

HOUSE BILL No. 5101

September 30, 2003, Introduced by Reps. Amos, Pastor, Rocca, Ward, Stakoe, Nofs, Voorhees, Vander Veen and Taub and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2003 PA 61.

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
6 otherwise provided in this section and section 629c:
7 (a) Manslaughter, negligent homicide, or a felony
8 resulting from the operation of a motor vehicle, ORV, or
9 snowmobile..... 6 points

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

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

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

- 13 (e) Operating a motor vehicle in violation of section 626 points

- 14 (f) Fleeing or eluding an officer..... 6 points

- 15 (g) Violation of section 627(9) pertaining to speed in a
16 designated work area by exceeding the lawful maximum by
17 more than 15 miles per hour..... 5 points

- 18 (h) Violation of any law other than the law described in
19 subdivision (g) or ordinance pertaining to speed by
20 exceeding the lawful maximum by more than 15 miles per
21 hour..... 4 points

- 1 (i) Violation of section 625(3) or (6), section 81135 or
2 82127(3) of the natural resources and environmental
3 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
4 or a law or ordinance substantially corresponding to
5 section 625(3) or (6) or section 81135 or 82127(3) of the
6 natural resources and environmental protection act, 1994
7 PA 451, MCL 324.81135 and 324.82127..... 4 points

- 8 (j) Violation of section 626a or a law or ordinance
9 substantially corresponding to section 626a..... 4 points

- 10 (k) Violation of section 653a(2)..... 4 points

- 11 (l) Violation of section 627(9) pertaining to speed in a
12 designated work area by exceeding the lawful maximum by
13 more than 10 but not more than 15 miles per hour..... 4 points

- 14 (m) Violation of any law other than the law described in
15 subdivision (l) or ordinance pertaining to speed by
16 exceeding the lawful maximum by more than 10 but not more
17 than 15 miles per hour or careless driving in violation of
18 section 626b or a law or ordinance substantially
19 corresponding to section 626b..... 3 points

- 20 (n) Violation of section 627(9) pertaining to speed in a
21 designated work area by exceeding the lawful maximum by 10
22 miles per hour or less..... 3 points

1 (o) Violation of any law other than the law described in
2 subdivision (n) or ordinance pertaining to speed by
3 exceeding the lawful maximum by 10 miles per hour or less 2 points

4 (p) Disobeying a traffic signal or stop sign, or improper
5 passing..... 3 points

6 (q) Violation of section 624a, 624b, or a law or
7 ordinance substantially corresponding to section 624a or
8 624b..... 2 points

9 (r) Violation of section 310e(4) or (6) or a law or
10 ordinance substantially corresponding to section 310e(4)
11 or (6)..... 2 points

12 (s) All other moving violations pertaining to the
13 operation of motor vehicles reported under this section 2 points

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

17 (u) **A violation of section 709(1)(b) or an ordinance**
18 **substantially corresponding to section 709(1)(b)..... 2 points**

19 (2) Points shall not be entered for a violation of section
20 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

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

19 (8) The secretary of state shall enter 6 points upon the
20 record of a person whose license is suspended or denied pursuant
21 to section 625f. However, if a conviction, civil infraction
22 determination, or probate court disposition results from the same
23 incident, additional points for that offense shall not be
24 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
4 points shall be assessed against his or her driver's license.