

Act No. 315
Public Acts of 2003
Approved by the Governor
January 8, 2004
Filed with the Secretary of State
January 9, 2004
EFFECTIVE DATE: April 8, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Acciavatti, Hoogendyk, Spade, Pastor, LaJoy, Stahl, Brandenburg, Gaffney, Palmer, Milosch, DeRossett, Shulman, Kooiman, Emmons, Tabor, Casperson, Bradstreet, Hune, Hummel, Drolet, Meyer, Farhat, Newell, Stakoe, Mortimer, Caswell, Nitz, Bisbee, Nofs, Walker, Wenke, Vander Veen, Sheen, Ehardt, Ward, Palsrok, Huizenga, Amos, Howell, Garfield, Pumford, Daniels, Brown, Rivet, Sak, Farrah, Clack, Vagnozzi, Bieda, Gleason, Hager, Plakas, Accavitti, Anderson, Gielegheem, Adamini, Woodward, Rocca, Wojno, Julian, McConico, O'Neil, Pappageorge, Minore, Zelenko, Kolb, Jamnick, Richardville, Voorhees, Sheltrown, Shackleton, Paletko, Hopgood, Taub, Robertson, Shaffer and Elkins

ENROLLED HOUSE BILL No. 5089

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," 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:

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

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

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

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

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

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

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

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

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

(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127 6 points

(d) Failing to stop and disclose identity at the scene of an accident when required by law 6 points

(e) Operating a motor vehicle in violation of section 626 6 points

(f) Fleeing or eluding an officer 6 points

(g) Violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour 5 points

(h) Violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour 4 points

(i) Violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127 4 points

(j) Violation of section 626a or a law or ordinance substantially corresponding to section 626a 4 points

(k) Violation of section 653a(2) 4 points

(l) Violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour 4 points

(m) Violation of any law other than the law described in subdivision (l) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b 3 points

(n) Violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less 3 points

(o) Violation of any law other than the law described in subdivision (n) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less 2 points

(p) Disobeying a traffic signal or stop sign, or improper passing 3 points

(q) Violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b 2 points

(r) Violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) 2 points

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The driver of a vehicle in a mobile home park as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302, shall drive at a careful and prudent speed, not greater than a speed which is reasonable and proper, having due regard for the traffic, surface, width of the roadway, and all other conditions existing, and not greater than a speed which will permit a stop within the assured clear distance ahead. It is prima facie unlawful for the driver of a vehicle to drive at a speed exceeding 15 miles an hour in a mobile home park as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

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

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

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

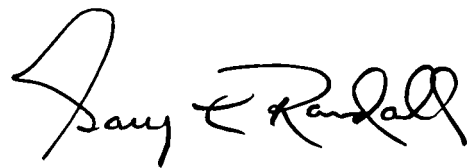
(8) The maximum rates of speeds allowed pursuant to this section are subject to the maximum rate established pursuant to section 629b.

(9) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. A person shall not exceed a speed limit established under this section or a speed limit established under section 628 or 629.

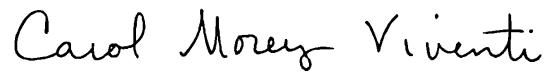
(10) A person who violates this section is responsible for a civil infraction.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor