

# HOUSE BILL No. 6366

September 24, 2002, Introduced by Reps. Daniels, Phillips, McConico, Jamnick, Bogardus, Williams, Waters, Durhal, Drolet, Toy, Mortimer, Kowall, Faunce, Whitmer, Hardman, Stallworth, Frank, Garza, Clark, Rison, Quarles, Zelenko, Thomas and Lemmons and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 627, and 627a (MCL 257.320a, 257.627, and 257.627a), section 320a as amended by 2002 PA 149, section 627 as amended by 1990 PA 165, and section 627a as amended by 2000 PA 110.

**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:

- 1 (a) Manslaughter, negligent homicide, or a felony  
2 resulting from the operation of a motor vehicle, ORV, or  
3 snowmobile.....6 points
  
- 4 (b) A violation of section 601b(2) or (3), 601c(1) or  
5 (2), or 653a(3) or (4).....6 points
  
- 6 (c) A violation of section 625(1), (4), (5), or (7),  
7 section 81134 or 82127(1) of the natural resources and  
8 environmental protection act, 1994 PA 451, MCL 324.81134  
9 and 324.82127, or a law or ordinance substantially corre-  
10 sponding to section 625(1), (4), (5), or (7) or, section  
11 81134 or 82127(1) of the natural resources and environ-  
12 mental protection act, 1994 PA 451, MCL 324.81134 and  
13 324.82127.....6 points
  
- 14 (d) Failing to stop and disclose identity at the scene  
15 of an accident when required by law.....6 points
  
- 16 (e) Operating a motor vehicle in violation of section  
17 626.....6 points
  
- 18 (f) Fleeing or eluding an officer..... 6 points
  
- 19 (g) Violation of section 627(9) pertaining to speed in  
20 a designated work area by exceeding the lawful maximum by  
21 more than 15 miles per hour.....5 points

1 (h) Violation of any law other than the law described  
2 in subdivision (g) or ordinance pertaining to speed by  
3 exceeding the lawful maximum by more than 15 miles per  
4 hour.....4 points

5 (i) Violation of section 625(3) or (6), section 81135  
6 or 82127(3) of the natural resources and environmental  
7 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,  
8 or a law or ordinance substantially corresponding to sec-  
9 tion 625(3) or (6) or, section 81135 or 82127(3) of the  
10 natural resources and environmental protection act, 1994  
11 PA 451, MCL 324.81135 and 324.82127.....4 points

12 (j) Violation of section 626a or a law or ordinance  
13 substantially corresponding to section 626a.....4 points

14 (k) Violation of section 653a(2)..... 4 points

15 (l) Violation of section 627(9) pertaining to speed in  
16 a designated work area by exceeding the lawful maximum by  
17 more than 10 but not more than 15 miles per hour.....4 points

18 (m) Violation of any law other than the law described  
19 in subdivision (l) or ordinance pertaining to speed by  
20 exceeding the lawful maximum by more than 10 but not more  
21 than 15 miles per hour or careless driving in violation

1 of section 626b or a law or ordinance substantially  
2 corresponding to section 626b.....3 points

3 (n) Violation of section 627(9) pertaining to speed in  
4 a designated work area by exceeding the lawful maximum by  
5 10 miles per hour or less.....3 points

6 (O) VIOLATION OF SECTION 627A(2)..... 3 POINTS

7 (P) ~~(o)~~ Violation of any law other than the law  
8 described in subdivision (n) or ordinance pertaining to  
9 speed by exceeding the lawful maximum by 10 miles per  
10 hour or less.....2 points

11 (Q) ~~(p)~~ Disobeying a traffic signal or stop sign, or  
12 improper passing.....3 points

13 (R) ~~(q)~~ Violation of section 624a, 624b, or a law or  
14 ordinance substantially corresponding to section 624a or  
15 624b.....2 points

16 (S) ~~(r)~~ Violation of section 310e(4) or (6) or a law  
17 or ordinance substantially corresponding to section  
18 310e(4) or (6).....2 points

1 (T) ~~(s)~~ All other moving violations pertaining to  
2 the operation of motor vehicles reported under this  
3 section.....2 points

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

7 (2) Points shall not be entered for a violation of section  
8 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

22 (7) If a person violates a speed restriction established by  
23 an executive order issued during a state of energy emergency as  
24 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of  
25 state shall enter points for the violation pursuant to subsection  
26 (1).

