

SENATE BILL No. 989

December 1, 2009, Introduced by Senator SWITALSKI 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 2008 PA
463, 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~~ **WITHIN** 5
4 days after the receipt of a properly prepared abstract from this
5 state or another state, the secretary of state shall record the
6 date of conviction, civil infraction determination, or probate
7 court disposition, and the number of points for each, based on

1 the following formula, except as otherwise provided in this
 2 section and section 629c:

3 (a) Manslaughter, negligent homicide, or a
 4 felony resulting from the operation of a motor
 5 vehicle, ORV, or snowmobile.....6 points

6 (b) A violation of section 601b(2) or (3),
 7 601c(1) or (2), ~~601d~~, or 653a(3) or (4) **OR, BEGINNING**
 8 **OCTOBER 31, 2010, A VIOLATION OF SECTION 601D**.....6 points

9 (c) A violation of section 625(1), (4), (5),
 10 (7), or (8), section 81134 or 82127(1) of the
 11 natural resources and environmental protection act,
 12 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
 13 ordinance substantially corresponding to section
 14 625(1), (4), (5), (7), or (8), or section 81134
 15 or 82127(1) of the natural resources and
 16 environmental protection act, 1994 PA 451,
 17 MCL 324.81134 and 324.82127.....6 points

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

20 (e) Operating a motor vehicle in violation
 21 of section 626.....6 points

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

23 (g) A violation of section 627(9) pertaining
 24 to speed in a work zone described in that section
 25 by exceeding the lawful maximum by more than
 26 15 miles per hour.....5 points

27 (h) A violation of any law other than the
 28 law described in subdivision (g) or ordinance
 29 pertaining to speed by exceeding the lawful
 30 maximum by more than 15 miles per hour.....4 points

- 1 (i) A violation of section 625(3) or (6),
 2 section 81135 or 82127(3) of the natural
 3 resources and environmental protection act,
 4 1994 PA 451, MCL 324.81135 and 324.82127,
 5 or a law or ordinance substantially corresponding
 6 to section 625(3) or (6) or section 81135
 7 or 82127(3) of the natural resources and
 8 environmental protection act, 1994 PA 451,
 9 MCL 324.81135 and 324.82127.....4 points
- 10 (j) A violation of section 626a or a law
 11 or ordinance substantially corresponding to
 12 section 626a.....4 points
- 13 (k) A violation of section 653a(2).....4 points
- 14 (l) A violation of section 627(9) pertaining
 15 to speed in a work zone described in that section
 16 by exceeding the lawful maximum by more than 10
 17 but not more than 15 miles per hour.....4 points
- 18 (m) ~~A-BEGINNING OCTOBER 31, 2010, A~~
 19 moving violation resulting in an at-fault
 20 collision with another vehicle, a person,
 21 or any other object.....4 points
- 22 (n) A violation of any law other than the
 23 law described in subdivision (l) or ordinance
 24 pertaining to speed by exceeding the lawful
 25 maximum by more than 10 but not more than 15
 26 miles per hour or careless driving in violation
 27 of section 626b or a law or ordinance substantially
 28 corresponding to section 626b.....3 points
- 29 (o) A violation of section 627(9) pertaining
 30 to speed in a work zone described in that section
 31 by exceeding the lawful maximum by 10 miles per

1 hour or less.....3 points

2 (p) A violation of any law other than the law
3 described in subdivision (o) or ordinance
4 pertaining to speed by exceeding the lawful maximum
5 by 10 miles per hour or less.....2 points

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

8 (r) A violation of section 624a, 624b, or
9 a law or ordinance substantially corresponding to
10 section 624a or 624b.....2 points

11 (s) A violation of section 310e(4) or (6) or
12 a law or ordinance substantially corresponding to
13 section 310e(4) or (6).....2 points

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

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

20 (2) Points shall not be entered for a violation of section
21 310e(14), 311, **602B**, 625m, 658, 717, 719, 719a, or 723.

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

23 (4) Points shall not be entered for overweight loads or for
24 defective equipment.

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

29 (6) If a person has accumulated 9 points as provided in this

1 section, the secretary of state may call the person in for an
2 interview as to the person's driving ability and record after due
3 notice as to time and place of the interview. If the person fails
4 to appear as provided in this subsection, the secretary of state
5 shall add 3 points to the person's record.

6 (7) If a person violates a speed restriction established by
7 an executive order issued during a state of energy emergency as
8 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
9 state shall enter points for the violation pursuant to subsection
10 (1).

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

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

24 **SEC. 602B. (1) EXCEPT AS PROVIDED IN THIS SECTION, AN**
25 **INDIVIDUAL SHALL NOT USE A HANDHELD CELLULAR TELEPHONE DEVICE**
26 **WHILE OPERATING A MOTOR VEHICLE UPON A HIGHWAY OR STREET. FOR**
27 **PURPOSES OF THIS SUBSECTION, "USE" MEANS TO INITIATE A CALL;**

1 ANSWER A CALL; LISTEN TO OR ENGAGE IN VERBAL COMMUNICATION
2 THROUGH THE HANDHELD DEVICE; OR TYPE, SEND, OR RECEIVE A TEXT
3 MESSAGE OR AN INSTANT MESSAGE.

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

7 (A) REPORT A TRAFFIC ACCIDENT, MEDICAL EMERGENCY, OR SERIOUS
8 ROAD HAZARD.

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

11 (C) REPORT OR AVERT THE PERPETRATION OR POTENTIAL
12 PERPETRATION OF A CRIMINAL ACT AGAINST THE INDIVIDUAL OR ANOTHER
13 PERSON.

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

17 (E) CARRY OUT DUTIES OR REPORT AN INCIDENT AS A SCHOOL BUS
18 DRIVER AS NECESSARY TO MAINTAIN STUDENT SAFETY AND TO RESPOND TO
19 THE NEEDS OF SPECIAL EDUCATION STUDENTS.

20 (3) ENFORCEMENT OF THIS SECTION BY STATE OR LOCAL LAW
21 ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY
22 ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A
23 SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.

24 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS RESPONSIBLE
25 FOR A CIVIL INFRACTION PUNISHABLE BY A FINE OF \$100.00.