

HOUSE BILL No. 4369

February 19, 2009, Introduced by Reps. Polidori and Constan and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320a (MCL 257.320a), as amended by 2008 PA
463, and by adding section 602b.

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

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

1 pertaining to speed by exceeding the lawful maximum
 2 by 10 miles per hour or less.....2 points

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

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

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

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

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

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

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

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

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

26 (6) If a person has accumulated 9 points as provided in this
 27 section, the secretary of state may call the person in for an
 28 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 **SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, AN**
23 **INDIVIDUAL SHALL NOT USE A CELLULAR TELEPHONE DEVICE WHILE**
24 **OPERATING A MOTOR VEHICLE UPON A HIGHWAY OR STREET. FOR PURPOSES**
25 **OF THIS SUBSECTION, "USE" MEANS TO INITIATE A CALL; ANSWER A**
26 **CALL; LISTEN TO OR ENGAGE IN VERBAL COMMUNICATION THROUGH THE**
27 **DEVICE; OR TYPE, SEND, OR RECEIVE A TEXT MESSAGE OR AN INSTANT**

1 MESSAGE.

2 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
3 USING A CELLULAR TELEPHONE DEVICE TO DO ANY OF THE FOLLOWING:

4 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
5 ROAD HAZARD.

6 (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR
7 HER PERSONAL SAFETY IS IN JEOPARDY.

8 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL
9 PERPETRATION OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER
10 PERSON.

11 (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW
12 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE
13 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

14 (3) THE PROHIBITION IN SUBSECTION (1) DOES NOT APPLY TO AN
15 INDIVIDUAL WHO IS USING A HANDS-FREE CELLULAR TELECOMMUNICATIONS
16 DEVICE.

17 (4) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW
18 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY
19 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A
20 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

21 (5) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
22 FOR A CIVIL INFRACTION PUNISHABLE BY A FINE OF \$100.00.