

SENATE BILL No. 1074

September 5, 2018, Introduced by Senators WARREN and BIEDA and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 320a, 320d, and 601b (MCL 257.320a, 257.320d,
and 257.601b), section 320a as amended by 2016 PA 448, section 320d
as amended by 2012 PA 498, and section 601b as amended by 2011 PA
60.

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

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
 10 or 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(6) 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 **(H) A VIOLATION OF ANY LAW OR ORDINANCE**
 25 **PERTAINING TO SPEED IN A SCHOOL ZONE BY EXCEEDING**
 26 **THE LAWFUL MAXIMUM BY MORE THAN 15 MILES PER HOUR.....5 POINTS**
 27 **(I) ~~(h)~~ A EXCEPT AS PROVIDED IN SUBDIVISION**

1 (H), A violation of any law or ordinance pertaining
2 to speed by exceeding the lawful maximum by more
3 than 15 miles per hour.....4 points

4 (J) A VIOLATION OF ANY LAW OR ORDINANCE
5 PERTAINING TO SPEED IN A SCHOOL ZONE BY EXCEEDING
6 THE LAWFUL MAXIMUM BY MORE THAN 10 MILES PER HOUR
7 BUT NOT MORE THAN 15 MILES PER HOUR.....4 POINTS

8 (K) ~~(i)~~ A violation of section 625(3) or (6),
9 section 81135 or 82127(3) of the natural
10 resources and environmental protection act,
11 1994 PA 451, MCL 324.81135 and 324.82127,
12 or a law or ordinance substantially corresponding
13 to section 625(3) or (6) or section 81135
14 or 82127(3) of the natural resources and
15 environmental protection act, 1994 PA 451,
16 MCL 324.81135 and 324.82127.....4 points

17 (I) ~~(j)~~ A violation of section 626a or a law
18 or ordinance substantially corresponding to
19 section 626a.....4 points

20 (M) ~~(k)~~ A violation of section 653a(2).....4 points

21 (N) ~~(l)~~ A violation of section 627(6)
22 pertaining to speed in a work zone described in
23 that section by exceeding the lawful maximum by
24 more than 10 but not more than 15 miles per hour.....4 points

25 (O) ~~(m)~~ Beginning October 31, 2010, a moving
26 violation resulting in an at-fault collision with
27 another vehicle, a person, or any other object.....4 points

1 (P) ~~(n)~~ Careless driving in violation of
2 section 626b or a law or ordinance substantially
3 corresponding to section 626b.....3 points

4 (Q) ~~(o)~~ **A-EXCEPT AS PROVIDED IN SUBDIVISION**
5 (J), A violation of any law or ordinance pertaining
6 to speed by exceeding the lawful maximum by more
7 than 10 miles per hour but not more than 15 miles
8 per hour.....3 points

9 (R) **A VIOLATION OF ANY LAW OR ORDINANCE**
10 **PERTAINING TO SPEED IN A SCHOOL ZONE BY**
11 **EXCEEDING THE LAWFUL MAXIMUM BY MORE THAN 1 MILE**
12 **PER HOUR BUT NOT MORE THAN 10 MILES PER HOUR.....3 POINTS**

13 (S) ~~(p)~~ **A-EXCEPT AS PROVIDED IN SUBDIVISION**
14 (R), A violation of any law or ordinance
15 pertaining to speed by exceeding the lawful
16 maximum by more than 5 miles per hour but not
17 more than 10 miles per hour2 points

18 (T) ~~(q)~~ **A-EXCEPT AS PROVIDED IN SUBDIVISION**
19 (R), A violation of any law or ordinance
20 pertaining to speed by exceeding the lawful
21 maximum by more than 1 mile per hour but not
22 more than 5 miles per hour.....1 point

23 (U) ~~(r)~~ Disobeying a traffic signal or stop
24 sign, or improper passing.....3 points

25 (V) ~~(s)~~ A violation of section 624a, 624b, or
26 a law or ordinance substantially corresponding to
27 section 624a or 624b.....2 points

1 (W) ~~(t)~~—A violation of section 310e(4) or (6)
 2 or a law or ordinance substantially corresponding
 3 to section 310e(4) or (6).....2 points

4 (X) ~~(u)~~—All other moving violations
 5 pertaining to the operation of motor vehicles
 6 reported under this section.....2 points

7 (Y) ~~(v)~~—A refusal by a person less than 21
 8 years of age to submit to a preliminary breath
 9 test required by a peace officer under section
 10 625a.....2 points

11 (Z) ~~(w)~~—A violation of section 627(6)
 12 pertaining to speed in a work zone described
 13 in that section by exceeding the lawful maximum
 14 by 10 miles per hour or less.....3 points

15 (2) Points shall not be entered for a violation of section
 16 310e(14), 311, 602b(1), 602c, 625m, 658, 710d, 717, 719, 719a, or
 17 723.

