

HOUSE BILL No. 4665

April 25, 2007, Introduced by Reps. Scott, Meadows and Johnson 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.

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
9 an individual driving record is 7 points or more.

10 (2) An individual, whether licensed or not, who violates any

1 of the following sections or another law or local ordinance that
 2 substantially corresponds to those sections shall be assessed a
 3 driver responsibility fee as follows:

4 (a) Upon posting of an abstract that an individual has been
 5 found guilty for a violation of law listed or described in this
 6 subdivision, the secretary of state shall assess a ~~\$1,000.00~~
 7 **\$1,500.00** driver responsibility fee: ~~each year for 2 consecutive~~
 8 ~~years.~~

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

11 (ii) Section 601b(2) or (3), ~~601e(1) or (2)~~ **601C**, or 653a(3) or
 12 (4).

13 (iii) Section 625(1), (4), or (5), section 625m, or section
 14 81134 of the natural resources and environmental protection act,
 15 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
 16 corresponding to section 625(1), (4), or (5), section 625m, or
 17 section 81134 of the natural resources and environmental protection
 18 act, 1994 PA 451, MCL 324.81134.

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

21 (v) Fleeing or eluding an officer.

22 (b) Upon posting of an abstract that an individual has been
 23 found guilty for a violation of law listed in this subdivision, the
 24 secretary of state shall assess a ~~\$500.00~~ **\$1,000.00** driver
 25 responsibility fee: ~~each year for 2 consecutive years.~~

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

27 (ii) Section 626.

1 ~~—— (iii) Section 904.~~

2 (iii) ~~(iv)~~ Section 3101, 3102(1), or 3103 of the insurance code
3 of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

4 (c) Upon posting of an abstract that an individual has been
5 found guilty for a violation of section 301, the secretary of state
6 shall assess a \$150.00 driver responsibility fee. ~~each year for 2~~
7 ~~consecutive years.~~

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

13 **(E) UPON POSTING OF AN ABSTRACT THAT AN INDIVIDUAL HAS BEEN**
14 **FOUND GUILTY FOR A VIOLATION OF SECTION 904, THE SECRETARY OF STATE**
15 **SHALL ASSESS A \$500.00 DRIVER RESPONSIBILITY FEE.**

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

24 (4) ~~The~~ **IF REQUESTED, THE** secretary of state ~~may~~ **SHALL**
25 authorize payment by installment for an amount of \$500.00 or more
26 for a period not to exceed 12 months.

27 (5) If payment is not received or an installment plan is not

1 established after the time limit required by the second notice
2 prescribed under subsection (3) expires, the secretary of state
3 shall suspend the driving privileges until the assessment and any
4 other fees prescribed under this act are paid.

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

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

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

1 (9) The fire protection fund is created within the state
2 treasury. The state treasurer may receive money or other assets
3 from any source for deposit into the fund. The state treasurer
4 shall direct the investment of the fund. The state treasurer shall
5 credit to the fund interest and earnings from fund investments.
6 Money in the fund at the close of the fiscal year shall remain in
7 the fund and shall not lapse to the general fund. The department of
8 ~~consumer and industry services~~ **LABOR AND ECONOMIC GROWTH** shall
9 expend money from the fund, upon appropriation, only for fire
10 protection grants to cities, villages, and townships with state
11 owned facilities for fire services, as provided in 1977 PA 289, MCL
12 141.951 to 141.956.

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

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

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

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

27 (d) Any amount collected after crediting the amounts under

1 subdivisions (a), (b), and (c) shall be credited to the general
2 fund.

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