

# SENATE BILL No. 670

November 29, 2017, Introduced by Senators O'BRIEN and KNEZEK and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2016 PA 448.

**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  
9 vehicle, ORV, or snowmobile.....6 points

10       (b) A violation of section 601b(2) or (3),  
11 601c(1) or (2), **602B(7) OR (8)**, or 653a(3) or

1 (4) or, beginning October 31, 2010, a violation  
2 of section 601d.....6 points  
3 (c) A violation of section 625(1), (4), (5),  
4 (7), or (8), section 81134 or 82127(1) of the  
5 natural resources and environmental protection act,  
6 1994 PA 451, MCL 324.81134 and 324.82127, or a law  
7 or ordinance substantially corresponding to section  
8 625(1), (4), (5), (7), or (8), or section 81134  
9 or 82127(1) of the natural resources and  
10 environmental protection act, 1994 PA 451,  
11 MCL 324.81134 and 324.82127.....6 points  
12 (d) Failing to stop and disclose identity  
13 at the scene of an accident when required by law.....6 points  
14 (e) Operating a motor vehicle in violation  
15 of section 626.....6 points  
16 (f) Fleeing or eluding an officer.....6 points  
17 (g) A violation of section 627(6) pertaining  
18 to speed in a work zone described in that section  
19 by exceeding the lawful maximum by more than  
20 15 miles per hour.....5 points  
21 (h) A violation of any law or ordinance  
22 pertaining to speed by exceeding the lawful  
23 maximum by more than 15 miles per hour.....4 points  
24 (i) A violation of section 625(3) or (6),  
25 section 81135 or 82127(3) of the natural  
26 resources and environmental protection act,  
27 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(6) 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) Beginning October 31, 2010, a moving  
15 violation resulting in an at-fault collision with  
16 another vehicle, a person, or any other object.....4 points  
17 (n) Careless driving in violation of section  
18 626b or a law or ordinance substantially  
19 corresponding to section 626b.....3 points  
20 (o) A violation of any law or ordinance  
21 pertaining to speed by exceeding the lawful  
22 maximum by more than 10 miles per hour but not  
23 more than 15 miles per hour.....3 points  
24 (p) A violation of any law or ordinance  
25 pertaining to speed by exceeding the lawful  
26 maximum by more than 5 miles per hour but not  
27 more than 10 miles per hour .....2 points

1 (q) A violation of any law or ordinance  
2 pertaining to speed by exceeding the lawful  
3 maximum by more than 1 mile per hour but not  
4 more than 5 miles per hour.....1 point

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

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

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

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

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

19 (w) A violation of section 627(6) pertaining  
20 to speed in a work zone described in that  
21 section by exceeding the lawful maximum by  
22 10 miles per hour or less.....3 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

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

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