

# HOUSE BILL No. 5198

December 6, 2011, Introduced by Reps. Damrow, Johnson, Shirkey, Agema, Lori, Franz, Somerville, Crawford, MacMaster, Olson, Denby, LaFontaine, Shaughnessy, Daley, Durhal, Olumba and Yonker 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 2010 PA 155.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 732a. (1) ~~An~~**THROUGH SEPTEMBER 30, 2012, 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 SEPTEMBER**  
6 **30, 2012, 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 (6), 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

1 more.

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

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

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

12 (ii) Section 601b(2) or (3), 601c(1) or (2), **601D, 626(3) OR**  
13 **(4)**, or 653a(3) or (4). ~~or, beginning October 31, 2010, section~~  
14 ~~601d or 626(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 an abstract indicating that an individual has  
25 been found guilty for a violation of law listed in this  
26 subdivision, the secretary of state shall assess a \$500.00 driver  
27 responsibility fee each year for 2 consecutive years:

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

2 (ii) Section 626 or, beginning October 31, 2010, section  
3 626(2).

4 (iii) ~~Section~~ **THROUGH SEPTEMBER 30, 2012, AND SUBJECT TO**  
5 **SUBSECTION (6), SECTION 904. BEGINNING OCTOBER 1, 2012, SECTION**  
6 **904(4), (5), AND (7).**

7 (iv) ~~Section~~ **THROUGH SEPTEMBER 30, 2012, AND SUBJECT TO**  
8 **SUBSECTION (6), SECTION 3101, 3102(1), or 3103 of the insurance**  
9 **code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.**

10 (c) ~~Upon~~ **THROUGH SEPTEMBER 30, 2012, AND SUBJECT TO SUBSECTION**  
11 **(6), UPON** posting an abstract indicating that an individual has  
12 been found guilty for a violation of section 301, the secretary of  
13 state shall assess a \$150.00 driver responsibility fee each year  
14 for 2 consecutive years.

15 (d) ~~Upon~~ **THROUGH SEPTEMBER 30, 2012, AND SUBJECT TO SUBSECTION**  
16 **(6), UPON** posting an abstract indicating that an individual has  
17 been found guilty or determined responsible for a violation listed  
18 in section 328, the secretary of state shall assess a \$200.00  
19 driver responsibility fee each year for 2 consecutive years.

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

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

3           (5) Except as otherwise provided under this subsection **AND**  
4 **SUBJECT TO SUBSECTION (6)**, if payment is not received or an  
5 installment plan is not established after the time limit required  
6 by the second notice prescribed under subsection (3) expires, the  
7 secretary of state shall suspend the driving privileges until the  
8 assessment and any other fees prescribed under this act are paid.  
9 However, if the individual's license to operate a motor vehicle is  
10 not otherwise required under this act to be denied, suspended, or  
11 revoked, the secretary of state shall reinstate the individual's  
12 operator's driving privileges if the individual requests an  
13 installment plan under subsection (4) and makes proper payment  
14 under that plan. Fees required to be paid for the reinstatement of  
15 an individual's operator's driving privileges as described under  
16 this subsection shall, at the individual's request, be included in  
17 the amount to be paid under the installment plan. If the individual  
18 establishes a payment plan as described in this subsection and  
19 subsection (4) but fails to make full or timely payments under that  
20 plan, the secretary of state shall suspend the individual's driving  
21 privileges. The secretary of state shall only reinstate a license  
22 under this subsection once. **HOWEVER, BEGINNING OCTOBER 1, 2012, AN**  
23 **INDIVIDUAL WHO IS PAYING A DRIVER RESPONSIBILITY FEE FOR VIOLATING**  
24 **A LAW LISTED UNDER SUBSECTION (6) IS NOT REQUIRED TO MAKE PAYMENTS**  
25 **UNDER THE INSTALLMENT PLAN, OR OTHERWISE, FOR THOSE VIOLATIONS, AND**  
26 **THE SECRETARY OF STATE SHALL NOT SUSPEND THE INDIVIDUAL'S DRIVING**  
27 **PRIVILEGES UNDER THIS SUBSECTION.**

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

(6) BEGINNING OCTOBER 1, 2012, A DRIVER RESPONSIBILITY FEE AND  
ANY PORTION OF A DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR  
COLLECTED UNDER ANY OF THE FOLLOWING:

(A) SUBSECTION (1).

(B) SECTION 301.

(C) SECTION 328.

(D) SECTION 904(3).

(E) SECTION 3101, 3102, OR 3103 OF THE INSURANCE CODE OF 1956,  
1956 PA 218, MCL 500.3101, 500.3102, AND 500.3103.

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

(8) BEGINNING OCTOBER 1, 2012, AN INDIVIDUAL MAY PETITION A  
COURT IN WHICH THE INDIVIDUAL PLEADED OR WAS OTHERWISE FOUND  
RESPONSIBLE FOR OPERATING A MOTOR VEHICLE WHILE THE INDIVIDUAL'S  
DRIVING PRIVILEGES WERE SUSPENDED OR REVOKED FOR FAILING TO PAY A  
DRIVER RESPONSIBILITY FEE UNDER THIS SECTION TO SET ASIDE OR  
DISMISS 1 OR MORE OF THOSE JUDGMENTS.

(9) A COURT DESCRIBED IN SUBSECTION (8) MAY SET ASIDE OR  
DISMISS 1 OR MORE JUDGMENTS FOR OPERATING A MOTOR VEHICLE WITH A

1 SUSPENDED OR REVOKED OPERATOR'S LICENSE IF THE COURT FINDS THAT THE  
2 JUDGMENT OR JUDGMENTS RESULTED FROM THE INDIVIDUAL'S FAILURE TO PAY  
3 A DRIVER RESPONSIBILITY FEE UNDER THIS SECTION.

4 (10) AN INDIVIDUAL SHALL PAY NOT MORE THAN A TOTAL OF \$500.00  
5 TO SATISFY 1 OR MORE JUDGMENTS FOR VIOLATING 1 OR MORE OF THE  
6 FOLLOWING LAWS IN 1 OR MORE COURTS AND TO OBTAIN AN OPERATOR'S  
7 LICENSE:

8 (A) SECTION 301, 328, OR 904(3).

9 (B) SECTION 3101, 3102, OR 3103 OF THE INSURANCE CODE OF 1956,  
10 1956 PA 218, MCL 500.3101, 500.3102, AND 500.3103.

11 (11) IF THE COURT SETS ASIDE OR DISMISSES 1 OR MORE JUDGMENTS  
12 AS DESCRIBED SUBSECTION (9), THE COURT SHALL ISSUE AN ORDER TO THE  
13 SECRETARY OF STATE TO REMOVE ALL POINTS FROM THE INDIVIDUAL'S  
14 DRIVING RECORD ASSOCIATED WITH THE JUDGMENT OR JUDGMENTS AND  
15 CALCULATED UNDER SECTION 320A OR 629C, OR BOTH.

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

27 (13) ~~(9)~~—The secretary of state shall transmit the fees

1 collected under this section to the state treasurer. The state  
2 treasurer shall credit fee money received under this section in  
3 each fiscal year as follows:

4 (a) The first ~~\$65,000,000.00~~ **\$8,500,000.00** shall be credited  
5 to the ~~general fund~~ **FIRE PROTECTION FUND CREATED IN THIS SECTION.**

6 ~~—— (b) If more than \$65,000,000.00 is collected under this~~  
7 ~~section, the next amount collected in excess of \$65,000,000.00 up~~  
8 ~~to \$68,500,000.00 shall be credited to the fire protection fund~~  
9 ~~created in this section.~~

10 ~~—— (c) If more than \$100,000,000.00 is collected under this~~  
11 ~~section, the next amount collected in excess of \$100,000,000.00 up~~  
12 ~~to \$105,000,000.00 shall be credited to the fire protection fund~~  
13 ~~created in this section.~~

14 **(B)** ~~(d)~~ Any amount collected after crediting the amounts under  
15 subdivisions **SUBDIVISION** (a) , ~~(b)~~ , and ~~(c)~~ shall be credited to  
16 the general fund.

17 **(14)** ~~(10)~~ The collection of assessments under this section is  
18 subject to section 304.