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

19 (4) Points shall not be entered for overweight loads or for
 20 defective equipment.

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

25 (6) If a person has accumulated 9 points as provided in this
 26 section, the secretary of state may call the person in for an
 27 interview as to the person's driving ability and record after due

1 notice as to time and place of the interview. If the person fails
2 to appear as provided in this subsection, the secretary of state
3 shall add 3 points to the person's record.

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

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

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

20 Sec. 320d. (1) Notwithstanding section 320a, the secretary of
21 state shall not enter the points corresponding to a moving
22 violation committed in this state by an individual the secretary of
23 state determines to be eligible under this section on the
24 individual's driving record or make information concerning that
25 violation available to any insurance company if the individual
26 attends and successfully completes a basic driver improvement
27 course under this section and an approved sponsor provides a

1 certificate of successful completion of that course to the
2 secretary of state not more than 60 days after the date on which
3 the secretary of state notified the individual that he or she was
4 eligible to take a basic driver improvement course.

5 (2) The secretary of state shall determine if an individual is
6 eligible under subsection (3) to attend a basic driver improvement
7 course upon receipt of an abstract of a moving violation. If the
8 secretary of state determines that an individual is eligible to
9 attend a basic driver improvement course, the secretary of state
10 shall do all of the following:

11 (a) Notify the individual of his or her eligibility by first-
12 class mail at the individual's last known address as indicated on
13 the individual's operator's or chauffeur's license and inform the
14 individual of the manner and time within which the individual is
15 required to attend and complete a basic driver improvement course.

16 (b) Provide all eligible participants with information on how
17 to access a list of approved sponsors and basic driver improvement
18 course locations, including the secretary of state's website
19 address and telephone number to call for more information.

20 (c) If an approved sponsor does not provide notice of
21 successful completion of the course by the individual within the
22 time prescribed in subsection (1), the secretary of state shall
23 enter the points required under section 320a.

24 (3) An individual is ineligible to take a basic driver
25 improvement course if any of the following apply:

26 (a) The violation occurred while the individual was operating
27 a commercial motor vehicle or was licensed as a commercial driver

1 while operating a noncommercial motor vehicle.

2 (b) The violation is a criminal offense.

3 (c) The violation is a violation for which 4 or more points
4 may be assessed under section 320a.

5 **(D) THE VIOLATION IS A VIOLATION OF ANY LAW OR ORDINANCE**
6 **PERTAINING TO SPEED BY EXCEEDING THE LAWFUL MAXIMUM BY MORE THAN 1**
7 **MILE PER HOUR AND THE VIOLATION OCCURRED IN A SCHOOL ZONE.**

8 **(E)** ~~(d)~~—The violation is a violation of section 626b, 627(9),
9 627a, or 682.

10 **(F)** ~~(e)~~—The individual was cited for more than 1 moving
11 violation arising from the same incident.

12 **(G)** ~~(f)~~—The individual's license was suspended under section
13 321a(2) in connection with the violation.

14 **(H)** ~~(g)~~—The individual previously successfully completed a
15 basic driver improvement course.

16 **(I)** ~~(h)~~—The individual has 3 or more points on his or her
17 driving record.

18 **(J)** ~~(i)~~—The individual's operator's or chauffeur's license is
19 restricted, suspended, or revoked, or the individual was not issued
20 an operator's or chauffeur's license.

21 (4) The individual is not eligible to take a driver
22 improvement course for a second or subsequent violation an
23 individual receives within the time allowed under subsection (1).

24 (5) The secretary of state shall maintain a computerized
25 database of the following:

26 (a) Individuals who have attended a basic driver improvement
27 course.

1 (b) Individuals who have successfully completed a basic driver
2 improvement course.

3 (6) The database maintained under subsection (5) shall only be
4 used for determining eligibility under subsections (3) and (4). The
5 secretary of state shall only make the information contained in the
6 database available to approved sponsors under subsection (10).
7 Information in this database concerning an individual shall be
8 maintained for the life of that individual.

9 (7) An individual shall be charged a fee of not more than
10 \$100.00 by an approved sponsor to participate in a basic driver
11 improvement course and, if applicable, to obtain a certificate in a
12 form as approved by the secretary of state demonstrating that he or
13 she successfully completed the course. An approved sponsor shall
14 remit a portion of the fee, as determined annually by the secretary
15 of state, to cover the costs of implementing and administering this
16 course program.

17 (8) Fees remitted to the department under subsection (7) by an
18 approved sponsor shall be credited to the basic driver improvement
19 course fund created under subsection (9).

