

SUBSTITUTE FOR
HOUSE BILL NO. 5089

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 601b, and 627 (MCL 257.320a, 257.601b,
and 257.627), section 320a as amended by 2003 PA 61, section 601b
as amended by 2001 PA 103, and section 627 as amended by 1990 PA
165, and by adding sections 79d and 616a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 79d. "Work zone" means a portion of a street or
2 highway that meets any of the following:

3 (a) Is between a "work zone begins" sign and an "end road
4 work" sign.

5 (b) For construction, maintenance, or utility work
6 activities conducted by a work crew and more than 1 moving
7 vehicle, is between a "begin work convoy" sign and an "end work
8 convoy" sign.

1 (c) For construction, maintenance, or utility work
 2 activities conducted by a work crew and 1 moving or stationary
 3 vehicle exhibiting a rotating beacon or strobe light, is between
 4 the following points:

5 (i) A point that is 150 feet behind the rear of the vehicle
 6 or that is the point from which the beacon or strobe light is
 7 first visible on the street or highway behind the vehicle,
 8 whichever is closer to the vehicle.

9 (ii) A point that is 150 feet in front of the front of the
 10 vehicle or that is the point from which the beacon or strobe
 11 light is first visible on the street or highway in front of the
 12 vehicle, whichever is closer to the vehicle.

13 Sec. 320a. (1) The secretary of state, within 10 days after
 14 the receipt of a properly prepared abstract from this or another
 15 state, shall record the date of conviction, civil infraction
 16 determination, or probate court disposition, and the number of
 17 points for each, based on the following formula, except as
 18 otherwise provided in this section and section 629c:

19 (a) Manslaughter, negligent homicide, or a felony
 20 resulting from the operation of a motor vehicle, ORV, or
 21 snowmobile..... 6 points

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

24 (c) A violation of section 625(1), (4), (5), (7), or (8),
 25 section 81134 or 82127(1) of the natural resources and

- 1 environmental protection act, 1994 PA 451, MCL 324.81134
 2 and 324.82127, or a law or ordinance substantially
 3 corresponding to section 625(1), (4), (5), (7), or (8), or
 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..... 6 points
- 7 (d) Failing to stop and disclose identity at the scene of
 8 an accident when required by law..... 6 points
- 9 (e) Operating a motor vehicle in violation of section 62 6 points
- 10 (f) Fleeing or eluding an officer..... 6 points
- 11 (g) Violation of section 627(9) pertaining to speed in a
 12 designated work ~~area~~ **zone** by exceeding the lawful
 13 maximum by more than 15 miles per hour..... 5 points
- 14 (h) Violation of any law other than the law described in
 15 subdivision (g) or ordinance pertaining to speed by
 16 exceeding the lawful maximum by more than 15 miles per
 17 hour..... 4 points
- 18 (i) Violation of section 625(3) or (6), section 81135 or
 19 82127(3) of the natural resources and environmental
 20 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
 21 or a law or ordinance substantially corresponding to

- 1 section 625(3) or (6) or section 81135 or 82127(3) of the
 2 natural resources and environmental protection act, 1994
 3 PA 451, MCL 324.81135 and 324.82127..... 4 points
- 4 (j) Violation of section 626a or a law or ordinance
 5 substantially corresponding to section 626a..... 4 points
- 6 (k) Violation of section **616a** or 653a(2)..... 4 points
- 7 (l) Violation of section 627(9) pertaining to speed in a
 8 designated work ~~area~~ **zone** by exceeding the lawful
 9 maximum by more than 10 but not more than 15 miles per
 10 hour..... 4 points
- 11 (m) Violation of any law other than the law described in
 12 subdivision (l) or ordinance pertaining to speed by
 13 exceeding the lawful maximum by more than 10 but not more
 14 than 15 miles per hour or careless driving in violation of
 15 section 626b or a law or ordinance substantially
 16 corresponding to section 626b..... 3 points
- 17 (n) Violation of section 627(9) pertaining to speed in a
 18 designated work ~~area~~ **zone** by exceeding the lawful
 19 maximum by 10 miles per hour or less..... 3 points
- 20 (o) Violation of any law other than the law described in
 21 subdivision (n) or ordinance pertaining to speed by
 22 exceeding the lawful maximum by 10 miles per hour or less 2 points

