



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 376 (as enrolled)
Sponsor: Senator Loren Bennett
Senate Committee: Transportation and Tourism
House Committee: Judiciary and Civil Rights

PUBLIC ACT 471 of 1996

Date Completed: 1-7-97

RATIONALE

In 1974, as a fuel conservation measure in the wake of the 1973-74 Arab oil embargo, the speed limit for motor vehicles was lowered. The Federal Emergency Highway Energy Conservation Act of 1974 required all states to legislate maximum highway speeds of 55 miles per hour (mph) to replace the then-existing 70 mph limit. Michigan complied by enacting Public Act 28 of 1974, which established so-called "energy speed" points to be entered on the driving record of people who exceeded 55 mph. Subsequently, as fuel conservation became a less crucial issue, Congress enacted legislation allowing the states to raise speed limits to 65 mph on stretches of interstate highways outside urbanized areas (and, in 1995, repealed the national maximum speed limit). Michigan enacted Public Act 154 of 1987 to set up a new system of points and maximum fines for speeding violations on limited access highways where the speed limit was 55 mph or greater (described in **BACKGROUND**). Public Act 154, however, did not repeal the energy speed point system established in 1974. As a result, the Michigan Vehicle Code contains a dual point system for speeding violations over 55 mph. Apparently, this can be quite confusing to law enforcement officers, and it is reported that the energy speed points are rarely applied. Therefore, some suggested that this point system be repealed.

CONTENT

The bill amends the Michigan Vehicle Code to delete provisions that require points to be entered on a person's driving record for exceeding the lawful maximum speed that was reduced by Public Act 28 of 1974.

The bill will take effect April 1, 1997.

Under the provisions of the Code that the bill will repeal, if a person is determined to be responsible for a civil infraction for a violation of a law or ordinance pertaining to speed "by exceeding the lawful maximum on a street or highway as that maximum was reduced by" Public Act 28 of 1974, points must be entered as follows:

- Sixty mph to the lawful maximum in effect before Public Act 28: 1 point.
- Ten mph or less over the lawful maximum before Public Act 28: 2 points.
- More than 10 but not more than 15 mph over the lawful maximum before Public Act 28: 3 points.
- More than 15 mph over the lawful maximum before Public Act 28: 4 points.

MCL 257.208 & 257.320a

BACKGROUND

Under Section 629c of the Michigan Vehicle Code, which was added by Public Act 154 of 1987, a person who is responsible for violating the maximum speed limit on a limited access freeway upon which the maximum speed limit is 55 mph or more, "shall be ordered by the court to pay a minimum fine and shall have points entered on his or her driving record by the secretary of state only according to the following schedule...":

<u>Speed in mph</u>	<u>Points</u>	<u>Minimum Fine</u>
56 to 60	0	\$10
61 to 70	1	\$20
71 to 80	2	\$30
81 to 85	3	\$40
86 or over	4	\$50

In addition, Section 320a of the Code also prescribes points that must be assessed for various violations, including speeding. Section 320a (which also contains the energy speed points) applies "...except as otherwise provided in this section and section 629c". Under Section 320a, four points must be assessed for speeding by more than 15 mph, three points must be assessed for speeding by more than 10 but not more than 15 mph, and two points must be assessed for speeding by 10 mph or less.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The energy speed point system was established 1974 when fuel conservation was considered crucial and states were subject to a Federal mandate that made highway funding contingent upon reduced speed limits. Although Public Act 154 of 1987 was enacted to reflect changes in the Federal law as well as revised perceptions of the need to conserve fuel, the energy speed points are still in the Vehicle Code. Moreover, in addition to remaining on the books, the energy speed point system remains in effect, according to a 1988 Opinion of the Attorney General (No. 6551). The Code's dual point system for speeding violations over 55 mph can be very confusing to law enforcement officers--or at least to those who realize that more than one point system exists--and reportedly the energy speed points are rarely used. By deleting the energy speed point system, the bill will eliminate confusion on the part of law enforcement officers, as well as the possibility that two motorists might receive different points for the same speeding violation, depending on the law enforcement officer involved.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.