

HOUSE BILL NO. 4933

September 10, 2019, Introduced by Reps. Warren, Sabo, Gay-Dagnogo, Ellison, Peterson, Inman, Sowerby, Pagan, Cynthia Johnson, Lasinski, Love, Vaupel, Hood, Leutheuser, Mueller and Kahle 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 2018 PA 349, 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



1 secretary of state shall record the date of conviction, civil
2 infraction determination, or probate court disposition, and the
3 number of points for each, based on the following formula, except
4 as otherwise provided in this section and section 629c:

5 (a) Manslaughter, negligent homicide, or a
6 felony resulting from the operation of a motor
7 vehicle, ORV, or snowmobile..... 6 points

8 (b) A violation of section 601b(2) or (3),
9 601c(1) or (2), or 653a(3) or (4) or, beginning
10 October 31, 2010, a violation of section 601d..... 6 points

11 (c) A violation of section 625(1), (4), (5),
12 (7), or (8), section 81134 or 82127(1) of the
13 natural resources and environmental protection act,
14 1994 PA 451, MCL 324.81134 and 324.82127, or a law
15 or ordinance substantially corresponding to section
16 625(1), (4), (5), (7), or (8), or section 81134 or
17 82127(1) of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.81134 and
19 324.82127..... 6 points

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

22 (e) Operating a motor vehicle in violation of
23 section 626..... 6 points

24 (f) Fleeing or eluding an officer..... 6 points

25 (g) A violation of section 627(6) pertaining
26 to speed in a work zone described in that section by
27 exceeding the lawful maximum by more than 15 miles
28 per hour..... 5 points



1 (h) A violation of any law or ordinance
2 pertaining to speed in a school zone by exceeding
3 the lawful maximum by more than 15 miles per hour.. 5 points

4 (i) ~~(h)~~ Except as provided in subdivision
5 (h), a violation of any law or ordinance pertaining
6 to speed by exceeding the lawful maximum by more
7 than 15 miles per hour..... 4 points

8 (j) A violation of any law or ordinance
9 pertaining to speed in a school zone by exceeding
10 the lawful maximum by more than 10 miles per hour
11 but not more than 15 miles per hour..... 4 points

12 (k) ~~(i)~~ A violation of section 625(3) or (6),
13 section ~~81135 or~~ 82127(3) of the natural resources
14 and environmental protection act, 1994 PA 451, MCL
15 ~~324.81135 and~~ 324.82127, or a law or ordinance
16 substantially corresponding to section 625(3) or (6)
17 or section ~~81135 or~~ 82127(3) of the natural
18 resources and environmental protection act, 1994 PA
19 451, MCL ~~324.81135 and~~ 324.82127..... 4 points

20 (l) ~~(j)~~ A violation of section 626a or a law or
21 ordinance substantially corresponding to section
22 626a..... 4 points

23 (m) ~~(k)~~ A violation of section 627(6)
24 pertaining to speed in a work zone described in that
25 section by exceeding the lawful maximum by more than
26 10 but not more than 15 miles per hour..... 4 points

27 (n) ~~(l)~~ Beginning October 31, 2010, a moving
28 violation resulting in an at-fault collision with
29 another vehicle, a person, or any other object..... 4 points



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

4 (p) ~~(n)~~ **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 (q) **A violation of any law or ordinance**
10 **pertaining to speed in a school zone by exceeding**
11 **the lawful maximum by more than 1 mile per hour but**
12 **not more than 10 miles per hour..... 3 points**

13 (r) ~~(e)~~ A violation of section 653a(2)..... 2 points

14 (s) ~~(p)~~ **A Except as provided in subdivision**
15 **(q), a violation of any law or ordinance pertaining**
16 **to speed by exceeding the lawful maximum by more**
17 **than 5 miles per hour but not more than 10 miles per**
18 **hour..... 2 points**

19 (t) ~~(q)~~ **A Except as provided in subdivision**
20 **(q), a violation of any law or ordinance pertaining**
21 **to speed by exceeding the lawful maximum by more**
22 **than 1 mile per hour but not more than 5 miles per**
23 **hour..... 1 point**

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

26 (v) ~~(s)~~ A violation of section 624a, 624b, or
27 a law or ordinance substantially corresponding to
28 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 to
3 section 310e(4) or (6)..... 2 points

4 **(x)** ~~(u)~~—All other moving violations pertaining
5 to the operation of motor vehicles reported under
6 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 test
9 required by a peace officer under section 625a..... 2 points

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

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

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

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

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

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

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

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

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

17 Sec. 320d. (1) Notwithstanding section 320a, the secretary of
18 state shall not enter the points corresponding to a moving
19 violation committed in this state by an individual the secretary of
20 state determines to be eligible under this section on the
21 individual's driving record or make information concerning that
22 violation available to any insurance company if the individual
23 attends and successfully completes a basic driver improvement
24 course under this section and an approved sponsor provides a
25 certificate of successful completion of that course to the
26 secretary of state not more than 60 days after the date on which
27 the secretary of state notified the individual that he or she was
28 eligible to take a basic driver improvement course.