- 1 (p) Disobeying a traffic signal or stop sign, or improper
 2 passing..... 3 points
- 3 (q) Violation of section 624a, 624b, or a law or
 4 ordinance substantially corresponding to section 624a or
 5 624b..... 2 points
- 6 (r) Violation of section 310e(4) or (6) or a law or
 7 ordinance substantially corresponding to section 310e(4)
 8 or (6)..... 2 points
- 9 (s) All other moving violations pertaining to the
 10 operation of motor vehicles reported under this section 2 points
- 11 (t) A refusal by a person less than 21 years of age to
 12 submit to a preliminary breath test required by a peace
 13 officer under section 625a..... 2 points
- 14 (2) Points shall not be entered for a violation of section
 15 310e(14), 311, 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.

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

7 (7) If a person violates a speed restriction established by
8 an executive order issued during a state of energy emergency as
9 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
10 state shall enter points for the violation pursuant to subsection
11 (1).

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

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

25 Sec. 601b. (1) Notwithstanding any other provision of this
26 act, a person responsible for a moving violation in a
27 construction zone, at an emergency scene, or in a school zone

1 during the period beginning 30 minutes before school in the
2 morning and through 30 minutes after school in the afternoon is
3 subject to a fine that is double the fine otherwise prescribed
4 for that moving violation.

5 (2) A person who commits a moving violation that has criminal
6 penalties and as a result causes injury to a person working in
7 the construction zone is guilty of a misdemeanor punishable by a
8 fine of not more than \$1,000.00 or imprisonment for not more than
9 1 year, or both.

10 (3) A person who commits a moving violation that has criminal
11 penalties and as a result causes death to a person working in the
12 construction zone is guilty of a felony punishable by a fine of
13 not more than \$7,500.00 or by imprisonment for not more than 15
14 years, or both.

15 (4) Whenever practical, signs designed in compliance with the
16 uniform manual of traffic control devices shall be appropriately
17 placed at the construction zone by the state transportation
18 department or road authority having jurisdiction over the
19 construction zone notifying operators of vehicles of the
20 increased fines and penalties provided by this section for the
21 protection and safety of construction workers.

22 (5) Subsections (2) and (3) do not apply if the injury or
23 death was caused by the negligence of the person working in the
24 construction zone.

25 (6) As used in this section:

26 (a) "Construction zone" means a designated work ~~area~~ **zone**
27 described in section 627.

1 (b) "Emergency scene" means a traffic accident, a serious
2 incident caused by weather conditions, or another occurrence
3 along a highway or street for which a police officer,
4 firefighter, or emergency medical personnel are summoned to aid
5 an injured victim.

6 (c) "Moving violation" means an act or omission prohibited
7 under this act or a local ordinance substantially corresponding
8 to this act that occurs while a person is operating a motor
9 vehicle, and for which the person is subject to a fine.

10 (d) "School zone" means that term as defined in section
11 627a.

12 **Sec. 616a. (1) Except as provided in subsection (3), an**
13 **individual driving a vehicle on a highway or street shall not use**
14 **a mobile infrared transmitter.**

15 **(2) An individual who violates subsection (1) is guilty of a**
16 **misdemeanor punishable by imprisonment for not more than 90**
17 **days.**

18 **(3) This section does not apply to the operator, passenger,**
19 **or owner of an authorized emergency vehicle in the course of his**
20 **or her emergency duties.**

21 **(4) As used in this section, "mobile infrared transmitter"**
22 **means a device that emits an infrared beam with the capability of**
23 **changing a traffic control signal to green out of sequence.**

24 **Sec. 627. (1) A person driving a vehicle on a highway shall**
25 **drive at a careful and prudent speed not greater than nor less**
26 **than is reasonable and proper, having due regard to the traffic,**
27 **surface, and width of the highway and of any other condition then**

1 existing. A person shall not drive a vehicle upon a highway at a
2 speed greater than that which will permit a stop within the
3 assured, clear distance ahead.

