

**SUBSTITUTE FOR  
HOUSE BILL NO. 5396**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 320a (MCL 257.320a), as amended by 2004 PA  
495.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 320a. (1) Until October 1, 2005, within 10 days after  
2 the receipt of a properly prepared abstract from this state or  
3 another state, or, beginning October 1, 2005, within 5 days after  
4 the receipt of a properly prepared abstract from this state or  
5 another state, the secretary of state shall record the date of  
6 conviction, civil infraction determination, or probate court  
7 disposition, and the number of points for each, based on the  
8 following formula, except as otherwise provided in this section

1 and section 629c:

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

5 (b) A violation of section 601b(2) or (3),  
6 601c(1) or (2), or 653a(3) or (4).....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 or  
11 ordinance substantially corresponding to section  
12 625(1), (4), (5), (7), or (8) or section 81134  
13 or 82127(1) of the natural resources and  
14 environmental protection act, 1994 PA 451,  
15 MCL 324.81134 and 324.82127.....6 points

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

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

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

21 (g) A violation of section 627(9) pertaining  
22 to speed in a work zone described in that section  
23 by exceeding the lawful maximum by more than  
24 15 miles per hour.....5 points

25 (h) A violation of any law other than the  
26 law described in subdivision (g) or ordinance  
27 pertaining to speed by exceeding the lawful  
28 maximum by more than 15 miles per hour.....4 points

29 (i) A violation of section 625(3) or (6),  
30 section 81135 or 82127(3) of the natural

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

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

11 (k) A violation of section 653a(2).....4 points

12 (l) A violation of section 627(9) pertaining  
13 to speed in a work zone described in that section  
14 by exceeding the lawful maximum by more than 10  
15 but not more than 15 miles per hour.....4 points

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

23 (n) A violation of section 627(9) pertaining  
24 to speed in a work zone described in that section  
25 by exceeding the lawful maximum by 10 miles per  
26 hour or less.....3 points

27 (o) A violation of any law other than the law  
28 described in subdivision (n) or ordinance pertaining  
29 to speed by exceeding the lawful maximum  
30 by 10 miles per hour or less.....2 points

31 (p) Disobeying a traffic signal or stop sign,

1 or improper passing.....3 points

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

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

8 (s) All other moving violations pertaining to  
9 the operation of motor vehicles reported under  
10 this section.....2 points

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

14 (2) Points shall not be entered for a violation of section  
15 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

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

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

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

19           Enacting section 1. This amendatory act does not take effect  
20 unless House Bill No. 5117 of the 94th Legislature is enacted  
21 into law.