

Act No. 165
Public Acts of 2003
Approved by the Governor
August 11, 2003
Filed with the Secretary of State
August 13, 2003
EFFECTIVE DATE: October 1, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senators Gilbert, Hammerstrom, Patterson, Garcia, Goschka, Switalski, Sikkema,
Kuipers and Olshove

ENROLLED SENATE BILL No. 509

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by adding section 732a.

The People of the State of Michigan enact:

Sec. 732a. (1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to section 320a within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.

(2) An individual, whether licensed or not, who violates any of the following sections or another law or local ordinance that substantially corresponds to those sections shall be assessed a driver responsibility fee as follows:

(a) Upon posting of an abstract that an individual has been found guilty for a violation listed in this subdivision, the secretary of state shall assess a \$1,000.00 driver responsibility fee each year for 2 consecutive years for any of the following offenses:

(i) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.

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

(iii) A violation of section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance substantially corresponding to section 625(1), (4), or (5), section 625m, or section 81134 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134.

(iv) Failing to stop and disclose identity at the scene of an accident when required by law.

(v) Fleeing or eluding an officer.

(b) Upon posting of an abstract that an individual has been found guilty for a violation listed in this subdivision, the secretary of state shall assess a \$500.00 driver responsibility fee each year for 2 consecutive years for any of the following offenses:

(i) Section 625(3), (6), (7) or (8).

(ii) Section 626.

(iii) Section 904.

(iv) Section 3101 or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3103.

(c) Upon posting of an abstract that an individual has been found guilty for a violation listed in this subdivision, the secretary of state shall assess a \$150.00 driver responsibility fee each year for 2 consecutive years for any of the following offenses:

(i) Section 301.

(ii) Section 328.

(3) The secretary of state shall send a notice of the driver responsibility assessment, as prescribed under subsection (1) or (2), to the individual by regular mail to the address on the records of the secretary of state. If payment is not received within 30 days after the notice is mailed, the secretary of state shall send a second notice that indicates that if payment is not received within the next 30 days, the driver's driving privileges will be suspended.

(4) The secretary of state may authorize payment by installment for an amount of \$500.00 or more for a period not to exceed 12 months.

(5) If payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid.

(6) A fee shall not be assessed under this section for 7 points or more on a driving record on the effective date of the amendatory act that added this section. Points assigned after that date shall be assessed as prescribed under subsections (1) and (2).

(7) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of consumer and industry services shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

(8) The secretary of state shall transmit the fees collected under this section to the state treasurer. The state treasurer shall credit fee money received under this section in each fiscal year as follows:

(a) The first \$65,000,000.00 shall be credited to the general fund.

(b) If more than \$65,000,000.00 is collected under this section, the next amount collected in excess of \$65,000,000.00 up to \$68,500,000.00 shall be credited to the fire protection fund created in this section.

(c) If more than \$100,000,000.00 is collected under this section, the next amount collected in excess of \$100,000,000.00 up to \$105,000,000.00 shall be credited to the fire protection fund created in this section.

(d) Any amount collected after crediting the amounts under subdivisions (a), (b), and (c) shall be credited to the general fund.

(9) For fiscal year 2003-2004, \$3,500,000.00 is appropriated from the fire protection fund described in subsection (7) to the department of consumer and industry services for the purposes described under subsection (7).

Enacting section 1. This amendatory act takes effect October 1, 2003.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor