

**SUBSTITUTE FOR
HOUSE BILL NO. 4370**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320a (MCL 257.320a), as amended by 2008 PA
463.

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 5 days after
4 the receipt of a properly prepared abstract from this state or
5 another state, the secretary of state shall record the date of
6 conviction, civil infraction determination, or probate court
7 disposition, and the number of points for each, based on the
8 following formula, except as otherwise provided in this section
9 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

1 resources and environmental protection act,
 2 1994 PA 451, MCL 324.81135 and 324.82127,
 3 or a law or ordinance substantially corresponding
 4 to section 625(3) or (6) or section 81135
 5 or 82127(3) of the natural resources and
 6 environmental protection act, 1994 PA 451,
 7 MCL 324.81135 and 324.82127.....4 points
 8 (j) A violation of section 626a or a law
 9 or ordinance substantially corresponding to
 10 section 626a.....4 points
 11 (k) A violation of section 653a(2).....4 points
 12 (l) A violation of section 627(9) pertaining
 13 to speed in a work zone described in that section
 14 by exceeding the lawful maximum by more than 10
 15 but not more than 15 miles per hour.....4 points
 16 (m) ~~A-BEGINNING OCTOBER 31, 2010, A~~
 17 moving violation resulting in an at-fault
 18 collision with another vehicle, a person,
 19 or any other object.....4 points
 20 (n) A violation of any law other than the
 21 law described in subdivision (l) or ordinance
 22 pertaining to speed by exceeding the lawful
 23 maximum by more than 10 but not more than 15
 24 miles per hour or careless driving in violation
 25 of section 626b or a law or ordinance substantially
 26 corresponding to section 626b.....3 points
 27 (o) A violation of section 627(9) pertaining
 28 to speed in a work zone described in that section
 29 by exceeding the lawful maximum by 10 miles per
 30 hour or less.....3 points
 31 (p) A violation of any law other than the law

1 described in subdivision (o) or ordinance
 2 pertaining to speed by exceeding the lawful maximum
 3 by 10 miles per hour or less.....2 points

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

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

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

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

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

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

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

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

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

27 (6) If a person has accumulated 9 points as provided in this
 28 section, the secretary of state may call the person in for an
 29 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 Enacting section 1. This amendatory act does not take effect
23 unless House Bill No. 4394 of the 95th Legislature is enacted
24 into law.