

**STATE OF MICHIGAN
84TH LEGISLATURE
REGULAR SESSION OF 1987**

Introduced by Senators Fessler and Welborn

ENROLLED SENATE BILL No. 163

AN ACT to amend sections 320a, 628, and 629b of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to provide for the creation of a Michigan department of state publications fund; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; and to repeal all other acts or parts of acts inconsistent with this act or contrary to this act," section 320a as amended by Act No. 533 of the Public Acts of 1982, being sections 257.320a, 257.628, and 257.629b of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 320a, 628, and 629b of Act No. 300 of the Public Acts of 1949, section 320a as amended by Act No. 533 of the Public Acts of 1982, being sections 257.320a, 257.628, and 257.629b of the Michigan Compiled Laws, are amended to read as follows:

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court finding, and the number of points for each, based on the following formula:

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| (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle | 6 points |
| (b) Operating a motor vehicle while under the influence of intoxicating liquor or a controlled substance, or a combination of an intoxicating liquor and a controlled substance, or while having a blood alcohol content of 0.10% or more by weight of alcohol..... | 6 points |

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| (c) Failing to stop and disclose identity at the scene of an accident when required by law..... | 6 points |
| (d) Operating a motor vehicle in a reckless manner..... | 6 points |
| (e) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... | 4 points |
| (f) Violation of section 625b or a law or ordinance substantially corresponding to section 625b..... | 4 points |
| (g) Fleeing or eluding an officer..... | 6 points |
| (h) Violation of section 626a or a law or ordinance substantially corresponding to section 626a..... | 4 points |
| (i) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b..... | 3 points |
| (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less, except as otherwise provided in section 629b..... | 2 points |
| (k) Disobeying a traffic signal or stop sign, or improper passing..... | 3 points |
| (l) All other moving violations pertaining to the operation of motor vehicles reported under this section..... | 2 points |
| (2) Points shall not be entered for a violation of section 311, 658, 717, 719, 719a, or 723. | |
| (3) Points shall not be entered for bond forfeitures. | |
| (4) Points shall not be entered for overweighted loads or for defective equipment. | |
| (5) If more than 1 conviction, civil infraction determination, or probate court finding results from the same incident, points shall be entered only for the violation which receives the highest number of points under this section. | |
| (6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record. | |
| (7) Except as otherwise provided in section 629b, if a person is determined to be responsible for a civil infraction for a violation of a law or ordinance pertaining to speed by exceeding the lawful maximum on a street or highway which maximum was reduced by Act No. 28 of the Public Acts of 1974, then points shall be entered only pursuant to the following: | |
| (a) Sixty miles per hour to the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974..... | 1 point |
| (b) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by 10 miles per hour or less..... | 2 points |
| (c) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 10 but not more than 15 miles per hour..... | 3 points |
| (d) Exceeding the lawful maximum in effect before being reduced by Act No. 28 of the Public Acts of 1974, by more than 15 miles per hour..... | 4 points |
| (8) Notwithstanding subsection (7), if a person violates a speed restriction established by an executive order issued during a state of emergency as provided by Act No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89 of the Michigan Compiled Laws, the secretary of state shall enter points for the violation pursuant to subsection (1). | |
| (9) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f for refusal to submit to a chemical test described in section 625a. However, if a conviction, civil infraction determination, or probate court finding results from the same incident, additional points for that offense shall not be entered. | |
| (10) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, no points shall be assessed against his or her driver's license upon receipt of the abstract of conviction by the secretary of state. | |

Sec. 628. (1) If the state transportation commission or county road commission, with respect to highways under its jurisdiction, and the director of the department of state police shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line or county highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line, county highway, or intersection which shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. If a superintendent of a school district determines that the speed of vehicular traffic on a state trunk line or county highway, which is within 1,000 feet of a school in the school district of which that person is the superintendent, is greater or less than is reasonable or safe, the officials shall include the superintendent of the school district affected in acting jointly in determining and declaring a reasonable and safe maximum or minimum speed limit on that state trunk line or county highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed pursuant to this act shall be 55 miles per hour. The maximum speed limit upon a rural interstate highway shall be 65 miles per hour.

(2) If upon investigation the state transportation commission or county road commission and the director of the department of state police find it in the interest of public safety, they may order the township board, or city or village officials to erect and maintain, take down, or regulate the speed control signs, signals, or devices as directed, and in default of an order the state transportation commission or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(3) A public record of all speed control signs, signals, or devices authorized under this section shall be filed in the office of the county clerk of the county in which the highway is located, and a certified copy shall be prima facie evidence in all courts of the issuance of the authorization. The public record with the county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation commission and the director of the department of state police and clearly indicate a special control, when proved in court that the temporary traffic-control sign was placed by the state transportation commission or on the authority of the state transportation commission and the director of the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

(4) A person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction.

(5) The minimum speed limit on all freeways shall be 45 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

(6) The maximum rates of speed allowed pursuant to this section are subject to the maximum rates established pursuant to section 629b and to the maximum rates established for certain vehicles and vehicle combinations pursuant to section 627(5) to (7).

(7) As used in this section:

(a) "Interstate system" means that term as defined in 23 U.S.C. 101.

(b) "Rural interstate highway" means a highway in the interstate system located outside an urbanized area with a population of 50,000 or more.

(c) "Urbanized area" means that term as defined in 23 U.S.C. 101.

Sec. 629b. (1) As used in this section, "rural interstate highway" means that term as defined in section 628.

(2) The maximum rate of speed on a street, highway, or freeway, except a rural interstate highway, shall not be more than 55 miles per hour. The maximum rate of speed on a rural interstate highway shall not be more than 65 miles per hour.

(3) The governor may reduce the maximum speed limit on a street, highway, or freeway pursuant to an executive order issued during a state of energy emergency as provided by law.

(4) The 65-mile per hour maximum speed limit established under this section shall be reduced to a 55-mile per hour maximum speed limit on December 31, 1988.

(5) The maximum rates of speed allowed pursuant to this section are subject to the maximum rates established for certain vehicles and vehicle combinations pursuant to section 627(5) to (7).

(6) A person who violates a speed limit established pursuant to this section is responsible for a civil infraction.

(7) If a person is determined to be responsible for a civil infraction for a violation of a law or ordinance pertaining to speed by exceeding the lawful maximum speed limit which maximum speed limit was reduced by Act No. 28 of the Public Acts of 1974, no points shall be entered by the secretary of state upon the record of the person if the violation was for exceeding the posted maximum speed limit of 55 miles per hour by 10 miles per hour or less and occurred on a portion of a 4-lane highway designated as a U.S. highway outside an urbanized area with a population of 50,000 or more. This subsection shall not apply if the person was operating a vehicle or vehicle combination to which the speed limits established under section 627(5) to (7) apply. As used in this subsection, "urbanized area" means that term as defined in section 628.

(8) A citation or civil infraction determination for exceeding a lawful maximum speed limit of 55 miles per hour by driving 65 miles per hour or less shall not be considered by any person in establishing automobile insurance eligibility or automobile insurance rates.

(9) The legislature shall establish a task force to be appointed by the speaker of the house and majority leader of the senate to study the effects of this amendatory act, and enforcement efforts which may be required as a result of its implementation. The task force shall report its findings to the legislature no later than June 1, 1988.

Section 2. This amendatory act shall take effect July 1, 1987.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved

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Governor.