

# HOUSE BILL No. 4164

February 1, 2011, Introduced by Reps. Oakes, Santana, Howze, Stapleton, Talabi, Liss, Dillon, Rutledge, Stanley, Tlaib, Hovey-Wright, Jackson, Brown, Horn, Durhal and Womack 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 2010 PA 155,  
and by adding section 732b.

## 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 under  
3 sections 320a and 629c within a 2-year period for any violation not  
4 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.

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

5           (a) Upon posting an abstract indicating that an individual has  
6 been found guilty for a violation of law listed or described in  
7 this subdivision, the secretary of state shall assess a \$1,000.00  
8 driver responsibility fee each year for 2 consecutive 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), 601c(1) or (2), **601D, 626(3) OR**  
12 **(4)**, or 653a(3) or (4). ~~or, beginning October 31, 2010, section~~  
13 ~~601d or 626(3) or (4).~~

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

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

22           (v) Fleeing or eluding an officer.

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

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

1       (ii) Section ~~626 or, beginning October 31, 2010, section~~  
2   626(2).

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 an abstract indicating that an individual has  
7   been found guilty for a violation of section 301, the secretary of  
8   state shall assess a \$150.00 driver responsibility fee each year  
9   for 2 consecutive years.

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

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

22      (4) The secretary of state may authorize payment by  
23   installment for a period not to exceed 24 months **OR A WORK PROGRAM**  
24   **UNDER SECTION 732B.**

25      (5) Except as otherwise provided under this subsection **AND**  
26   **SECTION 732B**, if payment is not received or an installment plan is  
27   not 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. However, if the  
4 individual's license to operate a motor vehicle is not otherwise  
5 required under this act to be denied, suspended, or revoked, the  
6 secretary of state shall reinstate the individual's operator's  
7 driving privileges if the individual requests an installment plan  
8 under subsection (4) and makes proper payment under that plan **OR IS**  
9 **ACCEPTED FOR A PROGRAM OF WORK UNDER SECTION 732B.** Fees required to  
10 be paid for the reinstatement of an individual's operator's driving  
11 privileges as described under this subsection shall, at the  
12 individual's request, be included in the amount to be paid under  
13 the installment plan. If the individual establishes a payment plan  
14 as described in this subsection and subsection (4) but fails to  
15 make full or timely payments under that plan, the secretary of  
16 state shall suspend the individual's driving privileges. The  
17 secretary of state shall only reinstate a license under this  
18 subsection once.

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

23 (7) A driver responsibility fee shall be assessed under this  
24 section in the same manner for a conviction or determination of  
25 responsibility for a violation or an attempted violation of a law  
26 of this state, of a local ordinance substantially corresponding to  
27 a law of this state, or of a law of another state substantially

1 corresponding to a law of this state.

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

13 (9) 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 (10) The collection of assessments under this section is  
4 subject to section 304.

5 SEC. 732B. (1) IF AN INDIVIDUAL'S INCOME IS 200% BELOW THE  
6 FEDERAL POVERTY GUIDELINES, AN INDIVIDUAL MAY SATISFY THE DRIVER  
7 RESPONSIBILITY FEE ASSESSED UNDER SECTION 732A BY WORKING AT A  
8 NONPROFIT CORPORATION AS PROVIDED IN THIS SECTION.

9 (2) WITHIN 30 DAYS AFTER RECEIVING A NOTICE DESCRIBED IN  
10 SECTION 732A(3), AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) MAY  
11 APPLY TO THE SECRETARY OF STATE TO WORK AT A NONPROFIT CORPORATION  
12 IN LIEU OF PAYING HIS OR HER DRIVER RESPONSIBILITY FEE. THE  
13 APPLICATION SHALL BE ON A FORM AS PRESCRIBED BY THE SECRETARY OF  
14 STATE. THE SECRETARY OF STATE SHALL GRANT THE INDIVIDUAL'S REQUEST  
15 UNDER THIS SUBSECTION UNLESS THE INDIVIDUAL HAS PREVIOUSLY FAILED  
16 TO COMPLETE A PROGRAM OF WORK AS DESCRIBED IN THIS SECTION. THE  
17 TERM OF A PROGRAM OF WORK SHALL BE 12 MONTHS FOR EACH \$250.00 OWED,  
18 BUT NOT MORE THAN 24 MONTHS.

19 (3) AN INDIVIDUAL WHOSE APPLICATION IS ACCEPTED UNDER  
20 SUBSECTION (2) SHALL WORK 1 HOUR FOR A NONPROFIT CORPORATION FOR  
21 EACH \$25.00 OF DRIVER ASSESSMENT FEE DUE AND OWING UNDER SECTION  
22 732A AND SHALL OBTAIN VERIFICATION OF THAT WORK FROM AN AGENT OF  
23 THE NONPROFIT CORPORATION ON A FORM DEVELOPED AND PROVIDED BY THE  
24 SECRETARY OF STATE FOR THE PURPOSE. THE INDIVIDUAL SHALL NOT  
25 RECEIVE REMUNERATION FROM THE NONPROFIT CORPORATION FOR WORK DONE  
26 UNDER THIS SUBSECTION. UPON COMPLETION OF THE WORK, THE INDIVIDUAL  
27 SHALL SUBMIT THE VERIFICATION OBTAINED FROM THE NONPROFIT

1 CORPORATION TO THE SECRETARY OF STATE.

2 (4) WORK PERFORMED UNDER THIS SUBSECTION SHALL BE COMPLETED,  
3 AND WORK VERIFICATION SHALL BE OBTAINED AND SUBMITTED TO THE  
4 SECRETARY OF STATE, WITHIN 24 MONTHS AFTER THE DATE THE SECRETARY  
5 OF STATE GRANTS A REQUEST UNDER SUBSECTION (2).

6 (5) AN INDIVIDUAL WHOSE REQUEST UNDER SUBSECTION (2) IS  
7 ACCEPTED BUT WHO FAILS TO COMPLETE A PROGRAM OF WORK UNDER THIS  
8 SECTION IS LIABLE TO PAY THE FULL DRIVER RESPONSIBILITY FEE  
9 ASSESSED UNDER SECTION 732A AND IS SUBJECT TO ANY LICENSING  
10 SANCTIONS PRESCRIBED UNDER THAT SECTION.

11 (6) AN INDIVIDUAL WHO SUBMITS A FORGED OR OTHERWISE FALSE OR  
12 INACCURATE WORK VERIFICATION TO THE SECRETARY OF STATE UNDER THIS  
13 SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR  
14 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

15 (7) THE SECRETARY OF STATE SHALL NOT SUSPEND AN INDIVIDUAL'S  
16 DRIVING PRIVILEGES DURING THE TERM OF AN APPROVED WORK PROGRAM.

17 (8) AS USED IN THIS SECTION:

18 (A) "FEDERAL POVERTY GUIDELINES" MEANS THE FEDERAL POVERTY  
19 GUIDELINES PUBLISHED ANNUALLY IN THE FEDERAL REGISTER BY THE UNITED  
20 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER ITS AUTHORITY  
21 TO REVISE THE POVERTY LINE UNDER 42 USC 9902.

22 (B) "NONPROFIT CORPORATION" MEANS THAT TERM AS DEFINED IN  
23 SECTION 108 OF THE NONPROFIT CORPORATION ACT, 1982 PA 162, MCL  
24 450.2108.