

HOUSE BILL No. 4394

February 24, 2009, Introduced by Rep. Gonzales 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 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 **ON AND AFTER OCTOBER 31, 2010, A VIOLATION OF SECTION**
- 7 **601D.....6 POINTS**
- 8 (c) A violation of section 625(1), (4), (5),
- 9 (7), or (8), section 81134 or 82127(1) of the
- 10 natural resources and environmental protection act,
- 11 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
- 12 ordinance substantially corresponding to section
- 13 625(1), (4), (5), (7), or (8), or section 81134
- 14 or 82127(1) of the natural resources and
- 15 environmental protection act, 1994 PA 451,
- 16 MCL 324.81134 and 324.82127.....6 points
- 17 (d) Failing to stop and disclose identity
- 18 at the scene of an accident when required by law.....6 points
- 19 (e) Operating a motor vehicle in violation
- 20 of section 626.....6 points
- 21 (f) Fleeing or eluding an officer.....6 points
- 22 (g) 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 more than
- 25 15 miles per hour.....5 points
- 26 (h) A violation of any law other than the
- 27 law described in subdivision (g) or ordinance
- 28 pertaining to speed by exceeding the lawful
- 29 maximum by more than 15 miles per hour.....4 points
- 30 (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 (l) A violation of section 627(9) 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 (m) ~~A~~**BEGINNING ON AND AFTER OCTOBER 31, 2010, A**
 18 moving violation resulting in an at-fault
 19 collision with another vehicle, a person,
 20 or any other object.....4 points

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

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

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

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

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

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

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

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

19 (2) Points shall not be entered for a violation of section
20 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

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

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

28 (6) If a person has accumulated 9 points as provided in this
29 section, the secretary of state may call the person in for an

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

5 (7) If a person violates a speed restriction established by
6 an executive order issued during a state of energy emergency as
7 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
8 state shall enter points for the violation pursuant to subsection
9 (1).

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

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

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

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

5 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
6 USING A DEVICE DESCRIBED IN SUBSECTION (1) TO DO ANY OF THE
7 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 THE OPERATOR OF A MOTOR VEHICLE HAS BEEN DETAINED FOR
21 A SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

22 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
23 FOR A CIVIL INFRACTION.

24 (5) IF A LOCAL UNIT OF GOVERNMENT ADOPTS AN ORDINANCE
25 SUBSTANTIALLY SIMILAR TO THIS SECTION, THE ORDINANCE SHALL
26 INCLUDE THE SECONDARY ENFORCEMENT PROVISION IN SUBSECTION (3).