

SENATE BILL No. 993

February 17, 2004, Introduced by Senators KUIPERS, BIRKHOLZ, McMANUS, ALLEN and GEORGE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 710d, and 710e (MCL 257.320a, 257.710d, and 257.710e), section 320a as amended by 2003 PA 61 and sections 710d and 710e as amended by 1999 PA 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 320a. (1) The secretary of state, within 10 days after
2 the receipt of a properly prepared abstract from this or another
3 state, shall record the date of conviction, civil infraction
4 determination, or probate court disposition, and the number of
5 points for each, based on the following formula, except as
6 otherwise provided in this section and section 629c:
7 (a) Manslaughter, negligent homicide, or a felony
8 resulting from the operation of a motor vehicle, ORV, or
9 snowmobile..... 6 points

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- 1 (b) A violation of section 601b(2) or (3), 601c(1) or
2 (2), or 653a(3) or (4)..... 6 points

- 3 (c) A violation of section 625(1), (4), (5), (7), or (8),
4 section 81134 or 82127(1) of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.81134
6 and 324.82127, or a law or ordinance substantially
7 corresponding to section 625(1), (4), (5), (7), or (8), or
8 section 81134 or 82127(1) of the natural resources and
9 environmental protection act, 1994 PA 451, MCL 324.81134
10 and 324.82127..... 6 points

- 11 (d) Failing to stop and disclose identity at the scene of
12 an accident when required by law..... 6 points

- 13 (e) Operating a motor vehicle in violation of section 626 points

- 14 (f) Fleeing or eluding an officer..... 6 points

- 15 (g) Violation of section 627(9) pertaining to speed in a
16 designated work area by exceeding the lawful maximum by
17 more than 15 miles per hour..... 5 points

- 18 (h) Violation of any law other than the law described in
19 subdivision (g) or ordinance pertaining to speed by
20 exceeding the lawful maximum by more than 15 miles per

1 hour..... 4 points

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

9 (j) Violation of section 626a or a law or ordinance
10 substantially corresponding to section 626a..... 4 points

11 (k) Violation of section 653a(2)..... 4 points

12 (l) Violation of section 627(9) pertaining to speed in a
13 designated work area by exceeding the lawful maximum by
14 more than 10 but not more than 15 miles per hour..... 4 points

15 (m) Violation of any law other than the law described in
16 subdivision (l) or ordinance pertaining to speed by
17 exceeding the lawful maximum by more than 10 but not more
18 than 15 miles per hour or careless driving in violation of
19 section 626b or a law or ordinance substantially
20 corresponding to section 626b..... 3 points

21 (n) Violation of section 627(9) pertaining to speed in a
22 designated work area by exceeding the lawful maximum by 10

- 1 miles per hour or less..... 3 points

- 2 (o) Violation of any law other than the law described in
- 3 subdivision (n) or ordinance pertaining to speed by
- 4 exceeding the lawful maximum by 10 miles per hour or less2 points

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

- 7 (q) Violation of section 624a, 624b, or a law or
- 8 ordinance substantially corresponding to section 624a or
- 9 624b..... 2 points

- 10 (r) Violation of section 310e(4) or (6) or a law or
- 11 ordinance substantially corresponding to section 310e(4)
- 12 or (6)..... 2 points

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

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

- 18 **(u) A violation of section 710d or 710e or an ordinance**
- 19 **substantially corresponding to section 710d or 710e.... 2 points**
- 20 (2) Points shall not be entered for a violation of section

1 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

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

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

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

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

15 (7) If a person violates a speed restriction established by
16 an executive order issued during a state of energy emergency as
17 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of
18 state shall enter points for the violation pursuant to subsection
19 (1).

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

26 (9) If a Michigan driver commits a violation in another state
27 that would be a civil infraction if committed in Michigan, and a

1 conviction results solely because of the failure of the Michigan
2 driver to appear in that state to contest the violation, upon
3 receipt of the abstract of conviction by the secretary of state,
4 the violation shall be noted on the driver's record, but no
5 points shall be assessed against his or her driver's license.

6 Sec. 710d. (1) Except as provided in this section, or as
7 otherwise provided by law, a rule promulgated pursuant to the
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
9 24.328, or federal regulation, each driver transporting a child
10 less than 4 years of age in a motor vehicle shall properly secure
11 that child in a child restraint system that meets the standards
12 prescribed in 49 C.F.R. 571.213.

13 (2) This section does not apply to any child being nursed.

14 (3) This section does not apply if the motor vehicle being
15 driven is a bus, school bus, taxicab, moped, motorcycle, or other
16 motor vehicle not required to be equipped with safety belts under
17 federal law or regulations.

18 (4) A person who violates this section is responsible for a
19 civil infraction.

