a
6 conviction results solely because of the failure of the Michigan
7 driver to appear in that state to contest the violation, upon
8 receipt of the abstract of conviction by the secretary of state,
9 the violation shall be noted on the driver's record, but no points
10 shall be assessed against his or her driver's license.

11 Sec. 606. (1) ~~The provisions of this~~ **THIS** chapter shall not be
12 considered to **DOES NOT** prevent **A** local authorities **AUTHORITY** with
13 respect to streets or highways under the jurisdiction of the local
14 authority and within the reasonable exercise of the police power
15 from **DOING ANY OF THE FOLLOWING:**

16 (a) Regulating the standing or parking of vehicles.

17 (b) Regulating the impoundment or immobilization of vehicles
18 whose owner has failed to answer 6 or more parking violation
19 notices or citations regarding illegal parking.

20 (c) Regulating traffic by means of police officers or traffic
21 control signals.

22 (d) Regulating or prohibiting processions or assemblages on
23 the highways or streets.

24 (e) Designating particular highways as 1-way highways and
25 requiring that all vehicles on those highways be moved in 1
26 specific direction.

27 ~~—(f) Regulating the speed of vehicles in public parks.~~

1 (F) ~~(g)~~ Designating any highway as a through highway and
 2 requiring that all vehicles stop before entering or crossing the
 3 through highway; designating any intersection as a stop
 4 intersection and requiring all vehicles to stop at 1 or more
 5 entrances to ~~these intersections;~~ **THE INTERSECTION;** or designating
 6 intersections at which vehicular traffic shall be required ~~ANY~~
 7 **INTERSECTION AS A YIELD INTERSECTION AND REQUIRING ALL VEHICLES** to
 8 yield the right of way at 1 or more entrances to ~~these~~
 9 intersections. **THE INTERSECTION.**

10 (G) ~~(h)~~ Restricting the use of highways as authorized in
 11 section 726.

12 (H) ~~(i)~~ Regulating the operation of bicycles and requiring the
 13 registration and licensing of bicycles, including the requirement
 14 of a registration fee.

15 (I) ~~(j)~~ Regulating or prohibiting the turning of vehicles at
 16 intersections.

17 ~~——(k) Increasing the prima facie speed limits as authorized in~~
 18 ~~this act.~~

19 (J) ~~(l)~~ Adopting other traffic regulations as are specifically
 20 authorized by this chapter.

21 (2) **ALL TRAFFIC REGULATIONS DESCRIBED IN SUBSECTION (1) SHALL**
 22 **BE BASED ON STANDARD AND ACCEPTED ENGINEERING PRACTICES AS**
 23 **SPECIFIED IN THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL**
 24 **DEVICES.**

25 (3) ~~(2)~~ A local authority shall not erect or maintain a stop
 26 sign or traffic control device at a location so as to require ~~THAT~~
 27 **REQUIRES** the traffic on any state trunk line highway to stop before

1 entering or crossing any intersecting highway unless approval in
2 writing has been first obtained from the director of the state
3 transportation department.

4 (4) ~~(3)~~—An ordinance or regulation enacted under subsection
5 (1) (a), (d), (e), (f), (g), (i), or (j) shall not be enforceable
6 until signs giving notice of the local traffic regulations are
7 posted upon or at the entrance to the highway or street or part of
8 the highway or street affected, as may be most appropriate, and are
9 sufficiently legible as to be seen by an ordinarily observant
10 person. The posting of signs giving the notice shall not be
11 required for a local ordinance ~~which~~ **THAT** does not differ from the
12 provisions of this act regulating the parking or standing of
13 vehicles; nor to ordinances of general application throughout the
14 jurisdiction of the municipalities enacting the ordinances ~~which~~
15 **THAT** prohibit, limit, or restrict all night parking or parking
16 during the early morning hours, if signs, approximately 3 feet by 4
17 feet, **AND** sufficiently legible as to be seen by an ordinarily
18 observant person, giving notice of these ordinances relating to all
19 night parking or parking during the early morning hours, are posted
20 on highways at the corporate limits of the municipality.

21 (5) ~~(4)~~—A local authority, in providing by ordinance for the
22 impounding of any motor vehicle parked contrary to a local
23 ordinance, shall not require a bond or cash deposit by the owner of
24 the motor vehicle in excess of \$500.00 in order to recover the
25 possession of the motor vehicle pending final adjudication of the
26 case.