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

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

14           Sec. 627. (1) A person driving a vehicle on a highway shall  
15 drive at a careful and prudent speed not greater than nor less  
16 than is reasonable and proper, having due regard to the traffic,  
17 surface, and width of the highway and of any other condition then  
18 existing. A person shall not drive a vehicle upon a highway at a  
19 speed greater than that which will permit a stop within the  
20 assured, clear distance ahead.

21           (2) Subject to subsection (1) and except in those instances  
22 where a lower speed is specified in this chapter, it is prima  
23 facie lawful for the driver of a vehicle to drive at a speed not  
24 exceeding the following, except when this speed would be unsafe:

25           (a) 25 miles an hour on all highways in a business ~~or~~  
26 ~~residence~~ district as defined in this act.

1 (B) 15 MILES AN HOUR ON ALL HIGHWAYS IN A RESIDENTIAL  
2 DISTRICT AS DEFINED IN THIS ACT.

3 (C) ~~(b)~~ 25 miles an hour in public parks unless a differ-  
4 ent speed is fixed and duly posted.

5 (3) It is prima facie unlawful for a person to exceed the  
6 speed limits prescribed in subsection (2), except as provided in  
7 section 629.

8 (4) The driver of a vehicle in a mobile home park as defined  
9 in section 2 of the mobile home commission act, ~~Act No. 96 of~~  
10 ~~the Public Acts of 1987, being section 125.2302 of the Michigan~~  
11 ~~Compiled Laws~~ 1987 PA 96, MCL 125.2302, shall drive at a careful  
12 and prudent speed, not greater than a speed which is reasonable  
13 and proper, having due regard for the traffic, surface, width of  
14 the roadway, and all other conditions existing, and not greater  
15 than a speed which will permit a stop within the assured clear  
16 distance ahead. It is prima facie unlawful for the driver of a  
17 vehicle to drive at a speed exceeding 15 miles an hour in a  
18 mobile home park as defined in section 2 of ~~Act No. 96 of the~~  
19 ~~Public Acts of 1987~~ THE MOBILE HOME COMMISSION ACT, 1987 PA 96,  
20 MCL 125.2302.

21 (5) A person driving a passenger vehicle drawing another  
22 vehicle or trailer shall not exceed a speed of 55 miles per hour,  
23 unless the vehicle or trailer has 2 wheels or less and does not  
24 exceed the combined weight of 750 pounds for the vehicle or  
25 trailer and load, or a trailer coach of not more than 26 feet in  
26 length with brakes on each wheel and attached to the passenger  
27 vehicle with an equalizing or stabilizing coupling unit.

1           (6) A truck with a gross weight of 10,000 pounds or more, a  
2 truck-tractor with a trailer, or a combination of these vehicles  
3 shall not exceed a speed of 55 miles per hour on highways,  
4 streets, or freeways, and shall not exceed a speed of 35 miles  
5 per hour during the period when reduced loadings are being  
6 enforced in accordance with this chapter.

7           (7) A person driving a school bus shall not exceed the speed  
8 of 50 miles per hour.

9           (8) The maximum rates of speeds allowed pursuant to this  
10 section are subject to the maximum rate established pursuant to  
11 section 629b.

