

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 477

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
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:

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:

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
 10 or 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(6) 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 or ordinance
 25 pertaining to speed by exceeding the lawful
 26 maximum by more than 15 miles per hour.....4 points
 27 (i) A violation of section 625(3) or (6),

1 section 81135 or 82127(3) of the natural
 2 resources and environmental protection act,
 3 1994 PA 451, MCL 324.81135 and 324.82127,
 4 or a law or ordinance substantially corresponding
 5 to section 625(3) or (6) or section 81135
 6 or 82127(3) of the natural resources and
 7 environmental protection act, 1994 PA 451,
 8 MCL 324.81135 and 324.82127.....4 points
 9 (j) A violation of section 626a or a law
 10 or ordinance substantially corresponding to
 11 section 626a.....4 points
 12 ~~—— (k) A violation of section 653a(2).....4 points~~
 13 **(K)** ~~(l)~~ A violation of section 627(6) pertaining
 14 to speed in a work zone described in that section
 15 by exceeding the lawful maximum by more than 10
 16 but not more than 15 miles per hour.....4 points
 17 **(l)** ~~(m)~~ Beginning October 31, 2010, a moving
 18 violation resulting in an at-fault collision with
 19 another vehicle, a person, or any other object.....4 points
 20 **(M)** ~~(n)~~ Careless driving in violation of section
 21 626b or a law or ordinance substantially
 22 corresponding to section 626b.....3 points
 23 **(N)** ~~(o)~~ A violation of any law or ordinance
 24 pertaining to speed by exceeding the lawful
 25 maximum by more than 10 miles per hour but not
 26 more than 15 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
 3 maximum by more than 5 miles per hour but not
 4 more than 10 miles per hour2 points
- 5 (q) A violation of any law or ordinance
 6 pertaining to speed by exceeding the lawful
 7 maximum by more than 1 mile per hour but not
 8 more than 5 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
 12 a law or ordinance substantially corresponding to
 13 section 624a or 624b.....2 points
- 14 (t) A violation of section 310e(4) or (6) or
 15 a law or ordinance substantially corresponding
 16 to section 310e(4) or (6).....2 points
- 17 (u) All other moving violations pertaining to
 18 the operation of motor vehicles reported under
 19 this section.....2 points
- 20 (v) A refusal by a person less than 21 years
 21 of age to submit to a preliminary breath test
 22 required by a peace officer under section 625a.....2 points
- 23 (w) A violation of section 627(6) pertaining
 24 to speed in a work zone described in that
 25 section by exceeding the lawful maximum by
 26 10 miles per hour or less.....3 points
- 27 (2) Points shall not be entered for a violation of section

1 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
2 723.

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

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

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

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

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

20 (8) The secretary of state shall enter 6 points upon the
21 record of a person whose license is suspended or denied under
22 section 625f. However, if a conviction, civil infraction
23 determination, or probate court disposition results from the same
24 incident, additional points for that offense shall not be entered.

25 (9) If a Michigan driver commits a violation in another state
26 that would be a civil infraction if committed in Michigan, and a
27 conviction results solely because of the failure of the Michigan

1 driver to appear in that state to contest the violation, upon
2 receipt of the abstract of conviction by the secretary of state,
3 the violation shall be noted on the driver's record, but no points
4 shall be assessed against his or her driver's license.

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

11 (a) On any public roadway with at least 2 adjacent lanes
12 proceeding in the same direction of the stationary authorized
13 emergency vehicle, the driver of the approaching vehicle shall
14 proceed with caution, **REDUCE HIS OR HER SPEED BY AT LEAST 10 MILES**
15 **PER HOUR BELOW THE POSTED SPEED LIMIT**, and yield the right-of-way
16 by moving into a lane at least 1 moving lane or 2 vehicle widths
17 apart from the stationary authorized emergency vehicle, unless
18 directed otherwise by a police officer. If movement to an adjacent
19 lane or 2 vehicle widths apart is not possible due to weather, road
20 conditions, or the immediate presence of vehicular or pedestrian
21 traffic in parallel moving lanes, the driver of the approaching
22 vehicle shall proceed as required in subdivision (b).

23 (b) On any public roadway that does not have at least 2
24 adjacent lanes proceeding in the same direction as the stationary
25 authorized emergency vehicle, or if the movement by the driver of
26 the vehicle into an adjacent lane or 2 vehicle widths apart is not
27 possible as described in subdivision (a), the approaching vehicle

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1 shall ~~reduce and maintain a safe speed for weather, road~~
2 ~~conditions, and vehicular or pedestrian traffic and proceed with~~
3 due care and caution **AND REDUCE HIS OR HER SPEED BY AT LEAST 10**
4 **MILES PER HOUR BELOW THE POSTED SPEED LIMIT,** or as directed by a
5 police officer.

6 (2) Except as provided in **[THIS SUBSECTION AND]** subsections (3) and
7 (4), a person

8 who violates this section is **[guilty of**] a
9 **[misdemeanor punishable by**
10 **] a [] fine of [not more than \$500.00 or imprisonment for not**
11 **more than 90 days, or both. BEGINNING 60 DAYS AFTER THE EFFECTIVE DATE OF**
12 **THE AMENDATORY ACT THAT AMENDED THIS SUBSECTION, EXCEPT AS PROVIDED IN**
13 **SUBSECTIONS (3) AND (4), A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE**
14 **FOR A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL FINE OF \$400.00.]**

15 (3) A person who violates this section and causes injury to a
16 police officer, firefighter, or other emergency response personnel
17 in the immediate area of the stationary authorized emergency
18 vehicle is guilty of a felony punishable by a fine of not more than
19 \$1,000.00 or imprisonment for not more than 2 years, or both.