20 (9) The basic driver improvement course fund is created within
21 the state treasury. The state treasurer may receive money or other
22 assets from any source for deposit into the fund. The state
23 treasurer shall direct the investment of the fund. Money in the
24 fund at the close of the fiscal year shall remain in the fund and
25 shall not lapse to the general fund. The secretary of state shall
26 be the administrator of the fund for auditing purposes. The
27 secretary of state shall expend money from the fund, upon

1 appropriation, only to pay the costs of administering this section.

2 (10) An approved sponsor shall conduct a study of the effect,
3 if any, that the successful completion of its basic driver
4 improvement course has on reducing collisions, moving violations,
5 or both for students completing its course in this state. An
6 approved sponsor shall conduct this study every 5 years on each of
7 the course delivery modalities employed by the approved sponsor.
8 The secretary of state shall make all of the following information
9 available to the approved sponsor for that purpose, subject to
10 applicable state and federal laws governing the release of
11 information:

12 (a) The number of individuals who successfully complete a
13 basic driver improvement course under this section.

14 (b) The number of individuals who are eligible to take a basic
15 driver improvement course under this section but who do not
16 successfully complete that course.

17 (c) The number and type of moving violations committed by
18 individuals after successfully completing a basic driver
19 improvement course under this section in comparison to the number
20 and type of moving violations committed by individuals who have not
21 taken a basic driver improvement course.

22 (11) The secretary of state shall report on the findings of
23 all studies conducted under subsection (10) to the standing
24 committees of the house of representatives and senate on
25 transportation issues.

26 (12) The secretary of state shall approve basic driver
27 improvement course sponsors, and enter into an agreement with

1 approved sponsors, if the basic driver improvement course offered
2 by that sponsor satisfies the requirements listed in section 3a.

3 (13) A sponsor seeking to be an approved sponsor shall submit
4 to the secretary of state an application on a form prescribed by
5 the secretary of state along with a properly executed security bond
6 in the principal sum of \$20,000.00 with good and sufficient surety.
7 Every sponsor that is an approved sponsor on the effective date of
8 the amendatory act that added this subsection also shall submit to
9 the secretary of state a security bond described in this
10 subsection. The bond shall indemnify or reimburse the secretary of
11 state or an individual taking the sponsor's basic driver
12 improvement course for monetary loss caused through fraud,
13 cheating, or misrepresentation in the conduct of the sponsor's
14 business where the fraud, cheating, or misrepresentation was made
15 by the sponsor or by an employee, agent, instructor, or salesperson
16 of the sponsor. The surety shall make indemnification or
17 reimbursement for a monetary loss only after judgment based on
18 fraud, cheating, or misrepresentation has been entered in a court
19 of record against the sponsor. The aggregate liability of the
20 surety shall not exceed the sum of the bond. The surety on the bond
21 may cancel the bond by giving 30 days' written or electronic notice
22 to the secretary of state and after giving notice is not liable for
23 a breach of condition occurring after the effective date of the
24 cancellation.

25 (14) An approved sponsor shall not engage in a deceptive or
26 unconscionable method, act, or practice, including, but not limited
27 to, all of the following:

1 (a) Using, adopting, or conducting business under a name that
2 is the same as, like, or deceptively similar to the name of another
3 approved sponsor.

4 (b) Except as otherwise provided in this subsection, using the
5 words "state", "government", "municipal", "city", or "county" as
6 part of the name of the approved sponsor.

7 (c) Advertising, representing, or implying that an approved
8 sponsor is supervised, recommended, or endorsed by, or affiliated
9 or associated with, or employed by, or an agent or representative
10 of this state, the secretary of state, or a bureau of the secretary
11 of state.

12 (d) Advertising or publicizing under a name other than the
13 approved sponsor's full business name as identified on the
14 sponsor's application to be an approved sponsor.

15 (e) Advertising that the sponsor is open for business before
16 the sponsor becomes an approved sponsor.

17 (f) Soliciting business on the premises of any facility
18 rented, leased, owned, or used by the secretary of state.

19 (g) Misrepresenting the quantity or quality of the instruction
20 provided by, or the requirements for, a basic driver improvement
21 course.

22 (h) Failing to promptly restore any deposit, down payment, or
23 other payment that a person is entitled to after an agreement is
24 rescinded, canceled, or otherwise terminated as required under the
25 agreement or applicable law.

26 (i) Taking advantage of a student's or potential student's
27 inability to reasonably protect his or her interest because of a

1 disability, illiteracy, or inability to understand the language of
2 an agreement, if the sponsor knows or reasonably should have known
3 of the student's or potential student's inability.

4 (j) Failing to honor a term of an agreement.

5 (k) Falsifying a document, agreement, record, report, or
6 certificate associated with a basic driver improvement course.

