

**SUBSTITUTE FOR
HOUSE BILL NO. 4278**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320a (MCL 257.320a), as amended by 2018 PA 349.

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:

1 (a) Manslaughter, negligent homicide, or a
2 felony resulting from the operation of a motor
3 vehicle, ORV, or snowmobile..... 6 points

4 (b) A violation of section 601b(2) or (3),
5 601c(1) or (2), or 653a(3) or (4) or, beginning
6 October 31, 2010, a violation of section 601d..... 6 points

7 (c) A violation of section 625(1), (4), (5),
8 (7), or (8), section 81134 or 82127(1) of the
9 natural resources and environmental protection act,
10 1994 PA 451, MCL 324.81134 and 324.82127, or a law
11 or ordinance substantially corresponding to section
12 625(1), (4), (5), (7), or (8), or section 81134 or
13 82127(1) of the natural resources and environmental
14 protection act, 1994 PA 451, MCL 324.81134 and
15 324.82127..... 6 points

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

18 (e) Operating a motor vehicle in violation of
19 section 626..... 6 points

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

21 (g) A violation of section 627(6) pertaining
22 to speed in a work zone described in that section by
23 exceeding the lawful maximum by more than 15 miles
24 per hour..... 5 points

25 (h) A violation of any law or ordinance
26 pertaining to speed by exceeding the lawful maximum
27 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 resources
 3 and environmental protection act, 1994 PA 451, MCL
 4 ~~324.81135 and~~ 324.82127, or a law or ordinance
 5 substantially corresponding to section 625(3) or (6)
 6 or section ~~81135 or~~ 82127(3) of the natural
 7 resources and environmental protection act, 1994 PA
 8 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

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

12 (k) A violation of section 627(6) pertaining
 13 to speed in a work zone described in that section by
 14 exceeding the lawful maximum by more than 10 but not
 15 more than 15 miles per hour..... 4 points

16 (l) Beginning October 31, 2010, a moving
 17 violation resulting in an at-fault collision with
 18 another vehicle, ~~a person,~~ **an individual**, or any
 19 other object..... 4 points

20 (m) Careless driving in violation of section
 21 626b or a law or ordinance substantially
 22 corresponding to section 626b..... 3 points

23 (n) A violation of any law or ordinance
 24 pertaining to speed by exceeding the lawful maximum
 25 by more than 10 miles per hour but not more than 15
 26 miles per hour..... 3 points

27 (o) A violation of section 653a(2)..... 2 points

1 (p) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum
3 by more than 5 miles per hour but not more than 10
4 miles per hour..... 2 points

5 (q) A violation of any law or ordinance
6 pertaining to speed by exceeding the lawful maximum
7 by more than 1 mile per hour but not more than 5
8 miles per hour..... 1 point

9 (r) Disobeying a traffic signal or stop sign,
10 or improper passing..... 3 points

11 (s) A violation of section 624a, 624b, or a
12 law or ordinance substantially corresponding to
13 section 624a or 624b..... 2 points

14 (t) A violation of section 310e(4) or (6) or a
15 law or ordinance substantially corresponding to
16 section 310e(4) or (6)..... 2 points

17 (u) All other moving violations pertaining to
18 the operation of motor vehicles reported under this
19 section..... 2 points

20 (v) A refusal by ~~a person~~**an individual** less
21 than 21 years of age to submit to a preliminary
22 breath test required by a peace officer under
23 section 625a..... 2 points

24 (w) A violation of section 627(6) pertaining
25 to speed in a work zone described in that section by
26 exceeding the lawful maximum by 10 miles per hour or
27 less..... 3 points

28 **(x) A third or subsequent violation of section**
29 **602b..... 2 points**

1 **(y) A second violation of section 602b..... 1 point**

2 (2) Points ~~shall~~**must** not be entered for a violation of
3 section 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719,
4 719a, or 723.

5 (3) Points ~~shall~~**must** not be entered for bond forfeitures.

6 (4) Points ~~shall~~**must** not be entered for overweight loads or
7 for defective equipment.

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

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

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

24 (8) The secretary of state shall enter 6 points upon the
25 record of ~~a person~~**an individual** whose license is suspended or
26 denied under section 625f. However, if a conviction, civil
27 infraction determination, or probate court disposition results from
28 the same incident, additional points for that offense ~~shall~~**must**
29 not be entered.

1 (9) If a Michigan driver commits a violation in another state
2 that would be a civil infraction if committed in Michigan, and a
3 conviction results solely because of the failure of the Michigan
4 driver to appear in that state to contest the violation, upon
5 receipt of the abstract of conviction by the secretary of state,
6 the violation ~~shall~~**must** be noted on the **Michigan** driver's record,
7 but ~~no~~ points ~~shall~~**must not** be assessed against his or her
8 ~~driver's~~**driver** license.

9 Enacting section 1. This amendatory act takes effect 180 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless all of the following bills of the 101st Legislature are
13 enacted into law:

14 (a) House Bill No. 4277.

15 (b) House Bill No. 4279.