29 (2) The secretary of state shall determine if an individual is



1 eligible under subsection (3) to attend a basic driver improvement
2 course upon receipt of an abstract of a moving violation. If the
3 secretary of state determines that an individual is eligible to
4 attend a basic driver improvement course, the secretary of state
5 shall do all of the following:

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

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

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

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

21 (a) The violation occurred while the individual was operating
22 a commercial motor vehicle or was licensed as a commercial driver
23 while operating a noncommercial motor vehicle.

24 (b) The violation is a criminal offense.

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

27 **(d) The violation is a violation of any law or ordinance**
28 **pertaining to speed by exceeding the lawful maximum by more than 1**
29 **mile per hour and the violation occurred in a school zone.**



1 (e) ~~(d)~~—The violation is a violation of section 626b, 627(9),
2 627a, or 682.

3 (f) ~~(e)~~—The individual was cited for more than 1 moving
4 violation arising from the same incident.

5 (g) ~~(f)~~—The individual's license was suspended under section
6 321a(2) in connection with the violation.

7 (h) ~~(g)~~—The individual previously successfully completed a
8 basic driver improvement course.

9 (i) ~~(h)~~—The individual has 3 or more points on his or her
10 driving record.

11 (j) ~~(i)~~—The individual's operator's or chauffeur's license is
12 restricted, suspended, or revoked, or the individual was not issued
13 an operator's or chauffeur's license.

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

17 (5) The secretary of state shall maintain a computerized
18 database of the following:

19 (a) Individuals who have attended a basic driver improvement
20 course.

21 (b) Individuals who have successfully completed a basic driver
22 improvement course.

23 (6) The database maintained under subsection (5) ~~shall~~**must**
24 only be used for determining eligibility under subsections (3) and
25 (4). The secretary of state shall only make the information
26 contained in the database available to approved sponsors under
27 subsection (10). Information in this database concerning an
28 individual ~~shall~~**must** be maintained for the life of that
29 individual.



1 (7) An individual shall be charged a fee of not more than
2 \$100.00 by an approved sponsor to participate in a basic driver
3 improvement course and, if applicable, to obtain a certificate in a
4 form as approved by the secretary of state demonstrating that he or
5 she successfully completed the course. An approved sponsor shall
6 remit a portion of the fee, as determined annually by the secretary
7 of state, to cover the costs of implementing and administering this
8 course program.

9 (8) Fees remitted to the department under subsection (7) by an
10 approved sponsor ~~shall~~**must** be credited to the basic driver
11 improvement course fund created under subsection (9).

12 (9) The basic driver improvement course fund is created within
13 the state treasury. The state treasurer may receive money or other
14 assets from any source for deposit into the fund. The state
15 treasurer shall direct the investment of the fund. Money in the
16 fund at the close of the fiscal year ~~shall~~**must** remain in the fund
17 and ~~shall~~ not lapse to the general fund. The secretary of state
18 shall be the administrator of the fund for auditing purposes. The
19 secretary of state shall expend money from the fund, upon
20 appropriation, only to pay the costs of administering this section.

21 (10) An approved sponsor shall conduct a study of the effect,
22 if any, that the successful completion of its basic driver
23 improvement course has on reducing collisions, moving violations,
24 or both for students completing its course in this state. An
25 approved sponsor shall conduct this study every 5 years on each of
26 the course delivery modalities employed by the approved sponsor.
27 The secretary of state shall make all of the following information
28 available to the approved sponsor for that purpose, subject to
29 applicable state and federal laws governing the release of



1 information:

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

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

7 (c) The number and type of moving violations committed by
8 individuals after successfully completing a basic driver
9 improvement course under this section in comparison to the number
10 and type of moving violations committed by individuals who have not
11 taken a basic driver improvement course.

12 (11) The secretary of state shall report on the findings of
13 all studies conducted under subsection (10) to the standing
14 committees of the house of representatives and senate on
15 transportation issues.