27 Sec. 608. The state ~~highway commissioner~~ **TRANSPORTATION**

1 ~~DEPARTMENT~~ and ~~commissioner~~ ~~DEPARTMENT~~ of state police shall adopt
2 a manual and specifications for a uniform system of ~~traffic control~~
3 **TRAFFIC CONTROL** devices consistent with the provisions of this
4 chapter for use upon highways within this state. ~~Such uniform~~
5 ~~system~~ **THE MANUAL** shall correlate with and so far as possible
6 conform to the ~~system~~ **FEDERAL MANUAL** then current as approved by
7 the ~~American Association of State Highway Officials and such manual~~
8 **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY**
9 **ADMINISTRATION, AND** may be revised whenever necessary to carry out
10 the provisions of this act. It is ~~hereby declared to be the policy~~
11 of ~~the~~ **THIS** state of Michigan to achieve, insofar as is
12 practicable, uniformity in the design, ~~and~~ shape, and color scheme
13 of traffic signs, signals, and guide posts erected and maintained
14 upon the streets and highways within ~~the~~ **THIS** state with other
15 states. **DEFINITIONS AND MEANINGS FOUND IN THE MANUAL ADOPTED UNDER**
16 **THIS SECTION ARE SUPPLEMENTAL TO THE DEFINITIONS IN CHAPTER I.**
17 **HOWEVER, IF A DEFINITION OR MEANING FOUND IN THE MANUAL ADOPTED**
18 **UNDER THIS SECTION CONFLICTS WITH A DEFINITION IN CHAPTER I, THE**
19 **DEFINITION IN CHAPTER I PREVAILS.**

20 Sec. 609. (1) ~~(a)~~ The state ~~highway commission~~ **TRANSPORTATION**
21 **DEPARTMENT** shall place or require to be placed, and maintain or
22 require to be maintained, ~~such traffic control devices, conforming~~
23 ~~to said manual and specifications,~~ upon all state highways **TRAFFIC**
24 **CONTROL DEVICES** as it shall ~~deem~~ **CONSIDERS** necessary to indicate
25 and ~~to~~ carry out the provisions of this chapter or to regulate,
26 warn, or guide traffic. **A TRAFFIC CONTROL DEVICE PLACED AND**
27 **MAINTAINED UNDER THIS SUBSECTION SHALL CONFORM TO THE MOST CURRENT**

1 **MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.**

2 (2) ~~(b) No~~ **A** local authority shall **NOT** place or maintain any
 3 ~~traffic control~~ **A TRAFFIC CONTROL** device upon any ~~A~~ trunk line
 4 highway under the jurisdiction of the state ~~highway commissioner~~
 5 **TRANSPORTATION DEPARTMENT**, except by the latter's permission, or
 6 upon any ~~A~~ county road without the permission of the county road
 7 commission having jurisdiction thereof. **OVER THAT ROAD.** With the
 8 approval of the ~~department of state highways,~~ **STATE TRANSPORTATION**
 9 **DEPARTMENT**, the board of county road commissioners of any ~~A~~ county,
 10 at its option, may install and maintain ~~uniform traffic control~~
 11 **TRAFFIC CONTROL** devices according to the standards promulgated by
 12 the ~~department of state highways and as required by the commission~~
 13 ~~on trunk line highways,~~ **CONFORMING TO THE MICHIGAN MANUAL ON**
 14 **UNIFORM TRAFFIC CONTROL DEVICES** if the cost would be less than that
 15 estimated by the state ~~highway commission,~~ ~~billing~~ **TRANSPORTATION**
 16 **DEPARTMENT AND BILL** the state ~~highway commission~~ **TRANSPORTATION**
 17 **DEPARTMENT** for its share of the cost of installation.

18 Sec. 610. (1) ~~(a)~~ Local authorities and county road
 19 commissions in their respective jurisdictions shall place and
 20 maintain ~~such~~ **THE** traffic control devices upon highways under their
 21 jurisdiction as ~~they may deem~~ **THAT THEY CONSIDER** necessary to
 22 indicate and to carry out the provisions of this chapter or local
 23 traffic ordinances or to regulate, warn, or guide traffic. All ~~such~~
 24 traffic control devices hereafter erected shall conform to the
 25 ~~state manual and specifications.~~ **MICHIGAN MANUAL ON UNIFORM TRAFFIC**
 26 **CONTROL DEVICES.**

27 (2) ~~(b)~~ The state ~~highway commissioner~~ **TRANSPORTATION**

1 **DEPARTMENT** shall withhold from any ~~township,~~ incorporated village,
 2 city, or county ~~, failing~~ **THAT FAILS** to comply with the provisions
 3 of sections **606**, 608, 609, 612, and 613, the share of ~~weight~~ **FUEL**
 4 and ~~gasoline~~ **VEHICLE** tax refunds ~~REVENUE THAT WOULD~~ otherwise **BE**
 5 due the ~~township,~~ incorporated village, city, or county **UNDER**
 6 **SECTION 10 OF 1951 PA 51, MCL 247.660**. Notice of ~~such~~ failure **TO**
 7 **COMPLY**, and a ~~reasonable~~ **1 YEAR'S** time to comply ~~therewith,~~ **AFTER**
 8 **NOTICE**, shall first be given.

9 (3) ~~(e)~~ A person, firm, or corporation shall not sell or offer
 10 for sale to local authorities and local authorities shall not
 11 purchase or manufacture any traffic control device ~~which~~ **THAT** does
 12 not conform to the Michigan manual ~~of~~ **ON** uniform traffic control
 13 devices, except ~~by~~ **WITH THE** permission of the director of the **STATE**
 14 **TRANSPORTATION** department. ~~of state highways.~~

15 Enacting section 1. This amendatory act does not take effect
 16 unless all of the following bills of the 98th Legislature are
 17 enacted into law:

- 18 (a) House Bill No. 4423.
- 19 (b) House Bill No. 4424.
- 20 (c) House Bill No. 4425.