4 (2) Subject to subsection (1) and except in those instances
5 where a lower speed is specified in this chapter, it is prima
6 facie lawful for the driver of a vehicle to drive at a speed not
7 exceeding the following, except when this speed would be unsafe:

8 (a) 25 miles an hour on all highways in a business or
9 residence district as defined in this act.

10 (b) 25 miles an hour in public parks unless a different speed
11 is fixed and duly posted.

12 (3) It is prima facie unlawful for a person to exceed the
13 speed limits prescribed in subsection (2), except as provided in
14 section 629.

15 (4) The driver of a vehicle in a mobile home park as defined
16 in section 2 of the mobile home commission act, ~~Act No. 96 of~~
17 ~~the Public Acts of 1987, being section 125.2302 of the Michigan~~
18 ~~Compiled Laws~~ **1987 PA 96, MCL 125.2302**, shall drive at a careful
19 and prudent speed, not greater than a speed which is reasonable
20 and proper, having due regard for the traffic, surface, width of
21 the roadway, and all other conditions existing, and not greater
22 than a speed which will permit a stop within the assured clear
23 distance ahead. It is prima facie unlawful for the driver of a
24 vehicle to drive at a speed exceeding 15 miles an hour in a
25 mobile home park as defined in section 2 of ~~Act No. 96 of the~~
26 ~~Public Acts of 1987~~ **the mobile home commission act, 1987 PA 96,**
27 **MCL 125.2302.**

1 (5) A person driving a passenger vehicle drawing another
2 vehicle or trailer shall not exceed a speed of 55 miles per hour,
3 unless the vehicle or trailer has 2 wheels or less and does not
4 exceed the combined weight of 750 pounds for the vehicle or
5 trailer and load, or a trailer coach of not more than 26 feet in
6 length with brakes on each wheel and attached to the passenger
7 vehicle with an equalizing or stabilizing coupling unit.

8 (6) A truck with a gross weight of 10,000 pounds or more, a
9 truck-tractor with a trailer, or a combination of these vehicles
10 shall not exceed a speed of 55 miles per hour on highways,
11 streets, or freeways — and shall not exceed a speed of 35 miles
12 per hour during the period when reduced loadings are being
13 enforced in accordance with this chapter.

14 (7) A person driving a school bus shall not exceed the speed
15 of 50 miles per hour.

16 (8) The maximum rates of speeds allowed pursuant to this
17 section are subject to the maximum rate established pursuant to
18 section 629b.

19 (9) ~~A person operating a vehicle on a highway, when entering~~
20 ~~and passing through a designated work area where a normal lane or~~
21 ~~part of the lane of traffic has been closed due to highway~~
22 ~~construction, maintenance, or surveying activities, shall not~~
23 ~~exceed a speed of~~ **The speed limit in a work zone described in**
24 **section 79d(a) is** 45 miles per hour unless ~~otherwise determined~~
25 ~~and posted~~ **a different speed limit is determined for that work**
26 **zone** by the state transportation department, a county road
27 commission, or a local authority. The state transportation

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1 department, ~~a~~ county road commission, or ~~a~~ local authority
2 shall ~~identify on streets and highways under its jurisdiction a~~
3 ~~designated work area~~ **post speed limit signs in each work zone**
4 **described in this subsection that indicate the speed limit in**
5 **that work zone, and identify that work zone** with any other
6 traffic control devices ~~which are in conformance with~~ **necessary**
7 **to conform to** the Michigan manual of uniform traffic control
8 devices. A person shall not exceed a speed limit established
9 under this section or a speed limit established pursuant to
10 section 628 or 629.

11 (10) A person who violates this section is responsible for a
12 civil infraction.

[Enacting section 1. This amendatory act takes effect 90 days after
the date this amendatory act is enacted.]