

# HOUSE BILL No. 4604

March 17, 2009, Introduced by Reps. Kowall, Rick Jones, Haines, Lori, Ball, Agema, Walsh, Opsommer, Haveman, Marleau, Moss, Rogers, DeShazor, Paul Scott, Wayne Schmidt, Caul, Crawford, Horn, Daley, Lund, Polidori, Bolger, Tyler, Schuitmaker, Hildenbrand and Roy Schmidt and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 732a (MCL 257.732a), as amended by 2008 PA  
463.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 732a. (1) An individual, whether licensed or not, who  
2 accumulates 7 or more points on his or her driving record pursuant  
3 to sections 320a and 629c within a 2-year period for any violation  
4 not listed under subsection (2) shall be assessed a \$100.00 driver  
5 responsibility fee. For each additional point accumulated above 7  
6 points not listed under subsection (2), an additional fee of \$50.00  
7 shall be assessed. The secretary of state shall collect the fees  
8 described in this subsection once each year that the point total on

1 an individual driving record is 7 points or more.

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

6 (a) Upon posting an abstract indicating that an individual has  
7 been found guilty for a violation of law listed or described in  
8 this subdivision, the secretary of state shall assess a \$1,000.00  
9 driver responsibility fee each year for 2 consecutive years:

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

12 (ii) Section 601b(2) or (3), 601c(1) or (2), ~~601d, 626(3) or~~  
13 ~~(4), or 653a(3) or (4)~~ **OR, BEGINNING OCTOBER 31, 2010, SECTION 601D**  
14 **OR 626(3) OR (4).**

15 (iii) Section 625(1), (4), or (5), section 625m, or section  
16 81134 of the natural resources and environmental protection act,  
17 1994 PA 451, MCL 324.81134, or a law or ordinance substantially  
18 corresponding to section 625(1), (4), or (5), section 625m, or  
19 section 81134 of the natural resources and environmental protection  
20 act, 1994 PA 451, MCL 324.81134.

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

23 (v) Fleeing or eluding an officer.

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

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

2 (ii) Section **626 OR, BEGINNING OCTOBER 31, 2010, SECTION**  
3 **626(2).**

4 (iii) Section 904.

5 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
6 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

7 (c) Upon posting an abstract indicating that an individual has  
8 been found guilty for a violation of section 301, the secretary of  
9 state shall assess a \$150.00 driver responsibility fee each year  
10 for 2 consecutive years. **A DRIVER RESPONSIBILITY FEE SHALL NOT BE**  
11 **ASSESSED OR COLLECTED UNDER THIS SUBDIVISION FOR A VIOLATION**  
12 **COMMITTED ON OR AFTER JANUARY 1, 2010.**

13 (d) Upon posting an abstract indicating that an individual has  
14 been found guilty or determined responsible for a violation listed  
15 in section 328, the secretary of state shall assess a \$200.00  
16 driver responsibility fee each year for 2 consecutive years. **A**  
17 **DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED UNDER**  
18 **THIS SUBDIVISION FOR A VIOLATION COMMITTED ON OR AFTER JANUARY 1,**  
19 **2010.**

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

1           (4) The secretary of state may authorize payment by  
2 installment for a period not to exceed 24 months. **FOR A DRIVER**  
3 **RESPONSIBILITY FEE THAT IS ASSESSED EACH YEAR FOR 2 CONSECUTIVE**  
4 **YEARS, THE INDIVIDUAL MAY OPT TO PAY THE FEE IN A SINGLE PAYMENT AT**  
5 **THE TIME THE PAYMENT FOR THE FIRST YEAR IS DUE.**

6           (5) Except as otherwise provided under this subsection, if  
7 payment is not received or an installment plan is not established  
8 after the time limit required by the second notice prescribed under  
9 subsection (3) expires, the secretary of state shall suspend the  
10 driving privileges until the assessment and any other fees  
11 prescribed under this act are paid. However, if the individual's  
12 license to operate a motor vehicle is not otherwise required under  
13 this act to be denied, suspended, or revoked, the secretary of  
14 state shall reinstate the individual's operator's driving  
15 privileges if the individual requests an installment plan under  
16 subsection (4) and makes proper payment under that plan. Fees  
17 required to be paid for the reinstatement of an individual's  
18 operator's driving privileges as described under this subsection  
19 shall, at the individual's request, be included in the amount to be  
20 paid under the installment plan. If the individual establishes a  
21 payment plan as described in this subsection and subsection (4) but  
22 fails to make full or timely payments under that plan, the  
23 secretary of state shall suspend the individual's driving  
24 privileges. The secretary of state shall only reinstate a license  
25 under this subsection once.

26           (6) A fee shall not be assessed under this section for 7  
27 points or more on a driving record on October 1, 2003. Points

1 assigned after October 1, 2003 shall be assessed as prescribed  
2 under subsections (1) and (2).

3 (7) A driver responsibility fee shall be assessed under this  
4 section in the same manner for a conviction or determination of  
5 responsibility for a violation or an attempted violation of a law  
6 of this state, of a local ordinance substantially corresponding to  
7 a law of this state, or of a law of another state substantially  
8 corresponding to a law of this state.

9 (8) The fire protection fund is created within the state  
10 treasury. The state treasurer may receive money or other assets  
11 from any source for deposit into the fund. The state treasurer  
12 shall direct the investment of the fund. The state treasurer shall  
13 credit to the fund interest and earnings from fund investments.  
14 Money in the fund at the close of the fiscal year shall remain in  
15 the fund and shall not lapse to the general fund. The department of  
16 energy, labor, and economic growth shall expend money from the  
17 fund, upon appropriation, only for fire protection grants to  
18 cities, villages, and townships with state owned facilities for  
19 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

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

26 (b) If more than \$65,000,000.00 is collected under this  
27 section, the next amount collected in excess of \$65,000,000.00 up

1 to \$68,500,000.00 shall be credited to the fire protection fund  
2 created in this section.

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

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

10 (10) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT  
11 THAT ADDED THIS SUBSECTION AND NOT LATER THAN 60 DAYS AFTER THAT  
12 DATE, AN INDIVIDUAL WHO HAS BEEN ASSESSED A DRIVER RESPONSIBILITY  
13 FEE UNDER SUBSECTION (1) OR (2) (B) MAY SATISFY THE ASSESSMENT BY  
14 PAYING 75% OF THE AMOUNT ASSESSED. IF AN INDIVIDUAL SATISFIES HIS  
15 OR HER ASSESSMENT DUE UNDER SUBSECTION (1) OR (2) (B) DURING THIS  
16 REDUCED PAYMENT PERIOD, ANY SANCTION THAT APPLIED FOR FAILURE TO  
17 TIMELY PAY THAT ASSESSMENT SHALL BE WAIVED.

18 Enacting section 1. This amendatory act takes effect 30 days  
19 after the date it is enacted into law.