

HOUSE BILL NO. 4278

February 23, 2021, Introduced by Reps. Mueller, Manoogian, LaGrand, Witwer, Tyrone Carter, Tate, Bellino, Sabo, Hertel and Haadsma and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 320a (MCL 257.320a), as amended by 2018 PA 349.

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, the
3 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

1 as otherwise provided in this section and section 629c:

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

5 (b) A violation of section 601b(2) or (3),
6 601c(1) or (2), or 653a(3) or (4) or, beginning
7 October 31, 2010, a violation of section 601d..... 6 points

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

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

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

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

22 (g) A violation of section 627(6) pertaining
23 to speed in a work zone described in that section by
24 exceeding the lawful maximum by more than 15 miles
25 per hour..... 5 points

26 (h) A violation of any law or ordinance
27 pertaining to speed by exceeding the lawful maximum
28 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 resources
 3 and environmental protection act, 1994 PA 451, MCL
 4 ~~324.81135 and~~ 324.82127, or a law or ordinance
 5 substantially corresponding to section 625(3) or (6)
 6 or section ~~81135 or~~ 82127(3) of the natural
 7 resources and environmental protection act, 1994 PA
 8 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

9 (j) A violation of section 626a or a law or
 10 ordinance substantially corresponding to section
 11 626a..... 4 points

12 (k) A violation of section 627(6) pertaining
 13 to speed in a work zone described in that section by
 14 exceeding the lawful maximum by more than 10 but not
 15 more than 15 miles per hour..... 4 points

16 (l) Beginning October 31, 2010, a moving
 17 violation resulting in an at-fault collision with
 18 another vehicle, a person, or any other object..... 4 points

19 (m) Careless driving in violation of section
 20 626b or a law or ordinance substantially
 21 corresponding to section 626b..... 3 points

22 (n) A violation of any law or ordinance
 23 pertaining to speed by exceeding the lawful maximum
 24 by more than 10 miles per hour but not more than 15
 25 miles per hour..... 3 points

26 (o) A violation of section 653a(2)..... 2 points

1 (p) A violation of any law or ordinance
2 pertaining to speed by exceeding the lawful maximum
3 by more than 5 miles per hour but not more than 10
4 miles per hour..... 2 points

5 (q) A violation of any law or ordinance
6 pertaining to speed by exceeding the lawful maximum
7 by more than 1 mile per hour but not more than 5
8 miles per hour..... 1 point

9 (r) Disobeying a traffic signal or stop sign,
10 or improper passing..... 3 points

11 (s) A violation of section 624a, 624b, or a
12 law or ordinance substantially corresponding to
13 section 624a or 624b..... 2 points

14 (t) A violation of section 310e(4) or (6) or a
15 law or ordinance substantially corresponding to
16 section 310e(4) or (6)..... 2 points

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

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

23 (w) A violation of section 627(6) pertaining
24 to speed in a work zone described in that section by
25 exceeding the lawful maximum by 10 miles per hour or
26 less..... 3 points

27 **(x) A third or subsequent violation of section**
28 **602b(1)..... 2 points**

29 **(y) A second violation of section 602b(1)..... 1 point**

1 (2) Points ~~shall~~**must** not be entered for a violation of
2 section 310e(14), 311, ~~602b(1)~~, 602c, 625m, 658, 710d, 717, 719,
3 719a, or 723.

4 (3) Points ~~shall~~**must** not be entered for bond forfeitures.

5 (4) Points ~~shall~~**must** not be entered for overweight loads or
6 for defective equipment.

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

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

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

21 (8) The secretary of state shall enter 6 points upon the
22 record of a person whose license is suspended or denied under
23 section 625f. However, if a conviction, civil infraction
24 determination, or probate court disposition results from the same
25 incident, additional points for that offense ~~shall~~**must** not be
26 entered.

27 (9) If a Michigan driver commits a violation in another state
28 that would be a civil infraction if committed in Michigan, and a
29 conviction results solely because of the failure of the Michigan

1 driver to appear in that state to contest the violation, upon
2 receipt of the abstract of conviction by the secretary of state,
3 the violation ~~shall~~**must** be noted on the driver's record, but ~~no~~
4 points ~~shall~~**must not** be assessed against his or her ~~driver's~~
5 **driver** license.

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

8 Enacting section 2. This amendatory act does not take effect
9 unless both of the following bills of the 101st Legislature are
10 enacted into law:

11 (a) Senate Bill No. ____ or House Bill No. 4277 (request no.
12 00705'21 *).

13 (b) Senate Bill No. ____ or House Bill No. 4279 (request no.
14 02125'21).