

SENATE BILL No. 682

September 16, 2003, Introduced by Senators CHERRY, BASHAM and BRATER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 709 (MCL 257.320a and 257.709), section 320a as amended by 2002 PA 149 and section 709 as amended by 2000 PA 127.

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
6 otherwise provided in this section and section 629c:
7 (a) Manslaughter, negligent homicide, or a felony
8 resulting from the operation of a motor vehicle, ORV, or
9 snowmobile.....6 points

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1 (b) A violation of section 601b(2) or (3), 601c(1) or
2 (2), or 653a(3) or (4).....6 points

3 (c) A violation of section 625(1), (4), (5), or (7),
4 section 81134 or 82127(1) of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.81134
6 and 324.82127, or a law or ordinance substantially
7 corresponding to section 625(1), (4), (5), or (7) or,
8 section 81134 or 82127(1) of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.81134
10 and 324.82127.....6 points

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

13 (e) Operating a motor vehicle in violation of section
14 626.....6 points

15 (f) Fleeing or eluding an officer..... 6 points

16 (g) Violation of section 627(9) pertaining to speed in
17 a designated work area by exceeding the lawful maximum by
18 more than 15 miles per hour.....5 points

19 (h) Violation of any law other than the law described
20 in subdivision (g) or ordinance pertaining to speed by
21 exceeding the lawful maximum by more than 15 miles per

1 hour.....4 points

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

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

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

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

15 (m) Violation of any law other than the law described
16 in subdivision (l) or ordinance pertaining to speed by
17 exceeding the lawful maximum by more than 10 but not more
18 than 15 miles per hour or careless driving in violation
19 of section 626b or a law or ordinance substantially
20 corresponding to section 626b.....3 points

21 (n) Violation of section 627(9) pertaining to speed in
22 a designated work area by exceeding the lawful maximum by

1 10 miles per hour or less.....3 points

2 (o) Violation of any law other than the law described
3 in subdivision (n) or ordinance pertaining to speed by
4 exceeding the lawful maximum by 10 miles per hour or less2 points

5 (p) Disobeying a traffic signal or stop sign, or
6 improper passing.....3 points

7 (q) Violation of section 624a, 624b, or a law or
8 ordinance substantially corresponding to section 624a or
9 624b.....2 points

10 (r) Violation of section 310e(4) or (6) or a law or
11 ordinance substantially corresponding to section 310e(4)
12 or (6).....2 points

13 (s) All other moving violations pertaining to the
14 operation of motor vehicles reported under this section..2 points

15 (t) A refusal by a person less than 21 years of age to
16 submit to a preliminary breath test required by a peace
17 officer under section 625a.....2 points

18 (u) Violation of section 709..... 2 points

19 (2) Points shall not be entered for a violation of section
20 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

4 (5) If more than 1 conviction, civil infraction
5 determination, or probate court disposition results from the same
6 incident, points shall be entered only for the violation that
7 receives the highest number of points under this section.

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

14 (7) If a person violates a speed restriction established by
15 an executive order issued during a state of energy emergency as
16 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
17 state shall enter points for the violation pursuant to subsection
18 (1).

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

25 (9) If a Michigan driver commits a violation in another state
26 that would be a civil infraction if committed in Michigan, and a
27 conviction results solely because of the failure of the Michigan

1 driver to appear in that state to contest the violation, upon
2 receipt of the abstract of conviction by the secretary of state,
3 the violation shall be noted on the driver's record, but no
4 points shall be assessed against his or her driver's license.

5 Sec. 709. (1) A person shall not drive a motor vehicle with
6 any of the following:

7 (a) A sign, poster, nontransparent material, window
8 application, reflective film, or nonreflective film upon or in
9 the front windshield, the side windows immediately adjacent to
10 the driver or front passenger, or the sidewings adjacent to and
11 forward of the driver or front passenger, except that a tinted
12 film may be used along the top edge of the windshield and the
13 side windows or sidewings immediately adjacent to the driver or
14 front passenger if the material does not extend more than 4
15 inches from the top of the windshield, or lower than the shade
16 band, whichever is closer to the top of the windshield.

17 (b) A rear window or side window to the rear of the driver
18 composed of, covered by, or treated with a material that creates
19 a total solar ~~reflectance~~ **absorptance** of 35% or more in the
20 visible light range, including a silver or gold reflective film.

21 (c) A dangling ornament or other suspended object that
22 obstructs the vision of the driver of the vehicle, except as
23 authorized by law.

24 (2) A person shall not drive a motor vehicle if driver
25 visibility through the rear window is obstructed, unless the
26 vehicle is equipped with 2 rearview mirrors, 1 on each side,
27 adjusted so that the operator has a clear view of the highway

1 behind the vehicle.

2 (3) This section shall not apply to:

3 (a) The use of draperies, louvers, or other special window
4 treatments, except those specifically designated in this section,
5 on the rear window, or a side window to the rear of the driver if
6 the vehicle is equipped with 2 outside rearview mirrors, 1 on
7 each side, adjusted so that the driver has a clear view of the
8 highway behind the vehicle.

9 (b) The use of a nonreflective, smoked or tinted glass,
10 nonreflective film, perforated window screen, or other decorative
11 window application on the rear window or a side window to the
12 rear of the driver.

13 (c) The placement of a necessary certificate or sticker that
14 does not obstruct the driver's clear view of the roadway or an
15 intersecting roadway.

16 (d) A vehicle registered in another state, territory,
17 commonwealth of the United States, or another country or
18 province.

19 (e) A special window treatment or application determined
20 necessary by a physician or optometrist, for the protection of a
21 person who is light sensitive or photosensitive, if the owner or
22 operator of a motor vehicle has in possession a letter signed by
23 a physician or optometrist, indicating that the special window
24 treatment or application is a medical necessity. However, the
25 special window treatment or application shall not interfere with
26 or obstruct the driver's clear vision of the highway or an
27 intersecting highway.

1 (4) Except as provided in subsection (5), the windshield on
2 each motor vehicle shall be equipped with a device for cleaning
3 rain, snow, or other moisture from the windshield, which device
4 shall be so constructed as to be controlled or operated by the
5 driver of the vehicle. A vehicle licensed as an historical
6 vehicle is exempt from this subsection if the vehicle was not
7 originally equipped with such a device. Each windshield wiper
8 upon a motor vehicle shall be maintained in good working order.

9 (5) A truck with a gross weight over 10,000 pounds, a truck
10 tractor, a bus, or a truck regardless of weight carrying
11 hazardous materials on which a placard is required to be posted
12 pursuant to 49 C.F.R. parts 100 to 199 having a windshield shall
13 be equipped with not less than 2 automatically operating
14 windshield wiper blades, 1 on each side of the centerline of the
15 windshield, for cleaning rain, snow, or other moisture from the
16 windshield. The blades shall be in such condition as to provide
17 clear vision for the driver, unless 1 blade is so arranged as to
18 clean an area of the windshield extending to within 1 inch of the
19 limit of vision through the windshield at each side. However, in
20 driveaway-towaway operations, this subsection shall apply only to
21 the driven vehicle. In addition, 1 windshield wiper blade
22 suffices under this subsection when the driven vehicle in a
23 driveaway-towaway operation constitutes part or all of the
24 property being transported and has no provision for 2 blades. A
25 truck and truck tractor, manufactured after June 30, 1953, that
26 depends upon vacuum to operate the windshield wipers, shall be so
27 constructed that the operation of the wipers is not materially

1 impaired by change in the intake manifold pressure.

2 (6) A truck with a gross weight over 10,000 pounds, a truck
3 tractor, a bus, or a truck regardless of weight carrying
4 hazardous materials on which a placard is required to be posted
5 pursuant to 49 C.F.R. parts 100 to 199 shall not be operated on
6 the highways at any time unless it is equipped with a hot air
7 windshield defroster or an electrically heated windshield or
8 other device to heat and maintain the windshield in operable
9 condition at all times.

10 (7) As used in this section:

11 (a) "Physician" means that term as defined in section 17001
12 or 17501 of the public health code, 1978 PA 368, MCL 333.17001
13 and 333.17501.

14 (b) "Optometrist" means that term as defined in section 17401
15 of the public health code, 1978 PA 368, MCL 333.17401.