

HOUSE BILL No. 5921

November 6, 2014, Introduced by Rep. Shirkey and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2012 PA 592, and by adding section 751.

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,
3 the 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) 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
- 28 (i) A violation of section 625(3) or (6),
29 section 81135 or 82127(3) of the natural
30 resources and environmental protection act,
31 1994 PA 451, MCL 324.81135 and 324.82127,

- 1 or a law or ordinance substantially corresponding
- 2 to section 625(3) or (6) or section 81135
- 3 or 82127(3) of the natural resources and
- 4 environmental protection act, 1994 PA 451,
- 5 MCL 324.81135 and 324.82127.....4 points
- 6 (j) A violation of section 626a or a law
- 7 or ordinance substantially corresponding to
- 8 section 626a.....4 points
- 9 (k) A violation of section 653a(2).....4 points
- 10 (l) A violation of section 627(9) pertaining
- 11 to speed in a work zone described in that section
- 12 by exceeding the lawful maximum by more than 10
- 13 but not more than 15 miles per hour.....4 points
- 14 (m) Beginning October 31, 2010, a
- 15 moving violation resulting in an at-fault
- 16 collision with another vehicle, a person,
- 17 or any other object.....4 points
- 18 (n) A violation of any law other than the
- 19 law described in subdivision (l) or ordinance
- 20 pertaining to speed by exceeding the lawful
- 21 maximum by more than 10 but not more than 15
- 22 miles per hour or careless driving in violation
- 23 of section 626b or a law or ordinance substantially
- 24 corresponding to section 626b.....3 points
- 25 (o) A violation of section 627(9) pertaining
- 26 to speed in a work zone described in that section
- 27 by exceeding the lawful maximum by 10 miles per
- 28 hour or less.....3 points
- 29 (p) A violation of any law other than the law
- 30 described in subdivision (o) or ordinance
- 31 pertaining to speed by exceeding the lawful maximum

1 by 10 miles per hour or less.....2 points

2 (q) Disobeying a traffic signal or stop sign,
3 or improper passing.....3 points

4 (r) A violation of section 624a, 624b, or
5 a law or ordinance substantially corresponding to
6 section 624a or 624b.....2 points

7 (s) A violation of section 310e(4) or (6) or
8 a law or ordinance substantially corresponding to
9 section 310e(4) or (6).....2 points

10 (t) All other moving violations pertaining to
11 the operation of motor vehicles reported under
12 this section.....2 points

13 (u) A refusal by a person less than 21 years of
14 age to submit to a preliminary breath test required
15 by a peace officer under section 625a.....2 points

16 (2) Points shall not be entered for a violation of section
17 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
18 723.

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

20 (4) Points shall not be entered for overweight loads or for
21 defective equipment.

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

26 (6) If a person has accumulated 9 points as provided in this
27 section, the secretary of state may call the person in for an
28 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 fails
2 to appear as provided in this subsection, the secretary of state
3 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~~ **AN INDIVIDUAL HOLDING AN OPERATOR'S**
16 **OR CHAUFFEUR'S LICENSE IN THIS STATE** commits a violation in
17 another state that would be a civil infraction if committed in
18 ~~Michigan~~, **THIS STATE**, and a conviction results solely because of
19 the failure of the ~~Michigan driver~~ **LICENSE HOLDER** to appear in
20 that state to contest the violation, upon receipt of the abstract
21 of conviction by the secretary of state, the violation shall be
22 noted on the driver's record, but no points shall be assessed
23 against his or her ~~driver's~~ **OPERATOR'S OR CHAUFFEUR'S** license.

24 (10) **IF AN INDIVIDUAL HOLDING AN OPERATOR'S OR CHAUFFEUR'S**
25 **LICENSE IN THIS STATE COMMITS A VIOLATION IN ANOTHER STATE BASED**
26 **ON ENFORCEMENT BY AN UNMANNED TRAFFIC MONITORING DEVICE THAT**
27 **WOULD, IF COMMITTED IN THIS STATE, WARRANT AN ASSESSMENT OF**

1 POINTS AGAINST THE LICENSE HOLDER, THE SECRETARY OF STATE SHALL
2 NOT ASSESS POINTS AGAINST THE LICENSE HOLDER. AS USED IN THIS
3 SUBSECTION, "UNMANNED TRAFFIC MONITORING DEVICE" MEANS THAT TERM
4 AS DEFINED IN SECTION 751.

5 SEC. 751. (1) A LAW ENFORCEMENT AGENCY SHALL NOT USE AN
6 UNMANNED TRAFFIC MONITORING DEVICE TO DETECT OR ENFORCE ANY OF
7 THE FOLLOWING:

8 (A) MOVING VIOLATIONS INVOLVING TRAFFIC SIGNS, SIGNALS, OR
9 MARKINGS.

10 (B) SPEED LIMITATIONS.

11 (C) PROOF OF FINANCIAL RESPONSIBILITY REQUIREMENTS.

12 (2) AS USED IN THIS SECTION, "UNMANNED TRAFFIC MONITORING
13 DEVICE" MEANS A SYSTEM THAT USES A PHOTO-RADAR DEVICE THAT
14 DETECTS AND PHOTOGRAPHS OR RECORDS AN IMAGE OF A VEHICLE USED IN
15 COMMITTING A VIOLATION DESCRIBED IN SUBSECTION (1), OR OF THE
16 OPERATOR OR LICENSE PLATE OF THE VEHICLE.