16 (12) The secretary of state shall approve basic driver
17 improvement course sponsors, and enter into an agreement with
18 approved sponsors, if the basic driver improvement course offered
19 by that sponsor satisfies the requirements listed in section 3a.

20 (13) A sponsor seeking to be an approved sponsor shall submit
21 to the secretary of state an application on a form prescribed by
22 the secretary of state along with a properly executed security bond
23 in the principal sum of \$20,000.00 with good and sufficient surety.
24 Every sponsor that is an approved sponsor on ~~the effective date of~~
25 ~~the amendatory act that added this subsection~~ **March 28, 2013**, also
26 shall submit to the secretary of state a security bond described in
27 this subsection. The bond ~~shall~~**must** indemnify or reimburse the
28 secretary of state or an individual taking the sponsor's basic
29 driver improvement course for monetary loss caused through fraud,

1 cheating, or misrepresentation in the conduct of the sponsor's
2 business where the fraud, cheating, or misrepresentation was made
3 by the sponsor or by an employee, agent, instructor, or salesperson
4 of the sponsor. The surety shall make indemnification or
5 reimbursement for a monetary loss only after judgment based on
6 fraud, cheating, or misrepresentation has been entered in a court
7 of record against the sponsor. The aggregate liability of the
8 surety ~~shall~~**must** not exceed the sum of the bond. The surety on the
9 bond may cancel the bond by giving 30 days' written or electronic
10 notice to the secretary of state and after giving notice is not
11 liable for a breach of condition occurring after the effective date
12 of the cancellation.

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

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

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

22 (c) Advertising, representing, or implying that an approved
23 sponsor is supervised, recommended, or endorsed by, or affiliated
24 or associated with, or employed by, or an agent or representative
25 of this state, the secretary of state, or a bureau of the secretary
26 of state.

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



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

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

5 (g) Misrepresenting the quantity or quality of the instruction
6 provided by, or the requirements for, a basic driver improvement
7 course.

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

12 (i) Taking advantage of a student's or potential student's
13 inability to reasonably protect his or her interest because of a
14 disability, illiteracy, or inability to understand the language of
15 an agreement, if the sponsor knows or reasonably should have known
16 of the student's or potential student's inability.

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

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

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

24 (a) Failed to meet a requirement under this act or an
25 agreement established under this act.

26 (b) Violated this act or an agreement established under this
27 act.

28 (c) Made an untrue or misleading statement of a material fact
29 to the secretary of state or concealed a material fact in

1 connection with an application or record under this act.

2 (d) Permitted fraud or engaged in a fraudulent method, act, or
3 practice in connection with a basic driver improvement course, or
4 induced or countenanced fraud or a fraudulent method, act, or
5 practice in connection with a basic driver improvement course.

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

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

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

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

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

18 (b) Suspension or revocation of the approval of an approved
19 sponsor.

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

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

27 Sec. 601b. (1) Notwithstanding any other provision of this act
28 **and subject to subsection (5)**, a person responsible for a moving
29 violation in a work zone, at an emergency scene, or in a school

1 zone during the period beginning 30 minutes before school in the
2 morning and through 30 minutes after school in the afternoon, or in
3 a school bus zone is subject to a fine that is double the fine
4 otherwise prescribed for that moving violation.

5 (2) A person who commits a moving violation in a work zone or
6 a school bus zone for which not fewer than 3 points are assigned
7 under section 320a and as a result causes injury to another person
8 in the work zone or school bus zone is guilty of a misdemeanor
9 punishable by a fine of not more than \$1,000.00 or imprisonment for
10 not more than 1 year, or both.

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

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

20 (5) **A person who violates any law or ordinance pertaining to**
21 **speed in a school zone by exceeding the lawful maximum by more than**
22 **1 mile per hour but not more than 20 miles per hour is subject to a**
23 **fine that is double the fine otherwise prescribed for that**
24 **violation. A person who violates any law or ordinance pertaining to**
25 **speed in a school zone by exceeding the lawful maximum by more than**
26 **20 miles per hour is subject to a fine that is triple the fine**
27 **otherwise prescribed for that violation.**

28 (6) ~~(5)~~—As used in this section:

29 (a) "Emergency scene" means a traffic accident, a serious

1 incident caused by weather conditions, or another occurrence along
2 a highway or street for which a police officer, firefighter, or
3 emergency medical personnel are summoned to aid an injured victim.

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

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

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

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

