

HOUSE BILL No. 4816

June 23, 2011, Introduced by Reps. Dillon, Switalski, Bledsoe, Irwin, Haugh, Agema, Tlaib, Nathan, Smiley, Brunner, Stapleton, Stanley, Talabi, Stallworth, Haveman, Lyons, Roy Schmidt, Meadows, Darany, Lindberg, Yonker, Durhal, Howze and Goike 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 DECEMBER 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 DECEMBER**
6 **31, 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
10 that the point total on an individual driving record is 7 points or
11 more.

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

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

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

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

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

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

24 (v) Fleeing or eluding an officer.

25 (b) ~~Upon~~ **THROUGH DECEMBER 31, 2011, UPON** posting an abstract
 26 indicating that an individual has been found guilty for a violation
 27 of law listed in this subdivision, the secretary of state shall

1 assess a \$500.00 driver responsibility fee each year for 2
2 consecutive years:

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

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

6 (iii) Section 904.

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

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

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

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

26 (4) The secretary of state may authorize payment by
27 installment for a period not to exceed 24 months.

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

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

25 **(7) A DRIVER RESPONSIBILITY FEE AND ANY PORTION OF A DRIVER**
26 **RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED ON OR AFTER**
27 **JANUARY 1, 2012.**

1 (8) ~~(7)~~—A driver responsibility fee shall be assessed under
2 this section in the same manner for a conviction or determination
3 of responsibility for a violation or an attempted violation of a
4 law of this state, of a local ordinance substantially corresponding
5 to a law of this state, or of a law of another state substantially
6 corresponding to a law of this state.

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

18 (10) ~~(9)~~—The secretary of state shall transmit the fees
19 collected under this section to the state treasurer. The state
20 treasurer shall credit fee money received under this section in
21 each fiscal year as follows:

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

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

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

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

8 **(11)** ~~(10)~~—The collection of assessments under this section is
9 subject to section 304.