

SENATE BILL No. 593

November 3, 2015, Introduced by Senator SHIRKEY 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 2012 PA
592, and by adding section 751.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state,
3 the secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula, except
6 as otherwise provided in this section and section 629c:

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

1 (b) A violation of section 601b(2) or (3),
 2 601c(1) or (2), or 653a(3) or (4) or, beginning
 3 October 31, 2010, a violation of section 601d.....6 points
 4 (c) A violation of section 625(1), (4), (5),
 5 (7), or (8), section 81134 or 82127(1) of the
 6 natural resources and environmental protection act,
 7 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
 8 ordinance substantially corresponding to section
 9 625(1), (4), (5), (7), or (8), or section 81134
 10 or 82127(1) of the natural resources and
 11 environmental protection act, 1994 PA 451,
 12 MCL 324.81134 and 324.82127.....6 points
 13 (d) Failing to stop and disclose identity
 14 at the scene of an accident when required by law.....6 points
 15 (e) Operating a motor vehicle in violation
 16 of section 626.....6 points
 17 (f) Fleeing or eluding an officer.....6 points
 18 (g) A violation of section 627(9) pertaining
 19 to speed in a work zone described in that section
 20 by exceeding the lawful maximum by more than
 21 15 miles per hour.....5 points
 22 (h) A violation of any law other than the
 23 law described in subdivision (g) or ordinance
 24 pertaining to speed by exceeding the lawful
 25 maximum by more than 15 miles per hour.....4 points
 26 (i) A violation of section 625(3) or (6),
 27 section 81135 or 82127(3) of the natural
 28 resources and environmental protection act,
 29 1994 PA 451, MCL 324.81135 and 324.82127,
 30 or a law or ordinance substantially corresponding
 31 to section 625(3) or (6) or section 81135

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

1 or improper passing.....3 points

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

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

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

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

14 (2) Points shall not be entered for a violation of section
15 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
16 723.

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

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

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

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

1 shall add 3 points to the person's record.

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

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

13 (9) If ~~a Michigan driver~~ **AN INDIVIDUAL HOLDING AN OPERATOR'S**
14 **OR CHAUFFEUR'S LICENSE IN THIS STATE** commits a violation in
15 another state that would be a civil infraction if committed in
16 ~~Michigan~~, **THIS STATE**, and a conviction results solely because of
17 the failure of the ~~Michigan driver~~ **LICENSE HOLDER** to appear in
18 that state to contest the violation, upon receipt of the abstract
19 of conviction by the secretary of state, the violation shall be
20 noted on the driver's record, but no points shall be assessed
21 against his or her ~~driver's~~ **OPERATOR'S OR CHAUFFEUR'S** license.

22 (10) **IF AN INDIVIDUAL HOLDING AN OPERATOR'S OR CHAUFFEUR'S**
23 **LICENSE IN THIS STATE COMMITS A VIOLATION IN ANOTHER STATE BASED**
24 **ON ENFORCEMENT BY AN UNMANNED TRAFFIC MONITORING DEVICE THAT**
25 **WOULD, IF COMMITTED IN THIS STATE, WARRANT AN ASSESSMENT OF**
26 **POINTS AGAINST THE LICENSE HOLDER, THE SECRETARY OF STATE SHALL**
27 **NOT RETAIN A RECORD OF THE VIOLATION OR ASSESS POINTS AGAINST THE**

1 LICENSE HOLDER. AS USED IN THIS SUBSECTION, "UNMANNED TRAFFIC
2 MONITORING DEVICE" MEANS THAT TERM AS DEFINED IN SECTION 751.

3 SEC. 751. (1) A LAW ENFORCEMENT AGENCY OR OTHER ENTITY SHALL
4 NOT USE AN UNMANNED TRAFFIC MONITORING DEVICE TO DETECT OR
5 ENFORCE ANY TRAFFIC OR MOTOR VEHICLE-RELATED VIOLATION OR
6 INFRACTION, INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

7 (A) MOVING VIOLATIONS INVOLVING TRAFFIC SIGNS, SIGNALS, OR
8 MARKINGS.

9 (B) SPEED LIMITATIONS.

10 (C) HIGH-OCCUPANCY VEHICLE LANE VIOLATIONS OR OTHER PUBLIC
11 ROAD OR HIGHWAY USAGE LIMITATIONS.

12 (2) AS USED IN THIS SECTION, "UNMANNED TRAFFIC MONITORING
13 DEVICE" MEANS A DEVICE OR SYSTEM THAT USES PHOTO-RADAR, PHOTO-
14 LIDAR, CLOSED CAPTION TELEVISION, OR A SIMILAR DEVICE OR SYSTEM
15 THAT PHOTOGRAPHS OR OTHERWISE RECORDS THE IMAGE OF OR
16 IDENTIFIABLE INFORMATION ABOUT A VEHICLE OR ITS REGISTRATION
17 PLATE WHERE TICKETING OR ENFORCEMENT IS FULLY AUTOMATED OR WHERE
18 A LAWFULLY AUTHORIZED HUMAN USER OF THE DEVICE OR SYSTEM WOULD
19 NOT HAVE HAD FIRSTHAND VISUAL SIGHT OF THE VEHICLE AT THE TIME OF
20 DETECTION. UNMANNED TRAFFIC MONITORING DEVICE INCLUDES A DEVICE
21 OR SYSTEM THAT USES AN INDIVIDUAL TO MONITOR TRAFFIC FROM A
22 REMOTE LOCATION BUT DOES NOT HAVE A LAWFULLY AUTHORIZED
23 INDIVIDUAL PHYSICALLY PRESENT AT THE TIME OF TICKETING OR
24 ENFORCEMENT.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.