

**SUBSTITUTE FOR
SENATE BILL NO. 468**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320a (MCL 257.320a), as amended by 2008 PA
463, 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~~ **WITHIN** 5
4 days after the receipt of a properly prepared abstract from this
5 state or another state, the secretary of state shall record the
6 date of conviction, civil infraction determination, or probate
7 court disposition, and the number of points for each, based on
8 the following formula, except as otherwise provided in this
9 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), ~~601d~~, 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 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
- 31 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~~**BEGINNING OCTOBER 31, 2010, A**
16 moving violation resulting in an at-fault
17 collision with another vehicle, a person,
18 or any other object.....4 points

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

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

30 (p) A violation of any law other than the law
31 described in subdivision (o) or ordinance

1 pertaining to speed by exceeding the lawful maximum
2 by 10 miles per hour or less.....2 points

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

5 (r) A violation of section 624a, 624b, or
6 a law or ordinance substantially corresponding to
7 section 624a or 624b.....2 points

8 (s) A violation of section 310e(4) or (6) or
9 a law or ordinance substantially corresponding to
10 section 310e(4) or (6).....2 points

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

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

17 (2) Points shall not be entered for a violation of section
18 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

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

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

26 (6) If a person has accumulated 9 points as provided in this
27 section, the secretary of state may call the person in for an
28 interview as to the person's driving ability and record after due

1 notice as to time and place of the interview. If the person fails
2 to appear as provided in this subsection, the secretary of state
3 shall add 3 points to the person's record.

4 (7) If a person violates a speed restriction established by
5 an executive order issued during a state of energy emergency as
6 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
7 state shall enter points for the violation pursuant to subsection
8 (1).

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

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

22 **SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON**
23 **SHALL NOT READ, WRITE, OR SEND A TEXT MESSAGE ON A WIRELESS 2-WAY**
24 **COMMUNICATION DEVICE THAT IS LOCATED IN THE PERSON'S HAND OR IN**
25 **THE PERSON'S LAP, INCLUDING A WIRELESS TELEPHONE USED IN CELLULAR**
26 **TELEPHONE SERVICE OR PERSONAL COMMUNICATION SERVICE, WHILE**
27 **OPERATING A MOTOR VEHICLE THAT IS MOVING ON A HIGHWAY OR STREET**

1 IN THIS STATE. AS USED IN THIS SUBSECTION, A WIRELESS 2-WAY
2 COMMUNICATION DEVICE DOES NOT INCLUDE A GLOBAL POSITIONING OR
3 NAVIGATION SYSTEM THAT IS AFFIXED TO THE MOTOR VEHICLE.

4 (2) SUBSECTION (1) DOES NOT APPLY TO PROHIBIT AN INDIVIDUAL
5 FROM OPERATING A CELLULAR TELEPHONE OR OTHER COMMUNICATION DEVICE
6 USING HANDS-FREE TECHNOLOGY OR FROM USING A CELLULAR TELEPHONE OR
7 OTHER COMMUNICATION DEVICE TO DO ANY OF THE FOLLOWING:

8 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
9 ROAD HAZARD.

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

12 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL
13 PERPETRATION OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER
14 PERSON.

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

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

22 (4) THIS SECTION SUPERSEDES ALL LOCAL ORDINANCES REGULATING
23 THE USE OF A COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE
24 IN MOTION ON A HIGHWAY OR STREET, EXCEPT THAT A UNIT OF LOCAL
25 GOVERNMENT MAY ADOPT AN ORDINANCE OR ENFORCE AN EXISTING
26 ORDINANCE SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

27 (5) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE

1 FOR A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A FINE AS
2 FOLLOWS:

3 (A) FOR A FIRST OFFENSE, \$200.00.

4 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, \$500.00.

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 402 of the 95th Legislature is enacted
7 into law.