20 ~~——(5) Points shall not be assessed under section 320a for a~~
21 ~~violation of this section. An abstract required under section~~
22 ~~732 shall not be submitted to the secretary of state regarding a~~
23 ~~violation of this section.~~

24 (5) ~~—(6)—~~ The secretary of state may exempt by rules
25 promulgated pursuant to the administrative procedures act of
26 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from
27 the requirements of this section, if the secretary of state

1 determines that the use of the child restraint system required
2 under subsection (1) is impractical because of physical
3 unfitness, a medical problem, or body size. The secretary of
4 state may specify alternate means of protection for children
5 exempted under this subsection.

6 Sec. 710e. (1) This section does not apply to a driver or
7 passenger of any of the following:

8 (a) A motor vehicle manufactured before January 1, 1965.

9 (b) A bus.

10 (c) A motorcycle.

11 (d) A moped.

12 (e) A motor vehicle if the driver or passenger possesses a
13 written verification from a physician that the driver or
14 passenger is unable to wear a safety belt for physical or medical
15 reasons.

16 (f) A motor vehicle that is not required to be equipped with
17 safety belts under federal law.

18 (g) A commercial or United States postal service vehicle that
19 makes frequent stops for the purpose of pickup or delivery of
20 goods or services.

21 (h) A motor vehicle operated by a rural carrier of the United
22 States postal service while serving his or her rural postal
23 route.

24 (2) This section does not apply to a passenger of a school
25 bus.

26 (3) Each driver and front seat passenger of a motor vehicle
27 operated on a street or highway in this state shall wear a

1 properly adjusted and fastened safety belt, except that a child
2 less than 4 years of age shall be protected as required in
3 section 710d. If there are more passengers than safety belts
4 available for use, and all safety belts in the motor vehicle are
5 being utilized in compliance with this section, the driver of the
6 motor vehicle is in compliance with this section.

7 (4) Each driver of a motor vehicle transporting a child
8 4 years of age or more but less than 16 years of age in a motor
9 vehicle shall secure the child in a properly adjusted and
10 fastened safety belt. If the motor vehicle is transporting more
11 children than there are safety belts available for use, all
12 safety belts available in the motor vehicle are being utilized in
13 compliance with this section, and the driver and all front seat
14 passengers comply with subsection (3), ~~then~~ the driver of a
15 motor vehicle transporting a child 4 years of age or more but
16 less than 16 years of age for which there is not an available
17 safety belt is in compliance with this subsection, if that child
18 is seated in other than the front seat of the motor vehicle.
19 However, if that motor vehicle is a pickup truck without an
20 extended cab or jump seats, and all safety belts in the front
21 seat are being used, the driver may transport ~~such a~~ **the** child
22 in the front seat without a safety belt.

23 (5) If after December 31, 2005 the office of highway safety
24 planning certifies that there has been less than 80% compliance
25 with the safety belt requirements of this section during the
26 preceding year, ~~then~~ enforcement of this section by state or
27 local law enforcement agencies shall be accomplished only as a

1 secondary action when a driver of a motor vehicle has been
2 detained for a suspected violation of another section of this
3 act.

4 (6) Failure to wear a safety belt in violation of this
5 section may be considered evidence of negligence and may reduce
6 the recovery for damages arising out of the ownership,
7 maintenance, or operation of a motor vehicle. However, ~~such~~
8 **that** negligence shall not reduce the recovery for damages by more
9 than 5%.

10 (7) A person who violates this section is responsible for a
11 civil infraction.

12 (8) A law enforcement agency shall conduct an investigation
13 for all reports of police harassment that result from the
14 enforcement of this section.

15 (9) The secretary of state shall engage an independent
16 organization to conduct a 3-year study to determine the effect
17 that the primary enforcement of this section has on the number of
18 incidents of police harassment of drivers. The organization that
19 conducts the study shall submit a report to the legislature not
20 later than June 30, 2001 and an annual report not later than June
21 30 each year thereafter.

22 (10) The secretary of state shall promote compliance with the
23 safety belt requirements of this section at the branch offices
24 and through any print or visual media determined appropriate by
25 the secretary of state.

26 ~~—— (11) The secretary of state shall conduct a study with the~~
27 ~~cooperation and contribution of the directors of the department~~

1 ~~of state police, the department of community health, the state~~
2 ~~transportation department, and the insurance bureau to analyze~~
3 ~~the monetary savings, if any, arising from the enactment of the~~
4 ~~amendatory act that added this subsection. The secretary of~~
5 ~~state shall report the findings of the study to all of the~~
6 ~~following not later than May 1, 2000:~~

7 ~~—— (a) The senate and house of representatives appropriations~~
8 ~~committees.~~

9 ~~—— (b) The senate and house of representatives fiscal agencies.~~

10 (11) ~~—(12)—~~ It is the intent of the legislature that the
11 enforcement of this section be conducted in a manner calculated
12 to save lives and not in a manner that results in the harassment
13 of the citizens of this state.

14 ~~—— (13) Points shall not be assessed under section 320a for a~~
15 ~~violation of this section.~~