

SENATE BILL No. 151

February 9, 2017, Introduced by Senator SHIRKEY 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 2012 PA 592,
and by adding section 751.

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, the
3 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, except
6 as otherwise provided in this section and section 629c:

7 (a) Manslaughter, negligent homicide, or a
8 felony resulting from the operation of a motor

1 vehicle, ORV, or snowmobile.....6 points
 2 (b) A violation of section 601b(2) or (3),
 3 601c(1) or (2), or 653a(3) or (4) or, beginning
 4 October 31, 2010, a violation of section 601d.....6 points
 5 (c) A violation of section 625(1), (4), (5),
 6 (7), or (8), section 81134 or 82127(1) of the
 7 natural resources and environmental protection act,
 8 1994 PA 451, MCL 324.81134 and 324.82127, or a law or
 9 ordinance substantially corresponding to section
 10 625(1), (4), (5), (7), or (8), or section 81134
 11 or 82127(1) of the natural resources and
 12 environmental protection act, 1994 PA 451,
 13 MCL 324.81134 and 324.82127.....6 points
 14 (d) Failing to stop and disclose identity
 15 at the scene of an accident when required by law.....6 points
 16 (e) Operating a motor vehicle in violation
 17 of section 626.....6 points
 18 (f) Fleeing or eluding an officer.....6 points
 19 (g) A violation of section 627(9) pertaining
 20 to speed in a work zone described in that section
 21 by exceeding the lawful maximum by more than
 22 15 miles per hour.....5 points
 23 (h) A violation of any law other than the
 24 law described in subdivision (g) or ordinance
 25 pertaining to speed by exceeding the lawful
 26 maximum by more than 15 miles per hour.....4 points
 27 (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 (j) A violation of section 626a or a law
 10 or ordinance substantially corresponding to
 11 section 626a.....4 points
 12 (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 (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 (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 driving in violation
 26 of section 626b or a law or ordinance substantially
 27 corresponding to section 626b.....3 points

(o) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less.....3 points

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

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

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

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

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

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

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

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

(4) Points shall not be entered for overweight loads or for

1 defective equipment.

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

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

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

21 (9) If ~~a Michigan driver~~ **AN INDIVIDUAL HOLDING AN OPERATOR'S**
22 **OR CHAUFFEUR'S LICENSE IN THIS STATE** commits a violation in another
23 state that would be a civil infraction if committed in ~~Michigan,~~
24 **THIS STATE**, and a conviction results solely because of the failure
25 of the ~~Michigan driver~~ **LICENSE HOLDER** to appear in that state to
26 contest the violation, upon receipt of the abstract of conviction
27 by the secretary of state, the violation shall be noted on the

1 driver's record, but no points shall be assessed against his or her
2 ~~driver's~~ OPERATOR'S OR CHAUFFEUR'S license.

3 (10) IF AN INDIVIDUAL HOLDING AN OPERATOR'S OR CHAUFFEUR'S
4 LICENSE IN THIS STATE COMMITS A VIOLATION IN ANOTHER STATE BASED ON
5 ENFORCEMENT BY AN UNMANNED TRAFFIC MONITORING DEVICE THAT WOULD, IF
6 COMMITTED IN THIS STATE, WARRANT AN ASSESSMENT OF POINTS AGAINST
7 THE LICENSE HOLDER, THE SECRETARY OF STATE SHALL NOT RETAIN A
8 RECORD OF THE VIOLATION OR ASSESS POINTS AGAINST THE LICENSE
9 HOLDER. AS USED IN THIS SUBSECTION, "UNMANNED TRAFFIC MONITORING
10 DEVICE" MEANS THAT TERM AS DEFINED IN SECTION 751.

11 SEC. 751. (1) A LAW ENFORCEMENT AGENCY OR OTHER ENTITY SHALL
12 NOT USE AN UNMANNED TRAFFIC MONITORING DEVICE TO DETECT OR ENFORCE
13 ANY TRAFFIC OR MOTOR VEHICLE-RELATED VIOLATION OR INFRACTION,
14 INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

15 (A) MOVING VIOLATIONS INVOLVING TRAFFIC SIGNS, SIGNALS, OR
16 MARKINGS.

17 (B) SPEED LIMITATIONS.

18 (C) HIGH-OCCUPANCY VEHICLE LANE VIOLATIONS OR OTHER PUBLIC
19 ROAD OR HIGHWAY USAGE LIMITATIONS.

20 (2) AS USED IN THIS SECTION, "UNMANNED TRAFFIC MONITORING
21 DEVICE" MEANS A DEVICE OR SYSTEM THAT USES PHOTO-RADAR, PHOTO-
22 LIDAR, CLOSED CAPTION TELEVISION, OR A SIMILAR DEVICE OR SYSTEM
23 THAT PHOTOGRAPHS OR OTHERWISE RECORDS THE IMAGE OF OR IDENTIFIABLE
24 INFORMATION ABOUT A VEHICLE OR ITS REGISTRATION PLATE WHERE
25 TICKETING OR ENFORCEMENT IS FULLY AUTOMATED OR WHERE A LAWFULLY
26 AUTHORIZED HUMAN USER OF THE DEVICE OR SYSTEM WOULD NOT HAVE HAD
27 FIRSTHAND VISUAL SIGHT OF THE VEHICLE AT THE TIME OF DETECTION.

1 UNMANNED TRAFFIC MONITORING DEVICE INCLUDES A DEVICE OR SYSTEM THAT
2 USES AN INDIVIDUAL TO MONITOR TRAFFIC FROM A REMOTE LOCATION BUT
3 DOES NOT HAVE A LAWFULLY AUTHORIZED INDIVIDUAL PHYSICALLY PRESENT
4 AT THE TIME OF TICKETING OR ENFORCEMENT.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.