

SENATE 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~~ **THE** secretary of state shall record the date  
6 of conviction, civil infraction determination, or probate court  
7 disposition, and the number of points for each, based on the

1 following formula, except as otherwise provided in this section  
 2 and section 629c:

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

6 (b) A violation of section 601b(2) or (3),  
 7 601c(1) or (2), ~~601d~~, or 653a(3) or (4) **OR, BEGINNING**  
 8 **OCTOBER 31, 2010, A VIOLATION OF SECTION 601D**.....6 points

9 (c) A violation of section 625(1), (4), (5),  
 10 (7), or (8), section 81134 or 82127(1) of the  
 11 natural resources and environmental protection act,  
 12 1994 PA 451, MCL 324.81134 and 324.82127, or a law or  
 13 ordinance substantially corresponding to section  
 14 625(1), (4), (5), (7), or (8), or section 81134  
 15 or 82127(1) of the natural resources and  
 16 environmental protection act, 1994 PA 451,  
 17 MCL 324.81134 and 324.82127.....6 points

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

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

22 (f) Fleeing or eluding an officer.....6 points

23 (g) A violation of section 627(9) pertaining  
 24 to speed in a work zone described in that section  
 25 by exceeding the lawful maximum by more than  
 26 15 miles per hour.....5 points

27 (h) A violation of any law other than the  
 28 law described in subdivision (g) or ordinance  
 29 pertaining to speed by exceeding the lawful  
 30 maximum by more than 15 miles per hour.....4 points

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

1 hour or less.....3 points

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

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

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

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

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

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

20 (2) Points shall not be entered for a violation of section  
21 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

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

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

29 (6) If a person has accumulated 9 points as provided in this

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

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

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

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

24 Enacting section 1. This amendatory act takes effect July 1,  
25 2010.

26 Enacting section 2. This amendatory act does not take effect  
27 unless all of the following bills of the 95th Legislature are

1 enacted into law:

2 (a) Senate Bill No. 468.

3 (b) House Bill No. 4394.