



SENATE BILL No. 376

March 7, 1995, Introduced by Senator BENNETT and referred to the Committee on Transportation and Tourism.

A bill to amend sections 208 and 320a of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 208 as amended by Act No. 449 of the Public Acts of 1994 and section 320a as amended by Act No. 211 of the Public Acts of 1994, being sections 257.208 and 257.320a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 208 and 320a of Act No. 300 of the
2 Public Acts of 1949, section 208 as amended by Act No. 449 of the
3 Public Acts of 1994 and section 320a as amended by Act No. 211 of
4 the Public Acts of 1994, being sections 257.208 and 257.320a of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 208. (1) Records of the department, other than those
7 declared by law to be confidential for the department's use,

1 shall be open to public inspection under rules the secretary of
2 state promulgates, pursuant to section 3 of the freedom of infor-
3 mation act, Act No. 442 of the Public Acts of 1976, being section
4 15.233 of the Michigan Compiled Laws.

5 (2) Except as otherwise specified in this section, the sec-
6 retary of state may destroy any department records maintained on
7 file for 7 years, including the information contained in the cen-
8 tral file maintained under section 204a.

9 (3) Records of convictions of any offense for which points
10 are provided under section 320a(1)(a), (b), (c), or (g) or sec-
11 tion ~~320a(9)~~ 320A(8) may be destroyed after being maintained on
12 file for 10 years.

13 (4) Records of stolen vehicles reported in section 253 may
14 be destroyed after being maintained on file for the year of entry
15 plus 4 years.

16 (5) Except as otherwise specified in this act, records the
17 secretary of state considers obsolete and of no further service
18 in carrying out the department's powers and duties may be
19 destroyed upon that determination.

20 (6) If a record of suspension under section 321a does not
21 contain a conviction for a violation of section 904 or a local
22 ordinance substantially corresponding to section 904 during the
23 period of suspension, the secretary of state may destroy the
24 record 180 days after the suspension terminates or as provided in
25 subsections (2) to (5).

26 (7) The secretary of state may destroy a record of receipt
27 of the notice provided for in section ~~321a(3)~~ 321A(6) after the

1 court involved informs the secretary of state that all
2 outstanding matters regarding section ~~321a(3)~~ 321A(6) have been
3 resolved.

4 (8) The secretary of state may destroy a record maintained
5 pursuant to section 204a ~~7~~ 180 days after the nonresident
6 driver against whom a civil infraction determination is entered
7 complies with an order or judgment issued pursuant to section
8 907.

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

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

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

19 (c) A violation or attempted violation of section
20 625(4) or (5)..... 6 points

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

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

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

- 5 (g) Violation of section 625(3) or (6) or a law or
6 ordinance substantially corresponding to section 625(3)
7 or (6)..... 4 points

- 8 (h) Fleeing or eluding an officer..... 6 points

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

- 11 (j) Violation of any law or ordinance pertaining
12 to speed by exceeding the lawful maximum by more than
13 10 but not more than 15 miles per hour or careless
14 driving in violation of section 626b or a law or ordi-
15 nance substantially corresponding to section 626b..... 3 points

- 16 (k) Violation of any law or ordinance pertaining
17 to speed by exceeding the lawful maximum by 10 miles
18 per hour or less..... 2 points

- 19 (l) Disobeying a traffic signal or stop sign, or
20 improper passing..... 3 points

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

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

5 (o) A refusal by a person less than 21 years of
6 age to submit to a preliminary breath test required by
7 a peace officer under section 625a..... 2 points

8 (2) Points shall not be entered for a violation of section
9 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

17 (6) If a person has accumulated 9 points as provided in this
18 section, the secretary of state may call the person in for an
19 interview as to the person's driving ability and record after due
20 notice as to time and place of the interview. If the person
21 fails to appear as provided in this subsection, the secretary of
22 state shall add 3 points to the person's record.

23 ~~(7) If a person is determined to be responsible for a civil~~
24 ~~infraction for a violation of a law or ordinance pertaining to~~
25 ~~speed by exceeding the lawful maximum on a street or highway as~~

1 ~~that maximum was reduced by Act No. 28 of the Public Acts of~~
2 ~~1974, then points shall be entered as follows:~~

3 ~~(a) Sixty miles per hour to the lawful maximum in~~
4 ~~effect before being reduced by Act No. 28 of the Public~~
5 ~~Acts of 1974..... 1 point~~

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

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

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

15 ~~(7) —(8) Notwithstanding subsection (7), if~~ IF a person
16 violates a speed restriction established by an executive order
17 issued during a state of energy emergency as provided by Act
18 No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89
19 of the Michigan Compiled Laws, the secretary of state shall enter
20 points for the violation pursuant to subsection (1).

21 ~~(8) —(9)~~ The secretary of state shall enter 6 points upon
22 the record of a person whose license is suspended or denied pur-
23 suant to section 625f. However, if a conviction, civil
24 infraction determination, or probate court disposition results

1 from the same incident, additional points for that offense shall
2 not be entered.

3 (9) ~~(10)~~ If a Michigan driver commits a violation in
4 another state that would be a civil infraction if committed in
5 Michigan, and a conviction results solely because of the failure
6 of the Michigan driver to appear in that state to contest the
7 violation, upon receipt of the abstract of conviction by the sec-
8 retary of state, the violation shall be noted on the driver's
9 record, but no points shall be assessed against his or her
10 driver's license.