7 (15) Except as otherwise provided in this act, the secretary
8 of state may impose 1 or more of the sanctions listed under
9 subsection (16) if the secretary of state determines that an
10 approved sponsor did 1 or more of the following:

11 (a) Failed to meet a requirement under this act or an
12 agreement established under this act.

13 (b) Violated this act or an agreement established under this
14 act.

15 (c) Made an untrue or misleading statement of a material fact
16 to the secretary of state or concealed a material fact in
17 connection with an application or record under this act.

18 (d) Permitted fraud or engaged in a fraudulent method, act, or
19 practice in connection with a basic driver improvement course, or
20 induced or countenanced fraud or a fraudulent method, act, or
21 practice in connection with a basic driver improvement course.

22 (e) Engaged in an unfair or deceptive method, act, or practice
23 or made an untrue statement of a material fact.

24 (f) Violated a suspension or an order issued under this act.

25 (g) Failed to maintain good moral character as defined and
26 determined under 1974 PA 381, MCL 338.41 to 338.47, in connection
27 with its business operations.

1 (16) After the secretary of state determines that an approved
2 sponsor committed a violation listed in subsection (15), the
3 secretary of state may impose upon the approved sponsor 1 or more
4 of the following sanctions:

5 (a) Denial of an application for approval as a basic driver
6 improvement course sponsor.

7 (b) Suspension or revocation of the approval of an approved
8 sponsor.

9 (c) A requirement to take the affirmative action determined
10 necessary by the secretary of state, including, but not limited to,
11 payment of restitution to a student or to an injured person.

12 (17) As used in this section, "approved sponsor" means a
13 sponsor of a basic driver improvement course that is approved by
14 the secretary of state under subsection (12) and whose approved
15 status is not suspended or revoked under subsection (16).

16 Sec. 601b. (1) Notwithstanding any other provision of this act
17 **AND SUBJECT TO SUBSECTION (5)**, a person responsible for a moving
18 violation in a work zone, at an emergency scene, or in a school
19 zone during the period beginning 30 minutes before school in the
20 morning and through 30 minutes after school in the afternoon, or in
21 a school bus zone is subject to a fine that is double the fine
22 otherwise prescribed for that moving violation.

23 (2) A person who commits a moving violation in a work zone or
24 a school bus zone for which not fewer than 3 points are assigned
25 under section 320a and as a result causes injury to another person
26 in the work zone or school bus zone is guilty of a misdemeanor
27 punishable by a fine of not more than \$1,000.00 or imprisonment for

1 not more than 1 year, or both.

2 (3) A person who commits a moving violation in a work zone or
3 school bus zone for which not fewer than 3 points are assigned
4 under section 320a and as a result causes death to another person
5 in the work zone or school bus zone is guilty of a felony
6 punishable by a fine of not more than \$7,500.00 or by imprisonment
7 for not more than 15 years, or both.

8 (4) Subsections (2) and (3) do not apply if the injury or
9 death was caused by the negligence of the injured or deceased
10 person in the work zone or school bus zone.

11 (5) A PERSON WHO VIOLATES ANY LAW OR ORDINANCE PERTAINING TO
12 SPEED IN A SCHOOL ZONE BY EXCEEDING THE LAWFUL MAXIMUM BY MORE THAN
13 1 MILE PER HOUR BUT NOT MORE THAN 20 MILES PER HOUR IS SUBJECT TO A
14 FINE THAT IS DOUBLE THE FINE OTHERWISE PRESCRIBED FOR THAT
15 VIOLATION. A PERSON WHO VIOLATES ANY LAW OR ORDINANCE PERTAINING TO
16 SPEED IN A SCHOOL ZONE BY EXCEEDING THE LAWFUL MAXIMUM BY MORE THAN
17 20 MILES PER HOUR IS SUBJECT TO A FINE THAT IS TRIPLE THE FINE
18 OTHERWISE PRESCRIBED FOR THAT VIOLATION.

19 (6) ~~(5)~~As used in this section:

20 (a) "Emergency scene" means a traffic accident, a serious
21 incident caused by weather conditions, or another occurrence along
22 a highway or street for which a police officer, firefighter, or
23 emergency medical personnel are summoned to aid an injured victim.

24 (b) "Moving violation" means an act or omission prohibited
25 under this act or a local ordinance substantially corresponding to
26 this act that occurs while a person is operating a motor vehicle,
27 and for which the person is subject to a fine.

1 (c) "School bus zone" means the area lying within 20 feet of a
2 school bus that has stopped and is displaying 2 alternately
3 flashing red lights at the same level, except as described in
4 section 682(2).

5 (d) "School zone" means that term as defined in section 627a.

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