12           (9) A person operating a vehicle on a highway, when entering  
13 and passing through a designated work area where a normal lane or  
14 part of the lane of traffic has been closed due to highway con-  
15 struction, maintenance, or surveying activities, shall not exceed  
16 a speed of 45 miles per hour unless otherwise determined and  
17 posted by the state transportation department, a county road com-  
18 mission, or a local authority. The state transportation depart-  
19 ment, a county road commission, or a local authority shall iden-  
20 tify on streets and highways under its jurisdiction a designated  
21 work area with traffic control devices which are in conformance  
22 with the Michigan manual of uniform traffic control devices. A  
23 person shall not exceed a speed limit established under this sec-  
24 tion or a speed limit established pursuant to section 628 or  
25 629.

26           (10) A person who violates this section is responsible for a  
27 civil infraction.



1           Sec. 627a. (1) As used in this section and section 629:

2           (a) "Regularly scheduled school session" means that part of  
3 a day of student instruction that is followed by a break for  
4 lunch or by a final dismissal of the student body for that day.

5           (b) "School" means an educational institution operated by a  
6 local school district or by a private, denominational, or paro-  
7 chial organization. School does not include an educational  
8 institution that the department of education determines has its  
9 entire student population in residence at the institution.

10          (c) "School zone" means school property on which a school  
11 building is located and the area adjacent to the school property  
12 that is designated by the signs required under subsection (2).  
13 Except as otherwise provided in subsection (5), the school zone  
14 extends not more than 1,000 feet from the property line of the  
15 school in each direction.

16          (2) Except as provided in subsection (4), the prima facie  
17 speed limit in a school zone, which shall be in force not less  
18 than 30 minutes but not more than 1 hour before the first regu-  
19 larly scheduled school session until school commences and from  
20 dismissal until not less than 30 minutes but not more than 1 hour  
21 after the last regularly scheduled school session, and during a  
22 lunch period when students are permitted to leave the school,  
23 shall be ~~25~~ 15 miles an hour, if permanent signs designating  
24 the school zone and the speed limit in the school zone are posted  
25 at the request of the school superintendent. The signs shall  
26 conform to the Michigan manual of uniform traffic control  
27 devices.

1           (3) This section does not apply to a limited access highway  
2 or to that portion of a street or highway over which a pedestrian  
3 overhead walkway is erected, if the walkway is adjacent to school  
4 property and is designed and located so as to be used, and is  
5 being used, as the principal means by which students of a school  
6 that has property adjacent to the walkway travel to and from the  
7 school.

8           (4) Local authorities may increase or decrease the prima  
9 facie speed limit within a school zone under their jurisdiction  
10 pursuant to section 629.

11           (5) Notwithstanding the requirements for a school zone as  
12 defined in subsection (1)(c), if a school is located in an area  
13 that requires school children to cross a state trunk line highway  
14 or county highway that has a speed limit of 35 miles per hour or  
15 more to attend that school, the school superintendent may submit  
16 a request to the state transportation commission, county road  
17 commission, or local authority having jurisdiction over the road-  
18 way, as applicable, for a school crossing as permitted under  
19 section 613a. If, based on the traffic engineering studies, the  
20 road authority determines the need for a lower speed limit, the  
21 road authority may designate the crossing as a school zone.  
22 Before submitting a request, the school superintendent shall have  
23 completed a school route plan as prescribed by section 7A-1 of  
24 the Michigan manual of uniform traffic control devices.

25           (6) Notwithstanding the ~~25-mile-per-hour~~ 15-MILE-PER-HOUR  
26 prima facie speed limit established by subsection (2), the prima  
27 facie speed limit for any street in a school zone that has

1 sidewalks along at least 1 side of the street, which shall be in  
2 force during the same periods that a ~~25-mile-per-hour~~  
3 15-MILE-PER-HOUR speed limit provided by subsection (2) would  
4 otherwise be effective, shall be set at the limit requested by  
5 the superintendent of schools with jurisdiction over the school  
6 within the school zone, but this limit shall neither be more than  
7 15 miles per hour below the regularly posted speed limit for that  
8 street nor less than ~~25~~ 15 miles per hour. Permanent signs  
9 designating the school zone and the speed limit in the school  
10 zone shall be posted. These signs shall conform to the Michigan  
11 manual of uniform traffic control devices.