

HOUSE BILL No. 5328

November 19, 1991, Introduced by Reps. Hoffman, Stopczynski, Trim, Nye and Harder and referred to the Committee on Transportation.

A bill to amend section 320a of Act No. 300 of the Public Acts of 1949, entitled as amended
"Michigan vehicle code,"
as amended by Act No. 94 of the Public Acts of 1991, being section 257.320a of the Michigan Compiled Laws; and to add sections 45b and 633a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 320a of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 94 of the Public Acts of 1991,
3 being section 257.320a of the Michigan Compiled Laws, is amended
4 and sections 45b and 633a are added to read as follows:

5 SEC. 45B. "RADAR DETECTOR" MEANS AN INSTRUMENT DESIGNED OR
6 USED TO DETECT THE PRESENCE OF RADIO MICROWAVES IN THE
7 ELECTROMAGNETIC SPECTRUM AT FREQUENCIES SPECIFICALLY ASSIGNED BY

1 THE FEDERAL COMMUNICATIONS COMMISSION FOR THE PURPOSE OF
2 DETERMINING VEHICULAR SPEED.

3 Sec. 320a. (1) The secretary of state, within 10 days after
4 the receipt of a properly prepared abstract from this or another
5 state, shall record the date of conviction, civil infraction
6 determination, or probate court disposition, and the number of
7 points for each, based on the following formula, except as other-
8 wise provided in this section and section 629c:

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

11 (b) A violation of section 625(1) or a law or
12 ordinance substantially corresponding to section 625(1) 6 points

13 (c) A violation or attempted violation of section
14 625(4) or (5)..... 6 points

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

17 (e) Operating a motor vehicle in a reckless manner 6 points

18 (f) Violation of any law or ordinance pertaining
19 to speed by exceeding the lawful maximum by more than
20 15 miles per hour..... 4 points

21 (g) Violation of section 625(3) or a law or ordi-
22 nance substantially corresponding to section 625(3).... 4 points

23 (h) Fleeing or eluding an officer..... 6 points

24 (i) Violation of section 626a or a law or ordi-
25 nance substantially corresponding to section 626a..... 4 points

26 (j) Violation of any law or ordinance pertaining
27 to speed by exceeding the lawful maximum by more than

1 10 but not more than 15 miles per hour or careless
2 driving in violation of section 626b or a law or ordi-
3 nance substantially corresponding to section 626b..... 3 points

4 (k) Violation of any law or ordinance pertaining
5 to speed by exceeding the lawful maximum by 10 miles
6 per hour or less..... 2 points

7 (l) Disobeying a traffic signal or stop sign, or
8 improper passing..... 3 points

9 (m) Violation of section 624a or a law or ordi-
10 nance substantially corresponding to section 624a..... 2 points

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

13 (O) VIOLATION OF SECTION 633A..... 2 POINTS

14 (2) Points shall not be entered for a violation of section
15 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

1 fails to appear as provided in this subsection, the secretary of
2 state shall add 3 points to the person's record.

3 (7) If a person is determined to be responsible for a civil
4 infraction for a violation of a law or ordinance pertaining to
5 speed by exceeding the lawful maximum on a street or highway as
6 that maximum was reduced by Act No. 28 of the Public Acts of
7 1974, then points shall be entered as follows:

8 (a) Sixty miles per hour to the lawful maximum in
9 effect before being reduced by Act No. 28 of the Public
10 Acts of 1974..... 1 point

11 (b) Exceeding the lawful maximum in effect before
12 being reduced by Act No. 28 of the Public Acts of 1974,
13 by 10 miles per hour or less..... 2 points

14 (c) Exceeding the lawful maximum in effect before
15 being reduced by Act No. 28 of the Public Acts of 1974,
16 by more than 10 but not more than 15 miles per hour.... 3 points

17 (d) Exceeding the lawful maximum in effect before
18 being reduced by Act No. 28 of the Public Acts of 1974,
19 by more than 15 miles per hour..... 4 points

20 (8) Notwithstanding subsection (7), if a person violates a
21 speed restriction established by an executive order issued during
22 a state of energy emergency as provided by Act No. 191 of the
23 Public Acts of 1982, being sections 10.81 to 10.89 of the
24 Michigan Compiled Laws, the secretary of state shall enter points
25 for the violation pursuant to subsection (1).

26 (9) The secretary of state shall enter 6 points upon the
27 record of a person whose license is suspended or denied pursuant

1 to section 625f. However, if a conviction, civil infraction
2 determination, or probate court disposition results from the same
3 incident, additional points for that offense shall not be
4 entered.

5 (10) If a Michigan driver commits a violation in another
6 state that would be a civil infraction if committed in Michigan,
7 and a conviction results solely because of the failure of the
8 Michigan driver to appear in that state to contest the violation,
9 upon receipt of the abstract of conviction by the secretary of
10 state, the violation shall be noted on the driver's record, but
11 no points shall be assessed against his or her driver's license.

12 SEC. 633A. (1) A PERSON SHALL NOT USE A RADAR DETECTOR IN A
13 COMMERCIAL MOTOR VEHICLE. THE PRESENCE OF A RADAR DETECTOR IN A
14 COMMERCIAL MOTOR VEHICLE IS PRIMA FACIE EVIDENCE OF ITS USE BY
15 THE PERSON OPERATING THE VEHICLE.

16 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A
17 CIVIL INFRACTION.

18 Section 2. This amendatory act shall take effect January 1,
19 1993.