

Act No. 149  
Public Acts of 2002  
Approved by the Governor  
April 8, 2002  
Filed with the Secretary of State  
April 8, 2002  
EFFECTIVE DATE: July 1, 2002

**STATE OF MICHIGAN  
91ST LEGISLATURE  
REGULAR SESSION OF 2002**

Introduced by Rep. Allen

# **ENROLLED HOUSE BILL No. 5021**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

*The People of the State of Michigan enact:*

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile ..... 6 points
- (b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4) ..... 6 points
- (c) A violation of section 625(1), (4), (5), or (7), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), or (7) or, section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127 ..... 6 points

- (d) Failing to stop and disclose identity at the scene of an accident when required by law ..... 6 points
  - (e) Operating a motor vehicle in violation of section 626 ..... 6 points
  - (f) Fleeing or eluding an officer..... 6 points
  - (g) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by more than 15 miles per hour..... 5 points
  - (h) Violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... 4 points
  - (i) Violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or, section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127 ..... 4 points
  - (j) Violation of section 626a or a law or ordinance substantially corresponding to section 626a ..... 4 points
  - (k) Violation of section 653a(2) ..... 4 points
  - (l) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour..... 4 points
  - (m) Violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b ..... 3 points
  - (n) Violation of section 627(9) pertaining to speed in a designated work area by exceeding the lawful maximum by 10 miles per hour or less ..... 3 points
  - (o) Violation of any law other than the law described in subdivision (n) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less..... 2 points
  - (p) Disobeying a traffic signal or stop sign, or improper passing..... 3 points
  - (q) Violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b..... 2 points
  - (r) Violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) ..... 2 points
  - (s) All other moving violations pertaining to the operation of motor vehicles reported under this section.. 2 points
  - (t) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a ..... 2 points
- (2) Points shall not be entered for a violation of section 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- (3) Points shall not be entered for bond forfeitures.
- (4) Points shall not be entered for overweight loads or for defective equipment.
- (5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.
- (6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.
- (7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).
- (8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.
- (9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Enacting section 1. This amendatory act takes effect July 1, 2002.

This act is ordered to take immediate effect.



-----  
Clerk of the House of Representatives.



-----  
Secretary of the Senate.

Approved .....

-----  
Governor.