20 (4) A person who violates this section and causes death to a
21 police officer, firefighter, or other emergency response personnel
22 in the immediate area of the stationary authorized emergency
23 vehicle is guilty of a felony punishable by a fine of not more than
24 \$7,500.00 or by imprisonment for not more than 15 years, or both.

25 (5) **THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS**
26 **BEEN DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY**
27 **A PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO**
28 **CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO**
29 **PROCEED WITH CAUTION, REDUCE HIS OR HER SPEED, OR YIELD THE RIGHT-**
30 **OF-WAY FOR AN AUTHORIZED EMERGENCY VEHICLE THAT IS STOPPED ACROSS**
31 **THE DIVIDING SPACE, BARRIER, OR SECTION.**

1 Sec. 653b. (1) Upon approaching and passing a stationary solid
2 waste collection vehicle, a utility service vehicle, or a road
3 maintenance vehicle that is giving a visual signal by means of
4 flashing, rotating, or oscillating amber lights as permitted by
5 section 698, the driver of an approaching vehicle shall

6 ~~reduce to and maintain a safe speed for weather, road conditions,~~
7 ~~and vehicular or pedestrian traffic and~~ **EXHIBIT DUE CARE AND**
8 **CAUTION, AS REQUIRED UNDER THE FOLLOWING:**

9 **(A) ON ANY PUBLIC ROADWAY WITH AT LEAST 2 ADJACENT LANES**
10 **PROCEEDING IN THE SAME DIRECTION OF THE STATIONARY SOLID WASTE**
11 **COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD MAINTENANCE**
12 **VEHICLE, THE DRIVER OF THE APPROACHING VEHICLE SHALL PROCEED WITH**
13 **CAUTION, REDUCE HIS OR HER SPEED BY AT LEAST 10 MILES PER HOUR**
14 **BELOW THE POSTED SPEED LIMIT, AND YIELD THE RIGHT-OF-WAY BY MOVING**
15 **INTO A LANE AT LEAST 1 MOVING LANE OR 2 VEHICLE WIDTHS APART FROM**
16 **THE STATIONARY SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE**
17 **VEHICLE, OR ROAD MAINTENANCE VEHICLE, UNLESS DIRECTED OTHERWISE BY**
18 **A POLICE OFFICER. IF MOVEMENT TO AN ADJACENT LANE OR 2 VEHICLE**
19 **WIDTHS APART IS NOT POSSIBLE DUE TO WEATHER, ROAD CONDITIONS, OR**
20 **THE IMMEDIATE PRESENCE OF VEHICULAR OR PEDESTRIAN TRAFFIC IN**
21 **PARALLEL MOVING LANES, THE DRIVER OF THE APPROACHING VEHICLE SHALL**
22 **PROCEED AS REQUIRED IN SUBDIVISION (B) .**

23 **(B) ON ANY PUBLIC ROADWAY THAT DOES NOT HAVE AT LEAST 2**
24 **ADJACENT LANES PROCEEDING IN THE SAME DIRECTION AS THE STATIONARY**
25 **SOLID WASTE COLLECTION VEHICLE, UTILITY SERVICE VEHICLE, OR ROAD**
26 **MAINTENANCE VEHICLE, OR IF THE MOVEMENT BY THE DRIVER OF THE**
27 **VEHICLE INTO AN ADJACENT LANE OR 2 VEHICLE WIDTHS APART IS NOT**

1 POSSIBLE AS DESCRIBED IN SUBDIVISION (A) , THE APPROACHING VEHICLE
 2 SHALL proceed with due care and caution AND REDUCE HIS OR HER SPEED
 3 BY 10 MILES PER HOUR.

4 (2) THE OPERATOR OF A VEHICLE UPON A HIGHWAY THAT HAS
 5 BEEN DIVIDED INTO 2 ROADWAYS BY LEAVING AN INTERVENING SPACE, OR BY
 6 A PHYSICAL BARRIER OR CLEARLY INDICATED DIVIDING SECTIONS SO
 7 CONSTRUCTED AS TO IMPEDE VEHICULAR TRAFFIC, IS NOT REQUIRED TO
 8 PROCEED WITH CAUTION, REDUCE HIS OR HER SPEED, OR YIELD THE RIGHT-
 9 OF-WAY FOR A STATIONARY SOLID WASTE COLLECTION VEHICLE, UTILITY
 10 SERVICE VEHICLE, OR ROAD MAINTENANCE VEHICLE THAT IS STOPPED ACROSS
 11 THE DIVIDING SPACE, BARRIER, OR SECTION.

12 (3) ~~(2)~~—As used in this section:

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

14 (i) The state department of transportation.

15 (ii) A local authority.

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

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

21 (c) "Solid waste" means that term as defined in section 11506
 22 of the natural resources and environmental protection act, 1994 PA
 23 451, MCL 324.11506.

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

27 (e) "Solid waste hauler" means that term as defined in section

1 11506 of the natural resources and environmental protection act,
2 1994 PA 451, MCL 324.11506.

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

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

9 (i) Generates or distributes electrical power to the public.

10 (ii) Generates or distributes natural gas to the public.

11 (iii) Provides sewage collection services to the public.

12 (iv) Provides water distribution services to the public.

13 (v) Provides telephone services to the public.

14 (vi) Provides cable or video services to the public.

15 (h) "Utility service vehicle" means a vehicle owned or
16 operated by a utility provider.

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