

Act No. 349
Public Acts of 2018
Approved by the Governor
November 15, 2018
Filed with the Secretary of State
November 15, 2018
EFFECTIVE DATE: February 13, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senators Zorn and Hertel

ENROLLED SENATE BILL No. 477

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 manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; 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 provide appropriations for certain purposes; 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 sections 320a, 653a, and 653b (MCL 257.320a, 257.653a, and 257.653b), section 320a as amended by 2016 PA 448, section 653a as added by 2000 PA 458, and section 653b as added by 2008 PA 464.

The People of the State of Michigan enact:

Sec. 320a. (1) Within 5 days after receipt of a properly prepared abstract from a court of this state or another state, the secretary of 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) or, beginning October 31, 2010, a violation of section 601d 6 points
- (c) A violation of section 625(1), (4), (5), (7), or (8), 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), (7), or (8), 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) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour	5 points
(h) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour.....	4 points
(i) A 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) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....	4 points
(k) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour.....	4 points
(l) Beginning October 31, 2010, a moving violation resulting in an at-fault collision with another vehicle, a person, or any other object.....	4 points
(m) Careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....	3 points
(n) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 miles per hour but not more than 15 miles per hour.....	3 points
(o) A violation of section 653a(2).....	2 points
(p) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 5 miles per hour but not more than 10 miles per hour.....	2 points
(q) A violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 1 mile per hour but not more than 5 miles per hour	1 point
(r) Disobeying a traffic signal or stop sign, or improper passing.....	3 points
(s) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b	2 points
(t) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6).....	2 points
(u) All other moving violations pertaining to the operation of motor vehicles reported under this section..	2 points
(v) 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
(w) A violation of section 627(6) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less.....	3 points
(2) Points shall not be entered for a violation of section 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 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 emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation under subsection (1).	
(8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied under 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.	

Sec. 653a. (1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, white, or amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by at least 10 miles per hour below the posted speed limit, or as directed by a police officer.

(2) Except as provided in this subsection and subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both. Beginning 60 days after the effective date of the amendatory act that amended this subsection, except as provided in subsections (3) and (4), a person who violates this section is responsible for a civil infraction and shall be ordered to pay a civil fine of \$400.00.

(3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 2 years, or both.

(4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than \$7,500.00 or by imprisonment for not more than 15 years, or both.

(5) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for an authorized emergency vehicle that is stopped across the dividing space, barrier, or section.

Sec. 653b. (1) Upon approaching and passing a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, the driver of the approaching vehicle shall proceed with caution, reduce his or her speed by at least 10 miles per hour below the posted speed limit, and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall proceed with due care and caution and reduce his or her speed by 10 miles per hour.

(2) The operator of a vehicle upon a highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, is not required to proceed with caution, reduce his or her speed, or yield the right-of-way for a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle that is stopped across the dividing space, barrier, or section.

(3) As used in this section:

(a) "Road maintenance authority" means any of the following:

(i) The state department of transportation.

(ii) A local authority.

(iii) An entity operating under contract with the state department of transportation or a local authority to provide road construction or road maintenance services.

(b) "Road maintenance vehicle" means a vehicle owned or operated by a road maintenance authority.

(c) "Solid waste" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(d) "Solid waste collection vehicle" means a solid waste transporting unit that is used for the curbside collection of municipal solid waste.

(e) "Solid waste hauler" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(f) "Solid waste transporting unit" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(g) "Utility provider" means an entity that does any of the following and that is regulated as a utility under the laws of this state or of the United States:

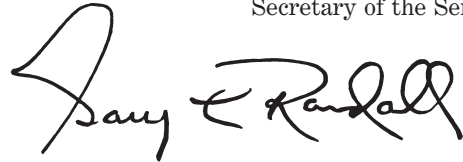
- (i) Generates or distributes electrical power to the public.
 - (ii) Generates or distributes natural gas to the public.
 - (iii) Provides sewage collection services to the public.
 - (iv) Provides water distribution services to the public.
 - (v) Provides telephone services to the public.
 - (vi) Provides cable or video services to the public.
- (h) "Utility service vehicle" means a vehicle owned or operated by a utility provider.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor