

SENATE BILL No. 1036

January 22, 2008, Introduced by Senators BASHAM, CLARK-COLEMAN, PRUSI and GLEASON and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2004 PA 495, and by adding section 602b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Until October 1, 2005, within 10 days after
2 the receipt of a properly prepared abstract from this state or
3 another state, or, beginning October 1, 2005, within 5 days after
4 the receipt of a properly prepared abstract from this state or
5 another state, the secretary of state shall record the date of
6 conviction, civil infraction determination, or probate court
7 disposition, and the number of points for each, based on the
8 following formula, except as otherwise provided in this section
9 and section 629c:

- 1 (a) Manslaughter, negligent homicide, or a
2 felony resulting from the operation of a motor
3 vehicle, ORV, or snowmobile.....6 points
- 4 (b) A violation of section 601b(2) or (3),
5 601c(1) or (2), or 653a(3) or (4).....6 points
- 6 (c) A violation of section 625(1), (4), (5),
7 (7), or (8), section 81134 or 82127(1) of the
8 natural resources and environmental protection act,
9 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
10 ordinance substantially corresponding to section
11 625(1), (4), (5), (7), or (8) or section 81134
12 or 82127(1) of the natural resources and
13 environmental protection act, 1994 PA 451,
14 MCL 324.81134 and 324.82127.....6 points
- 15 (d) Failing to stop and disclose identity
16 at the scene of an accident when required by law.....6 points
- 17 (e) Operating a motor vehicle in violation
18 of section 626.....6 points
- 19 (f) Fleeing or eluding an officer.....6 points
- 20 (g) A violation of section 627(9) pertaining
21 to speed in a work zone described in that section
22 by exceeding the lawful maximum by more than
23 15 miles per hour.....5 points
- 24 (h) A violation of any law other than the
25 law described in subdivision (g) or ordinance
26 pertaining to speed by exceeding the lawful
27 maximum by more than 15 miles per hour.....4 points
- 28 (i) A violation of section 625(3) or (6),
29 section 81135 or 82127(3) of the natural
30 resources and environmental protection act,
31 1994 PA 451, MCL 324.81135 and 324.82127,

- 1 or a law or ordinance substantially corresponding
- 2 to section 625(3) or (6) or section 81135
- 3 or 82127(3) of the natural resources and
- 4 environmental protection act, 1994 PA 451,
- 5 MCL 324.81135 and 324.82127.....4 points
- 6 (j) A violation of section 626a or a law
- 7 or ordinance substantially corresponding to
- 8 section 626a.....4 points
- 9 (k) A violation of section 653a(2).....4 points
- 10 (l) A violation of section 627(9) pertaining
- 11 to speed in a work zone described in that section
- 12 by exceeding the lawful maximum by more than 10
- 13 but not more than 15 miles per hour.....4 points
- 14 (m) A violation of any law other than the
- 15 law described in subdivision (l) or ordinance
- 16 pertaining to speed by exceeding the lawful
- 17 maximum by more than 10 but not more than 15
- 18 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) A violation of section 627(9) pertaining
- 22 to speed in a work zone described in that section
- 23 by exceeding the lawful maximum by 10 miles per
- 24 hour or less.....3 points
- 25 (o) A violation of any law other than the law
- 26 described in subdivision (n) or ordinance pertaining
- 27 to speed by exceeding the lawful maximum
- 28 by 10 miles per hour or less.....2 points
- 29 (p) Disobeying a traffic signal or stop sign,
- 30 or improper passing.....3 points
- 31 (q) A violation of section 624a, 624b, or a law

1 or ordinance substantially corresponding to
2 section 624a or 624b.....2 points

3 (r) A violation of section 310e(4) or (6) or
4 a law or ordinance substantially corresponding to
5 section 310e(4) or (6).....2 points

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

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

12 (2) Points shall not be entered for a violation of section
13 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

15 (4) Points shall not be entered for overweight loads or for
16 defective equipment.

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

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

27 (7) If a person violates a speed restriction established by
28 an executive order issued during a state of energy emergency as

1 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
2 state shall enter points for the violation pursuant to subsection
3 (1).

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

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

17 **SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, AN**
18 **INDIVIDUAL SHALL NOT USE A CELLULAR TELEPHONE DEVICE WHILE**
19 **OPERATING A MOTOR VEHICLE UPON A HIGHWAY OR STREET. FOR PURPOSES**
20 **OF THIS SUBSECTION, "USE" MEANS TO INITIATE A CALL; ANSWER A**
21 **CALL; LISTEN TO OR ENGAGE IN VERBAL COMMUNICATION THROUGH THE**
22 **DEVICE; OR TYPE, SEND, OR RECEIVE A TEXT MESSAGE OR AN INSTANT**
23 **MESSAGE.**

24 (2) SUBSECTION (1) DOES NOT APPLY TO AN INDIVIDUAL WHO IS
25 USING A CELLULAR TELEPHONE DEVICE TO DO ANY OF THE FOLLOWING:

26 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
27 ROAD HAZARD.

1 (B) REPORT A SITUATION IN WHICH THE PERSON BELIEVES HIS OR
2 HER PERSONAL SAFETY IS IN JEOPARDY.

3 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL
4 PERPETRATION OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER
5 PERSON.

6 (D) CARRY OUT OFFICIAL DUTIES AS A POLICE OFFICER, LAW
7 ENFORCEMENT OFFICIAL, MEMBER OF A PAID OR VOLUNTEER FIRE
8 DEPARTMENT, OR OPERATOR OF AN EMERGENCY VEHICLE.

9 (3) THE PROHIBITION IN SUBSECTION (1) DOES NOT APPLY TO AN
10 INDIVIDUAL WHO IS USING A HANDS-FREE CELLULAR TELECOMMUNICATIONS
11 DEVICE.

12 (4) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW
13 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY
14 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A
15 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

16 (5) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
17 FOR A CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$100.00.