

SENATE BILL No. 1262

April 30, 2002, Introduced by Senator HART and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 654 (MCL 257.320a and 257.654), section 320a as amended by 2001 PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (a) Manslaughter, negligent homicide, or a felony
8 resulting from the operation of a motor vehicle,
9 ORV, or snowmobile..... 6 points

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1 (b) A violation of section 601b(2) or (3), 601c(1)
2 or (2), or 653a(3) or (4)..... 6 points

3 (c) A violation of section 625(1), (4), (5), or
4 (7), section 81134 or 82127(1) of the natural
5 resources and environmental protection act, 1994
6 PA 451, MCL 324.81134 and 324.82127, or a law or
7 ordinance substantially corresponding to section
8 625(1), (4), (5), or (7) or, section 81134 or
9 82127(1) of the natural resources and environmental
10 protection act, 1994 PA 451, MCL 324.81134 and
11 324.82127..... 6 points

12 (d) Failing to stop and disclose identity at the
13 scene of an accident when required by law..... 6 points

14 (e) Operating a motor vehicle in violation of sec-
15 tion 626..... 6 points

16 (f) Fleeing or eluding an officer..... 6 points

17 (g) Violation of any law or ordinance pertaining
18 to speed by exceeding the lawful maximum by more
19 than 15 miles per hour..... 4 points

20 (h) Violation of section 625(3) or (6), section
21 81135 or 82127(3) of the natural resources and

- 1 environmental protection act, 1994 PA 451,
2 MCL 324.81135 and 324.82127, or a law or ordinance
3 substantially corresponding to section 625(3) or (6)
4 or, section 81135 or 82127(3) of the natural
5 resources and environmental protection act, 1994
6 PA 451, MCL 324.81135 and 324.82127..... 4 points
- 7 (i) Violation of section 626a or a law or ordi-
8 nance substantially corresponding to section 626a... 4 points
- 9 (j) Violation of section 653a(2)..... 4 points
- 10 (K) VIOLATION OF SECTION 654..... 4 POINTS
- 11 (l) ~~(k)~~ Violation of any law or ordinance per-
12 taining to speed by exceeding the lawful maximum by
13 more than 10 but not more than 15 miles per hour or
14 careless driving in violation of section 626b or a
15 law or ordinance substantially corresponding to sec-
16 tion 626b..... 3 points
- 17 (M) ~~(l)~~ Violation of any law or ordinance per-
18 taining to speed by exceeding the lawful maximum by
19 10 miles per hour or less..... 2 points
- 20 (N) ~~(m)~~ Disobeying a traffic signal or stop
21 sign, or improper passing..... 3 points

1 (O) ~~(n)~~ Violation of section 624a, 624b, or a
2 law or ordinance substantially corresponding to sec-
3 tion 624a or 624b..... 2 points

4 (P) ~~(o)~~ Violation of section 310e(4) or (6) or a
5 law or ordinance substantially corresponding to sec-
6 tion 310e(4) or (6)..... 2 points

7 (Q) ~~(p)~~ All other moving violations pertaining
8 to the operation of motor vehicles reported under
9 this section..... 2 points

10 (R) ~~(q)~~ A refusal by a person less than 21 years
11 of age to submit to a preliminary breath test
12 required by a peace officer under section 625a..... 2 points

13 (2) Points shall not be entered for a violation of section
14 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

16 (4) Points shall not be entered for overweight loads or for
17 defective equipment.

18 (5) If more than 1 conviction, civil infraction determina-
19 tion, or probate court disposition results from the same inci-
20 dent, points shall be entered only for the violation that
21 receives the highest number of points under this section.

22 (6) If a person has accumulated 9 points as provided in this
23 section, the secretary of state may call the person in for an
24 interview as to the person's driving ability and record after due

1 notice as to time and place of the interview. If the person
2 fails to appear as provided in this subsection, the secretary of
3 state shall add 3 points to the person's record.

4 (7) If a person violates a speed restriction established by
5 an executive order issued during a state of energy emergency as
6 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
7 state shall enter points for the violation pursuant to subsection
8 (1).

9 (8) The secretary of state shall enter 6 points upon the
10 record of a person whose license is suspended or denied pursuant
11 to section 625f. However, if a conviction, civil infraction
12 determination, or probate court disposition results from the same
13 incident, additional points for that offense shall not be
14 entered.

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

22 Sec. 654. (1) A motor vehicle forming part of a funeral
23 procession, when going to a place of burial, ~~shall have~~ HAS the
24 right of way over all other vehicles except fire apparatus, ambu-
25 lances, and police patrol vehicles at a street or highway inter-
26 section within this state if the vehicle in the funeral
27 procession displays a flag which ~~shall be~~ IS fluorescent orange

1 in color, and upon which ~~shall be~~ IS printed, stamped, or
2 stained a black cross, the star of David, or the crescent and
3 star. The lead vehicle and the last vehicle in the funeral pro-
4 cession may carry an additional flag. The flags shall not con-
5 tain a name embossed or printed on the flag, except the word
6 "funeral".

7 (2) A person ~~passing~~ SHALL NOT IMPEDE, DISRUPT, OR PASS
8 through a funeral procession of motor vehicles, ~~designated pur-~~
9 ~~suant to~~ DESCRIBED IN subsection (1), with a vehicle of any
10 kind. ~~—~~ A PERSON WHO VIOLATES THIS SUBSECTION is responsible
11 for a civil infraction AND IS SUBJECT TO A CIVIL FINE OF NOT MORE
12 THAN \$200.00.