

SUBSTITUTE FOR  
HOUSE BILL NO. 5021

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 320a (MCL 257.320a), as amended by 2001 PA  
103.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

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- 1 (b) A violation of section 601b(2) or (3),  
2 601c(1) or (2), or 653a(3) or (4)..... 6 points
- 3 (c) A violation of section 625(1), (4), (5), or  
4 (7), section 81134 or 82127(1) of the natural  
5 resources and environmental protection act, 1994  
6 PA 451, MCL 324.81134 and 324.82127, or a law or  
7 ordinance substantially corresponding to section  
8 625(1), (4), (5), or (7) or, section 81134 or  
9 82127(1) of the natural resources and environmental  
10 protection act, 1994 PA 451, MCL 324.81134 and  
11 324.82127..... 6 points
- 12 (d) Failing to stop and disclose identity at  
13 the scene of an accident when required by law..... 6 points
- 14 (e) Operating a motor vehicle in violation of  
15 section 626..... 6 points
- 16 (f) Fleeing or eluding an officer..... 6 points
- 17 (G) VIOLATION OF SECTION 627(9) PERTAINING TO  
18 SPEED IN A DESIGNATED WORK AREA BY EXCEEDING THE  
19 LAWFUL MAXIMUM BY MORE THAN 15 MILES PER HOUR..... 5 POINTS
- 20 (H) ~~(g)~~ Violation of any law OTHER THAN THE  
21 LAW DESCRIBED IN SUBDIVISION (G) or ordinance per-  
22 taining to speed by exceeding the lawful maximum by  
23 more than 15 miles per hour..... 4 points
- 24 (I) ~~(h)~~ Violation of section 625(3) or (6),  
25 section 81135 or 82127(3) of the natural resources  
26 and environmental protection act, 1994 PA 451,  
27 MCL 324.81135 and 324.82127, or a law or ordinance

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- 1 substantially corresponding to section 625(3) or (6)
- 2 or, section 81135 or 82127(3) of the natural
- 3 resources and environmental protection act, 1994
- 4 PA 451, MCL 324.81135 and 324.82127..... 4 points
- 5 (J) ~~(i)~~ Violation of section 626a or a law or
- 6 ordinance substantially corresponding to section
- 7 626a..... 4 points
- 8 (K) ~~(j)~~ Violation of section 653a(2)..... 4 points
- 9 (l) VIOLATION OF SECTION 627(9) PERTAINING TO
- 10 SPEED IN A DESIGNATED WORK AREA BY EXCEEDING THE
- 11 LAWFUL MAXIMUM BY MORE THAN 10 BUT NOT MORE THAN 15
- 12 MILES PER HOUR..... 4 POINTS
- 13 (M) ~~(k)~~ Violation of any law OTHER THAN THE
- 14 LAW DESCRIBED IN SUBDIVISION (l) or ordinance per-
- 15 taining to speed by exceeding the lawful maximum by
- 16 more than 10 but not more than 15 miles per hour or
- 17 careless driving in violation of section 626b or a
- 18 law or ordinance substantially corresponding to sec-
- 19 tion 626b..... 3 points
- 20 (N) VIOLATION OF SECTION 627(9) PERTAINING TO
- 21 SPEED IN A DESIGNATED WORK AREA BY EXCEEDING THE
- 22 LAWFUL MAXIMUM BY 10 MILES PER HOUR OR LESS..... 3 POINTS
- 23 (O) ~~(l)~~ Violation of any law OTHER THAN THE
- 24 LAW DESCRIBED IN SUBDIVISION (N) or ordinance per-
- 25 taining to speed by exceeding the lawful maximum by
- 26 10 miles per hour or less..... 2 points

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- 1 (P) ~~(m)~~ Disobeying a traffic signal or stop  
2 sign, or improper passing..... 3 points
- 3 (Q) ~~(n)~~ Violation of section 624a, 624b, or a  
4 law or ordinance substantially corresponding to sec-  
5 tion 624a or 624b..... 2 points
- 6 (R) ~~(o)~~ Violation of section 310e(4) or (6)  
7 or a law or ordinance substantially corresponding to  
8 section 310e(4) or (6)..... 2 points
- 9 (S) ~~(p)~~ All other moving violations pertain-  
10 ing to the operation of motor vehicles reported  
11 under this section..... 2 points
- 12 (T) ~~(q)~~ A refusal by a person less than 21  
13 years of age to submit to a preliminary breath test  
14 required by a peace officer under section 625a..... 2 points
- 15 (2) Points shall not be entered for a violation of section  
16 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 17 (3) Points shall not be entered for bond forfeitures.
- 18 (4) Points shall not be entered for overweight loads or for  
19 defective equipment.
- 20 (5) If more than 1 conviction, civil infraction determina-  
21 tion, or probate court disposition results from the same inci-  
22 dent, points shall be entered only for the violation that  
23 receives the highest number of points under this section.
- 24 (6) If a person has accumulated 9 points as provided in this  
25 section, the secretary of state may call the person in for an  
26 interview as to the person's driving ability and record after due  
27 notice as to time and place of the interview. If the person

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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 violates a speed restriction established by  
4 an executive order issued during a state of energy emergency as  
5 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of  
6 state shall enter points for the violation pursuant to subsection  
7 (1).

8 (8) The secretary of state shall enter 6 points upon the  
9 record of a person whose license is suspended or denied pursuant  
10 to section 625f. However, if a conviction, civil infraction  
11 determination, or probate court disposition results from the same  
12 incident, additional points for that offense shall not be  
13 entered.

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