

Act No. 94
Public Acts of 1991
Approved by the Governor
July 30, 1991
Filed with the Secretary of State
July 31, 1991

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991**

Introduced by Rep. Clack

ENROLLED HOUSE BILL No. 4351

AN ACT to amend section 320a 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 create certain funds; 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 levy of certain assessments; 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; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," as amended by Act No. 154 of the Public Acts of 1987, being section 257.320a of the Michigan Compiled Laws; and to add section 625m.

The People of the State of Michigan enact:

Section 1. Section 320a of Act No. 300 of the Public Acts of 1949, as amended by Act No. 154 of the Public Acts of 1987, being section 257.320a of the Michigan Compiled Laws, is amended and section 625m is added 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 disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle..... 6 points
- (b) A violation of section 625(1) or a law or ordinance substantially corresponding to section 625(1).... 6 points
- (c) A violation or attempted violation of section 625(4) or (5)..... 6 points
- (d) Failing to stop and disclose identity at the scene of an accident when required by law 6 points
- (e) Operating a motor vehicle in a reckless manner 6 points
- (f) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... 4 points
- (g) Violation of section 625(3) or a law or ordinance substantially corresponding to section 625(3)..... 4 points
- (h) Fleeing or eluding an officer 6 points
- (i) Violation of section 626a or a law or ordinance substantially corresponding to section 626a 4 points

- (j) 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
- (k) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less..... 2 points
- (l) Disobeying a traffic signal or stop sign, or improper passing..... 3 points
- (m) Violation of section 624a or a law or ordinance substantially corresponding to section 624a 2 points
- (n) 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, 625m, 658, 717, 719, 719a, or 723.

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

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

(5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that 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) 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 as that maximum was reduced by Act No. 28 of the Public Acts of 1974, then points shall be entered as follows:

(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. However, if a conviction, civil infraction determination, or probate court disposition 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, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Sec. 625m. (1) A person, whether licensed or not, whose blood contains 0.04% or more but not more than 0.07% by weight of alcohol shall not operate a commercial motor vehicle within the state.

(2) A police officer may, without a warrant, arrest a person if the police officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or of a local ordinance substantially corresponding to this section.

(3) A person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$300.00, or both, together with costs of the prosecution. As part of the sentence, the court shall order the secretary of state to suspend the vehicle group designations on the person's operator's or chauffeur's license pursuant to section 319b(1)(c) or, if the vehicle was carrying hazardous material required to have a placard pursuant to 49 C.F.R. parts 100 to 199, in accordance with section 319b(1)(d). The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle.

(4) A person who violates this section or a local ordinance substantially corresponding to this section within 10 years of a prior conviction may be sentenced to imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. As part of the sentence, the court shall order the secretary of state to revoke the vehicle group designations on the person's operator's or chauffeur's license pursuant to section 319b(1)(e). The court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. As used in this subsection, "prior conviction" means a conviction for a violation of this section, section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b; a local ordinance substantially corresponding to this section, section 625(1) or (3), former section 625(1) or (2), or former section 625b; or a law of another state substantially corresponding to this section, section 625(1), (3), (4), or (5), former section 625(1) or (2), or former section 625b, while operating a commercial motor vehicle.

Section 2. This amendatory act shall take effect January 1, 1993.

Section 3. This amendatory act shall not take effect unless House Bill No. 4160 of the 86th Legislature is enacted into law.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.