

# HOUSE BILL No. 5662

February 9, 2006, Introduced by Reps. Caswell, Stahl, Plakas, Wenke, Marleau, Amos, Sheen, Hoogendyk, Gosselin, Moore, Taub and Baxter and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52; and to repeal acts and parts of acts.

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

1           Sec. 732a. (1) ~~An~~ **UNTIL OCTOBER 1, 2006, AN** individual,  
 2 whether licensed or not, who accumulates 7 or more points on his or  
 3 her driving record pursuant to sections 320a and 629c within a 2-  
 4 year period for any violation not listed under subsection (2) shall  
 5 be assessed a \$100.00 driver responsibility fee. ~~For~~ **UNTIL**  
 6 **OCTOBER 1, 2006, FOR** each additional point accumulated above 7  
 7 points not listed under subsection (2), an additional fee of \$50.00  
 8 shall be assessed. The secretary of state shall collect the fees  
 9 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~~ **UNTIL OCTOBER 1, 2006, AN** individual, whether  
3 licensed or not, who violates any of the following sections or  
4 another law or local ordinance that substantially corresponds to  
5 those sections shall be assessed a driver responsibility fee as  
6 follows:

7 (a) Upon posting of an abstract that an individual has been  
8 found guilty for a violation of law listed or described in this  
9 subdivision, the secretary of state shall assess a \$1,000.00 driver  
10 responsibility fee each year for 2 consecutive years **ENDING OCTOBER**  
11 **1, 2006:**

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), or 653a(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 of an abstract that an individual has been  
25 found guilty for a violation of law listed in this subdivision, the  
26 secretary of state shall assess a \$500.00 driver responsibility fee  
27 each year for 2 consecutive years **ENDING OCTOBER 1, 2006:**

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

2 (ii) Section 626.

3 (iii) Section 904.

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

6 (c) Upon posting of an abstract that an individual has been  
7 found guilty for a violation of section 301, the secretary of state  
8 shall assess a \$150.00 driver responsibility fee each year for 2  
9 consecutive years **ENDING OCTOBER 1, 2006**.

10 (d) Subject to subsection (8), upon posting of an abstract  
11 that an individual has been found guilty or determined responsible  
12 for a violation listed in section 328, the secretary of state shall  
13 assess a \$200.00 driver responsibility fee each year for 2  
14 consecutive years **ENDING OCTOBER 1, 2006**.

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

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

26 (5) If payment is not received or an installment plan is not  
27 established after the time limit required by the second notice

1 prescribed under subsection (3) expires, the secretary of state  
2 shall suspend the driving privileges until the assessment and any  
3 other fees prescribed under this act are paid.

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

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

14 (8) ~~Not more than 60 days after the effective date of the~~  
15 ~~amendatory act that added this subsection, if~~ **IF BY JUNE 30, 2004**  
16 an individual who was issued a citation for a violation of section  
17 328(1) for failing to produce a certificate of insurance from  
18 October 1, 2003 until ~~the date the amendatory act that added this~~  
19 ~~subsection takes effect~~ **MAY 1, 2004** presents a certificate of  
20 insurance that was in effect at the time the individual was issued  
21 the citation to the court that forwarded the abstract, the court  
22 shall rescind the abstract. After the court rescinds the abstract  
23 as described in this subsection, the court shall notify the  
24 secretary of state, which shall refund, waive, or both refund and  
25 waive the driver responsibility fee corresponding to the violation,  
26 as appropriate.

27 (9) The fire protection fund is created within the state

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

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

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

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

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

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

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

5           Enacting section 1. This section is repealed effective October  
6 1, 2008.