

# SENATE BILL No. 166

February 17, 2011, Introduced by Senators CASWELL, SCHUITMAKER, CASPERSON, YOUNG, PROOS, PAVLOV, ROBERTSON, JONES, BOOHER, MARLEAU, BRANDENBURG, MEEKHOF, COLBECK, GREEN and HOOD and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 732a. (1) ~~An~~**THROUGH MARCH 31, 2011, AN** individual,  
 2 whether licensed or not, who accumulates 7 or more points on his or  
 3 her driving record under sections 320a and 629c within a 2-year  
 4 period for any violation not listed under subsection (2) shall be  
 5 assessed a \$100.00 driver responsibility fee. ~~For~~**THROUGH MARCH 31,**  
 6 **2011, FOR** each additional point accumulated above 7 points not  
 7 listed under subsection (2), an additional fee of \$50.00 shall be  
 8 assessed. ~~The~~**SUBJECT TO SUBSECTION (7), THE** secretary of state  
 9 shall collect the fees described in this subsection once each year

1 that the point total on an individual driving record is 7 points or  
2 more.

3 (2) ~~An~~**THROUGH MARCH 31, 2011, AN** individual, whether licensed  
4 or not, who violates any of the following sections or another law  
5 or local ordinance that substantially corresponds to those sections  
6 shall be assessed a driver responsibility fee as follows:

7 (a) ~~Upon~~**THROUGH MARCH 31, 2011, UPON** posting an abstract  
8 indicating that an individual has been found guilty for a violation  
9 of law listed or described in this subdivision, the secretary of  
10 state shall assess a \$1,000.00 driver responsibility fee each year  
11 for 2 consecutive years:

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

14 (ii) Section 601b(2) or (3), 601c(1) or (2), **601D, 626(3) OR**  
15 **(4)**, or 653a(3) or (4). ~~or, beginning October 31, 2010, section~~  
16 ~~601d or 626(3) or (4).~~

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

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

25 (v) Fleeing or eluding an officer.

26 (b) ~~Upon~~**THROUGH MARCH 31, 2011, UPON** posting an abstract  
27 indicating that an individual has been found guilty for a violation

1 of law listed in this subdivision, the secretary of state shall  
2 assess a \$500.00 driver responsibility fee each year for 2  
3 consecutive years:

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

5 (ii) Section 626 or, beginning October 31, 2010, section  
6 626(2).

7 (iii) Section 904.

8 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
9 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

10 (c) ~~Upon~~ **THROUGH MARCH 31, 2011, UPON** posting an abstract  
11 indicating that an individual has been found guilty for a violation  
12 of section 301, the secretary of state shall assess a \$150.00  
13 driver responsibility fee each year for 2 consecutive years.

14 (d) ~~Upon~~ **THROUGH MARCH 31, 2011, UPON** posting an abstract  
15 indicating that an individual has been found guilty or determined  
16 responsible for a violation listed in section 328, the secretary of  
17 state shall assess a \$200.00 driver responsibility fee each year  
18 for 2 consecutive years.

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

27 (4) The secretary of state may authorize payment by

1 installment for a period not to exceed 24 months.

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

22 (6) A fee shall not be assessed under this section for 7  
23 points or more on a driving record on October 1, 2003. Points  
24 assigned after October 1, 2003 shall be assessed as prescribed  
25 under subsections (1) and (2).

26 **(7) A DRIVER RESPONSIBILITY FEE AND ANY PORTION OF A DRIVER**  
27 **RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED ON OR AFTER**

1 **APRIL 1, 2011.**

2 (8) ~~(7)~~—A driver responsibility fee shall be assessed under  
3 this section in the same manner for a conviction or determination  
4 of responsibility for a violation or an attempted violation of a  
5 law of this state, of a local ordinance substantially corresponding  
6 to a law of this state, or of a law of another state substantially  
7 corresponding to a law of this state.

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

19 (10) ~~(9)~~—The secretary of state shall transmit the fees  
20 collected under this section to the state treasurer. The state  
21 treasurer shall credit fee money received under this section in  
22 each fiscal year as follows:

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

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

1 created in this section.

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

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

9 (11) ~~(10)~~—The collection of assessments under this section is  
10 subject to section 304.