

# HOUSE BILL No. 4426

April 14, 2015, Introduced by Rep. Kivela 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: 7  
6 ~~except as otherwise provided in this section and section 629c:~~

7           (a) Manslaughter, negligent homicide, or a

- 1 felony resulting from the operation of a motor
- 2 vehicle, ORV, or snowmobile.....6 points
- 3       (b) A violation of section 601b(2) or (3),
- 4 601c(1) or (2), or 653a(3) or (4) or, beginning
- 5 October 31, 2010, a violation of section 601d.....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       **(G)** ~~(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       **(H)** ~~(i)~~ A violation of section 625(3) or (6),
- 29 section 81135 or 82127(3) of the natural

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

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

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

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

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

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

27 (M) ~~(o) A violation of section 627(9) ANY LAW~~  
 28 **OR ORDINANCE** pertaining to speed in a work zone  
 29 described in that section by exceeding the lawful

1 maximum by **MORE THAN** 10 miles per hour ~~or less~~**BUT NOT**  
2 **MORE THAN 15 MILES PER HOUR**.....3 points

3 (N) ~~(p)~~A violation of any law ~~other than the law~~  
4 ~~described in subdivision (e)~~ or ordinance  
5 pertaining to speed by exceeding the lawful maximum  
6 by **MORE THAN 5 MILES PER HOUR BUT NOT MORE THAN**  
7 10 miles per hour ~~or less~~.....2 points

8 (O) ~~(q)~~Disobeying a traffic signal or stop sign,  
9 or improper passing.....3 points

10 (P) ~~(r)~~A violation of section 624a, 624b, or  
11 a law or ordinance substantially corresponding to  
12 section 624a or 624b.....2 points

13 (Q) ~~(s)~~A violation of section 310e(4) or (6) or  
14 a law or ordinance substantially corresponding to  
15 section 310e(4) or (6).....2 points

16 (R) ~~(t)~~All other moving violations pertaining to  
17 the operation of motor vehicles reported under  
18 this section.....2 points

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

22 (2) Points shall not be entered for a violation of section  
23 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or  
24 723.

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

26 (4) Points shall not be entered for overweight loads or for  
27 defective equipment.

28 (5) If more than 1 conviction, civil infraction

1 determination, or probate court disposition results from the same  
2 incident, points shall be entered only for the violation that  
3 receives the highest number of points under this section.

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

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

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

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

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

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

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

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

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

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

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

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

27          **(G)** ~~(h)~~ Restricting the use of highways as authorized in

1 section 726.

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

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

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

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

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

15 (3) ~~(2)~~—A local authority shall not erect or maintain a stop  
16 sign or traffic control device ~~at a location so as to require~~  
17 **THAT REQUIRES** the traffic on any state trunk line highway to stop  
18 before entering or crossing any intersecting highway unless  
19 approval in writing has been first obtained from the director of  
20 the state transportation department.

21 (4) ~~(3)~~—An ordinance or regulation enacted under subsection  
22 (1) (a), (d), (e), (f), ~~(g)~~, **(H)**, OR (i) ~~, or (j)~~ shall not be  
23 enforceable until signs giving notice of the local traffic  
24 regulations are posted upon or at the entrance to the highway or  
25 street or part of the highway or street affected, as may be most  
26 appropriate, and are sufficiently legible as to be seen by an  
27 ordinarily observant person. The posting of signs giving the

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

12 (5) ~~(4)~~ A local authority, in providing by ordinance for the  
 13 impounding of any motor vehicle parked contrary to a local  
 14 ordinance, shall not require a bond or cash deposit by the owner  
 15 of the motor vehicle in excess of \$500.00 in order to recover the  
 16 possession of the motor vehicle pending final adjudication of the  
 17 case.

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

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

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

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

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

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

21       (2) ~~(b)~~ The state ~~highway commissioner~~ **TRANSPORTATION**  
 22 **DEPARTMENT** shall withhold from any ~~township,~~ incorporated  
 23 village, city, or county, ~~failing~~ **THAT FAILS** to comply with the  
 24 ~~provisions of sections 606, 608, 609, 612, and 613, the share of~~  
 25 ~~weight~~ **FUEL** and ~~gasoline~~ **VEHICLE** tax ~~refunds~~ **REVENUE THAT WOULD**  
 26 otherwise **BE** due the ~~township,~~ incorporated village, city, or  
 27 county **UNDER SECTION 10 OF 1951 PA 51, MCL 247.660.** Notice of

1 ~~such failure~~ **TO COMPLY**, and a ~~reasonable~~ **1 YEAR'S** time to comply  
 2 ~~therewith,~~ **AFTER NOTICE**, shall first be given.

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

9       Enacting section 1. This amendatory act does not take effect  
 10 unless all of the following bills of the 98th Legislature are  
 11 enacted into law:

12       (a) Senate Bill No. \_\_\_\_ or House Bill No. 4424 (request no.  
 13 00135'15).

14       (b) Senate Bill No. \_\_\_\_ or House Bill No. 4423 (request no.  
 15 00136'15).

16       (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
 17 00137'15).

18       (d) Senate Bill No. \_\_\_\_ or House Bill No. 4425 (request no.  
 19 00139'15).