

HOUSE BILL No. 5966

November 13, 2014, Introduced by Rep. Kowall and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 606, 608, 609, and 610 (MCL 257.320a,
257.606, 257.608, 257.609, and 257.610), section 320a as amended
by 2012 PA 592 and section 606 as amended by 1980 PA 518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) Within 5 days after receipt of a properly
2 prepared abstract from a court of this state or another state,
3 the secretary of state shall record the date of conviction, civil
4 infraction determination, or probate court disposition, and the
5 number of points for each, based on the following formula: τ
6 ~~except as otherwise provided in this section 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) or, beginning
 6 October 31, 2010, a violation of section 601d.....6 points
- 7 (c) A violation of section 625(1), (4), (5),
 8 (7), or (8), section 81134 or 82127(1) of the
 9 natural resources and environmental protection act,
 10 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
 11 ordinance substantially corresponding to section
 12 625(1), (4), (5), (7), or (8), or section 81134
 13 or 82127(1) of the natural resources and
 14 environmental protection act, 1994 PA 451,
 15 MCL 324.81134 and 324.82127.....6 points
- 16 (d) Failing to stop and disclose identity
 17 at the scene of an accident when required by law.....6 points
- 18 (e) Operating a motor vehicle in violation
 19 of section 626.....6 points
- 20 (f) Fleeing or eluding an officer.....6 points
- 21 ~~—— (g) 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 more than~~
 24 ~~15 miles per hour.....5 points~~
- 25 (G) ~~(h)~~ A violation of any law other than the
 26 law described in subdivision (g) or ordinance
 27 pertaining to speed by exceeding the lawful
 28 maximum by more than 15 miles per hour.....4 points
- 29 (H) ~~(i)~~ A violation of section 625(3) or (6),

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

9 (I) ~~(j)~~ A violation of section 626a or a law
 10 or ordinance substantially corresponding to
 11 section 626a.....4 points

12 (J) ~~(k)~~ A violation of section 653a(2).....4 points

13 ~~—— (l) A violation of section 627(9) pertaining~~
 14 ~~to speed in a work zone described in that section~~
 15 ~~by exceeding the lawful maximum by more than 10~~
 16 ~~but not more than 15 miles per hour.....4 points~~

17 (K) ~~(m)~~ Beginning October 31, 2010, a
 18 moving violation resulting in an at-fault
 19 collision with another vehicle, a person,
 20 or any other object.....4 points

21 (l) ~~(n)~~ A violation of any law other than the
 22 law described in subdivision (l) or ordinance
 23 pertaining to speed by exceeding the lawful
 24 maximum by more than 10 but not more than 15
 25 miles per hour or careless **CARELESS** driving in violation
 26 of section 626b or a law or ordinance substantially
 27 corresponding to section 626b.....3 points

28 (M) ~~(o)~~ A violation of ~~section 627(9)~~ **ANY LAW**
 29 **OR ORDINANCE** pertaining to speed in a work zone

1 ~~described in that section by~~ exceeding the lawful
 2 maximum by **MORE THAN** 10 miles per hour ~~or less~~ **BUT NOT**
 3 **MORE THAN 15 MILES PER HOUR**.....3 points
 4 (N) ~~(p)~~ A violation of any law ~~other than the law~~
 5 ~~described in subdivision (e)~~ or ordinance
 6 pertaining to speed by exceeding the lawful maximum
 7 by **MORE THAN 5 MILES PER HOUR BUT NOT MORE THAN**
 8 10 miles per hour ~~or less~~.....2 points
 9 (O) ~~(q)~~ Disobeying a traffic signal or stop sign,
 10 or improper passing.....3 points
 11 (P) ~~(r)~~ A violation of section 624a, 624b, or
 12 a law or ordinance substantially corresponding to
 13 section 624a or 624b.....2 points
 14 (Q) ~~(s)~~ A violation of section 310e(4) or (6) or
 15 a law or ordinance substantially corresponding to
 16 section 310e(4) or (6).....2 points
 17 (R) ~~(t)~~ All other moving violations pertaining to
 18 the operation of motor vehicles reported under
 19 this section.....2 points
 20 (S) ~~(u)~~ A refusal by a person less than 21 years of
 21 age to submit to a preliminary breath test required
 22 by a peace officer under section 625a.....2 points

 23 (2) Points shall not be entered for a violation of section
 24 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
 25 723.
 26 (3) Points shall not be entered for bond forfeitures.
 27 (4) Points shall not be entered for overweight loads or for
 28 defective equipment.

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

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

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

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

22 (9) If a Michigan driver commits a violation in another
23 state that would be a civil infraction if committed in Michigan,
24 and a conviction results solely because of the failure of the
25 Michigan driver to appear in that state to contest the violation,
26 upon receipt of the abstract of conviction by the secretary of
27 state, the violation shall be noted on the driver's record, but

1 no points shall be assessed against his or her driver's license.

2 Sec. 606. (1) ~~The provisions of this~~ **THIS** chapter shall not
 3 ~~be considered to~~ **DOES NOT** prevent ~~A local authorities~~ **AUTHORITY**
 4 with respect to streets or highways under the jurisdiction of the
 5 local authority and within the reasonable exercise of the police
 6 power from **DOING ANY OF THE FOLLOWING:**

7 (a) Regulating the standing or parking of vehicles.

8 (b) Regulating the impoundment or immobilization of vehicles
 9 whose owner has failed to answer 6 or more parking violation
 10 notices or citations regarding illegal parking.

11 (c) Regulating traffic by means of police officers or
 12 traffic control signals.

13 (d) Regulating or prohibiting processions or assemblages on
 14 the highways or streets.

15 (e) Designating particular highways as 1-way highways and
 16 requiring that all vehicles on those highways be moved in 1
 17 specific direction.

18 ~~— (f) Regulating the speed of vehicles in public parks.~~

19 **(F)** ~~(g)~~ Designating any highway as a through highway and
 20 requiring that all vehicles stop before entering or crossing the
 21 through highway; designating any intersection as a stop
 22 intersection and requiring all vehicles to stop at 1 or more
 23 entrances to ~~these intersections;~~ **THE INTERSECTION;** or
 24 designating ~~intersections at which vehicular traffic shall be~~
 25 ~~required~~ **ANY INTERSECTION AS A YIELD INTERSECTION AND REQUIRING**
 26 **ALL VEHICLES** to yield the right of way at 1 or more entrances to
 27 ~~these intersections.~~ **THE INTERSECTION.**

(G) ~~(h)~~ Restricting the use of highways as authorized in section 726.

(H) ~~(i)~~ Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.

(I) ~~(j)~~ Regulating or prohibiting the turning of vehicles at intersections.

~~—— (k) Increasing the prima facie speed limits as authorized in this act.~~

(J) ~~(l)~~ Adopting other traffic regulations as are specifically authorized by this chapter.

(2) ALL TRAFFIC REGULATIONS DESCRIBED IN SUBSECTION (1) SHALL BE BASED ON STANDARD AND ACCEPTED ENGINEERING PRACTICES AS SPECIFIED IN THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

(3) ~~(2)~~ A local authority shall not erect or maintain a stop sign or traffic control device ~~at a location so as to require~~ **THAT REQUIRES** the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department.

(4) ~~(3)~~ An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), ~~(g)~~, **(H)**, OR (i) ~~, or (j)~~ shall not be enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently legible as to be seen by an

1 ordinarily observant person. The posting of signs giving the
 2 notice shall not be required for a local ordinance ~~which~~ **THAT**
 3 does not differ from the provisions of this act regulating the
 4 parking or standing of vehicles; nor to ordinances of general
 5 application throughout the jurisdiction of the municipalities
 6 enacting the ordinances ~~which~~ **THAT** prohibit, limit, or restrict
 7 all night parking or parking during the early morning hours, if
 8 signs, approximately 3 feet by 4 feet, **AND** sufficiently legible
 9 as to be seen by an ordinarily observant person, giving notice of
 10 these ordinances relating to all night parking or parking during
 11 the early morning hours, are posted on highways at the corporate
 12 limits of the municipality.

13 (5) ~~(4)~~ A local authority, in providing by ordinance for the
 14 impounding of any motor vehicle parked contrary to a local
 15 ordinance, shall not require a bond or cash deposit by the owner
 16 of the motor vehicle in excess of \$500.00 in order to recover the
 17 possession of the motor vehicle pending final adjudication of the
 18 case.

19 Sec. 608. The state ~~highway commissioner~~ **TRANSPORTATION**
 20 **DEPARTMENT** and ~~commissioner~~ **DEPARTMENT** of state police shall
 21 adopt a manual and specifications for a uniform system of
 22 ~~traffic control~~ **TRAFFIC CONTROL** devices consistent with the
 23 provisions of this chapter for use upon highways within this
 24 state. ~~Such uniform system~~ **THE MANUAL** shall correlate with and so
 25 far as possible conform to the ~~system~~ **FEDERAL MANUAL** then current
 26 as approved by the ~~American Association of State Highway~~
 27 ~~Officials and such manual~~ **UNITED STATES DEPARTMENT OF**

1 **TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, AND** may be
 2 revised whenever necessary to carry out the provisions of this
 3 act. It is ~~hereby declared to be~~ the policy of ~~the~~ **THIS** state of
 4 ~~Michigan~~ to achieve, insofar as is practicable, uniformity in the
 5 design, ~~and shape,~~ and color scheme of traffic signs, signals,
 6 and guide posts erected and maintained upon the streets and
 7 highways within ~~the~~ **THIS** state with other states. **DEFINITIONS AND**
 8 **MEANINGS FOUND IN THE MANUAL ADOPTED UNDER THIS SECTION ARE**
 9 **SUPPLEMENTAL TO THE DEFINITIONS IN CHAPTER I. HOWEVER, IF A**
 10 **DEFINITION OR MEANING FOUND IN THE MANUAL ADOPTED UNDER THIS**
 11 **SECTION CONFLICTS WITH A DEFINITION IN CHAPTER I, THE DEFINITION**
 12 **IN CHAPTER I PREVAILS.**

