

SENATE BILL No. 783

September 18, 2007, Introduced by Senator THOMAS and referred to the Committee on Energy Policy and Public Utilities.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2004 PA 495, and by adding section 602b.

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
9 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).....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,

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

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

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

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

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

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

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

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

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

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

28 (7) If a person violates a speed restriction established by

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

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

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

18 **SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, AN**
19 **INDIVIDUAL SHALL NOT USE A CELLULAR TELEPHONE DEVICE, PERSONAL**
20 **DIGITAL ASSISTANT, ELECTRONIC GAMING DEVICE, OR OTHER ELECTRONIC**
21 **DEVICE THAT IS UNRELATED TO THE OPERATION OF THE VEHICLE AND THAT**
22 **HAS A KEYBOARD OR SCREEN TO DO ANY OF THE FOLLOWING WHILE**
23 **OPERATING A MOTOR VEHICLE THAT IS IN MOTION ON A HIGHWAY OR**
24 **STREET:**

25 (A) ENGAGE IN NONVERBAL COMMUNICATION WITH ANOTHER PERSON.

26 (B) PLAY A GAME.

27 (C) ENTER DATA.

1 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
2 USING A CELLULAR TELEPHONE OR OTHER COMMUNICATION DEVICE TO DO
3 ANY OF THE FOLLOWING:

4 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
5 ROAD HAZARD.

6 (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR
7 HER PERSONAL SAFETY IS IN JEOPARDY.

8 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL
9 PERPETRATION OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER
10 PERSON.

11 (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW
12 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE
13 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

14 (3) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW
15 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY
16 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A
17 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

18 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
19 FOR A CIVIL INFRACTION PUNISHABLE BY A FINE OF \$100.00.