

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5089

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

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

1 activities conducted by a work crew and 1 moving or stationary
 2 vehicle exhibiting a rotating beacon or strobe light, is between
 3 the following points:

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

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

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

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

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

23 (c) A violation of section 625(1), (4), (5), (7), or (8),
 24 section 81134 or 82127(1) of the natural resources and
 25 environmental protection act, 1994 PA 451, MCL 324.81134
 26 and 324.82127, or a law or ordinance substantially
 27 corresponding to section 625(1), (4), (5), (7), or (8), or

1 section 81134 or 82127(1) of the natural resources and
 2 environmental protection act, 1994 PA 451, MCL 324.81134
 3 and 324.82127..... 6 points
 4 (d) Failing to stop and disclose identity at the scene of
 5 an accident when required by law..... 6 points
 6 (e) Operating a motor vehicle in violation of section 626 points
 7 (f) Fleeing or eluding an officer..... 6 points
 8 (g) Violation of section 627(9) pertaining to speed in a
 9 ~~designated~~ work ~~area~~ **zone described in that section** by
 10 exceeding the lawful maximum by more than 15 miles per
 11 hour..... 5 points
 12 (h) Violation of any law other than the law described in
 13 subdivision (g) or ordinance pertaining to speed by
 14 exceeding the lawful maximum by more than 15 miles per
 15 hour..... 4 points
 16 (i) Violation of section 625(3) or (6), section 81135 or
 17 82127(3) of the natural resources and environmental
 18 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,
 19 or a law or ordinance substantially corresponding to
 20 section 625(3) or (6) or section 81135 or 82127(3) of the
 21 natural resources and environmental protection act, 1994
 22 PA 451, MCL 324.81135 and 324.82127..... 4 points
 23 (j) Violation of section 626a or a law or ordinance
 24 substantially corresponding to section 626a..... 4 points
 25 (k) Violation of section 653a(2)..... 4 points
 26 (l) Violation of section 627(9) pertaining to speed in a
 27 ~~designated~~ work ~~area~~ **zone described in that section** by

1 exceeding the lawful maximum by more than 10 but not more
 2 than 15 miles per hour..... 4 points
 3 (m) Violation of any law other than the law described in
 4 subdivision (l) or ordinance pertaining to speed by
 5 exceeding the lawful maximum by more than 10 but not more
 6 than 15 miles per hour or careless driving in violation of
 7 section 626b or a law or ordinance substantially
 8 corresponding to section 626b..... 3 points
 9 (n) Violation of section 627(9) pertaining to speed in a
 10 ~~designated~~ work ~~area~~ **zone described in that section** by
 11 exceeding the lawful maximum by 10 miles per hour or less3 points
 12 (o) Violation of any law other than the law described in
 13 subdivision (n) or ordinance pertaining to speed by
 14 exceeding the lawful maximum by 10 miles per hour or less2 points
 15 (p) Disobeying a traffic signal or stop sign, or improper
 16 passing..... 3 points
 17 (q) Violation of section 624a, 624b, or a law or
 18 ordinance substantially corresponding to section 624a or
 19 624b..... 2 points
 20 (r) Violation of section 310e(4) or (6) or a law or
 21 ordinance substantially corresponding to section 310e(4)
 22 or (6)..... 2 points
 23 (s) All other moving violations pertaining to the
 24 operation of motor vehicles reported under this section 2 points
 25 (t) A refusal by a person less than 21 years of age to
 26 submit to a preliminary breath test required by a peace
 27 officer under section 625a..... 2 points

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

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

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

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

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

16 (7) If a person violates a speed restriction established by
17 an executive order issued during a state of energy emergency as
18 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
19 state shall enter points for the violation pursuant to subsection
20 (1).

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

27 (9) If a Michigan driver commits a violation in another state

1 that would be a civil infraction if committed in Michigan, and a
2 conviction results solely because of the failure of the Michigan
3 driver to appear in that state to contest the violation, upon
4 receipt of the abstract of conviction by the secretary of state,
5 the violation shall be noted on the driver's record, but no
6 points shall be assessed against his or her driver's license.

7 Sec. 627. (1) A person driving a vehicle on a highway shall
8 drive at a careful and prudent speed not greater than nor less
9 than is reasonable and proper, having due regard to the traffic,
10 surface, and width of the highway and of any other condition then
11 existing. A person shall not drive a vehicle upon a highway at a
12 speed greater than that which will permit a stop within the
13 assured, clear distance ahead.

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

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

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

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

25 (4) The driver of a vehicle in a mobile home park as defined
26 in section 2 of the mobile home commission act, ~~Act No. 96 of~~
27 ~~the Public Acts of 1987, being section 125.2302 of the Michigan~~

1 ~~Compiled Laws~~ 1987 PA 96, MCL 125.2302, shall drive at a careful
2 and prudent speed, not greater than a speed which is reasonable
3 and proper, having due regard for the traffic, surface, width of
4 the roadway, and all other conditions existing, and not greater
5 than a speed which will permit a stop within the assured clear
6 distance ahead. It is prima facie unlawful for the driver of a
7 vehicle to drive at a speed exceeding 15 miles an hour in a
8 mobile home park as defined in section 2 of ~~Act No. 96 of the~~
9 ~~Public Acts of 1987~~ the mobile home commission act, 1987 PA 96,
10 MCL 125.2302.

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

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

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

26 (8) The maximum rates of speeds allowed pursuant to this
27 section are subject to the maximum rate established pursuant to

1 section 629b.

2 (9) A person operating a vehicle on a highway, when entering
3 and passing through a ~~designated~~ work ~~area~~ **zone described in**
4 **section 79d(a)** where a normal lane or part of the lane of traffic
5 has been closed due to highway construction, maintenance, or
6 surveying activities, shall not exceed a speed of 45 miles per
7 hour unless ~~otherwise determined and posted~~ **a different speed**
8 **limit is determined for that work zone** by the state
9 transportation department, a county road commission, or a local
10 authority. The state transportation department, a county road
11 commission, or a local authority shall ~~identify on streets and~~
12 ~~highways under its jurisdiction a designated work area with~~ **post**
13 **speed limit signs in each work zone described in section 79d(a)**
14 **that indicate the speed limit in that work zone and shall**
15 **identify that work zone with any other** traffic control devices
16 ~~which are in conformance with~~ **necessary to conform to the**
17 Michigan manual of uniform traffic control devices. A person
18 shall not exceed a speed limit established under this section or
19 a speed limit established ~~pursuant to~~ **under** section 628 or
20 629.

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

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