13 Sec. 609. (1) ~~(a) The state highway commission~~
 14 **TRANSPORTATION DEPARTMENT** shall place or require to be placed,
 15 and maintain or require to be maintained, ~~such traffic control~~
 16 ~~devices, conforming to said manual and specifications,~~ upon all
 17 state highways **TRAFFIC CONTROL DEVICES** as it ~~shall deem~~ **CONSIDERS**
 18 necessary to indicate and ~~to~~ carry out the provisions of this
 19 chapter or to regulate, warn, or guide traffic. **A TRAFFIC CONTROL**
 20 **DEVICE PLACED AND MAINTAINED UNDER THIS SUBSECTION SHALL CONFORM**
 21 **TO THE MOST CURRENT MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL**
 22 **DEVICES.**

23 (2) ~~(b) No~~ **A** local authority shall **NOT** place or maintain ~~any~~
 24 ~~traffic control~~ **A TRAFFIC CONTROL** device upon ~~any~~ **A** trunk line
 25 highway under the jurisdiction of the state ~~highway commissioner~~
 26 **TRANSPORTATION DEPARTMENT**, except by the latter's permission, or
 27 upon ~~any~~ **A** county road without the permission of the county road

1 commission having jurisdiction thereof. ~~OVER THAT ROAD.~~ With the
 2 approval of the ~~department of state highways,~~ **STATE**
 3 **TRANSPORTATION DEPARTMENT**, the board of county road commissioners
 4 of ~~any~~ **A** county, at its option, may install and maintain ~~uniform~~
 5 ~~traffic control~~ **TRAFFIC CONTROL** devices ~~according to the~~
 6 ~~standards promulgated by the department of state highways and as~~
 7 ~~required by the commission on trunk line highways,~~ **CONFORMING TO**
 8 **THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES** if the
 9 cost would be less than that estimated by the state highway
 10 ~~commission, billing~~ **TRANSPORTATION DEPARTMENT AND BILL** the state
 11 ~~highway commission~~ **TRANSPORTATION DEPARTMENT** for its share of the
 12 cost of installation.

13 Sec. 610. (1) ~~(a)~~ Local authorities and county road
 14 commissions in their respective jurisdictions shall place and
 15 maintain ~~such~~ **THE** traffic control devices upon highways under
 16 their jurisdiction ~~as they may deem~~ **THAT THEY CONSIDER** necessary
 17 to indicate and to carry out the provisions of this chapter or
 18 local traffic ordinances or to regulate, warn, or guide traffic.
 19 All ~~such~~ traffic control devices ~~hereafter erected~~ shall conform
 20 to the ~~state manual and specifications.~~ **MICHIGAN MANUAL ON UNIFORM**
 21 **TRAFFIC CONTROL DEVICES.**

22 (2) ~~(b)~~ The state ~~highway commissioner~~ **TRANSPORTATION**
 23 **DEPARTMENT** shall withhold from any ~~township,~~ incorporated
 24 village, city, or county, ~~failing~~ **THAT FAILS** to comply with the
 25 ~~provisions of sections 606, 608, 609, 612, and 613, the share of~~
 26 ~~weight~~ **FUEL** and ~~gasoline~~ **VEHICLE** tax ~~refunds~~ **REVENUE THAT WOULD**
 27 otherwise **BE** due the ~~township,~~ incorporated village, city, or

1 county **UNDER SECTION 10 OF 1951 PA 51, MCL 247.660.** Notice of
 2 ~~such failure~~ **TO COMPLY**, and ~~a reasonable~~ **1 YEAR'S** time to comply
 3 ~~therewith,~~ **AFTER NOTICE**, shall first be given.

4 (3) ~~(e)~~ A person, firm, or corporation shall not sell or
 5 offer for sale to local authorities and local authorities shall
 6 not purchase or manufacture any traffic control device ~~which~~ **THAT**
 7 does not conform to the Michigan manual ~~of~~ **ON** uniform traffic
 8 control devices, except ~~by~~ **WITH THE** permission of the director of
 9 the **STATE TRANSPORTATION** department. ~~of state highways.~~

10 Enacting section 1. This amendatory act does not take effect
 11 unless all of the following bills of the 97th Legislature are
 12 enacted into law:

13 (a) Senate Bill No. ____ or House Bill No. 5965 (request no.
 14 02873'13).

15 (b) Senate Bill No. ____ or House Bill No. 5964 (request no.
 16 03658'13 *).

17 (c) Senate Bill No. ____ or House Bill No. 5962 (request no.
 18 04480'13 *).

19 (d) Senate Bill No. ____ or House Bill No. 5963 (request no.
 20 04595'13).