

# HOUSE BILL No. 5283

January 25, 2012, Introduced by Reps. Stapleton, Liss, Talabi, Lipton, Stanley, Geiss, Howze, Cavanagh, Stallworth, Dillon, Smiley, Brunner, Hobbs, Darany, Roy Schmidt, Barnett, Bledsoe, Hovey-Wright, Nathan, Ananich, Rutledge, Irwin, Tlaib, Lane, Womack, Olumba and Oakes 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 2011 PA 255.

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

1           Sec. 732a. (1) ~~An~~**SUBJECT TO SUBSECTION (6), 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~~**SUBJECT TO**  
6 **SUBSECTION (6), 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~~**SUBJECT TO SUBSECTION (6), THE** secretary of  
9 state shall collect the fees described in this subsection once each  
10 year that the point total on an individual driving record is 7

1 points or 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).

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) ~~Through September 30, 2012, upon UPON~~ posting an abstract  
7 indicating that an individual has been found guilty for a violation  
8 of section 301, the secretary of state shall assess a \$150.00  
9 driver responsibility fee each year for 2 consecutive years.  
10 However, a driver responsibility fee shall not be assessed under  
11 this subdivision for a violation committed on or after ~~October 1,~~  
12 ~~2012.~~ **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION**  
13 **(6).**

14 (d) ~~Through September 30, 2012, upon UPON~~ posting an abstract  
15 indicating that an individual has been found guilty or determined  
16 responsible for a violation listed in section 328, the secretary of  
17 state shall assess a \$200.00 driver responsibility fee each year  
18 for 2 consecutive years. However, a driver responsibility fee shall  
19 not be assessed under this subdivision for a violation committed on  
20 or after ~~October 1, 2012.~~ **THE EFFECTIVE DATE OF THE AMENDATORY ACT**  
21 **THAT ADDED SUBSECTION (6).**

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

1 received within the next 30 days, the driver's driving privileges  
2 will be suspended.

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

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

1 THE INSTALLMENT PLAN, OR OTHERWISE, FOR THOSE VIOLATIONS, AND THE  
2 SECRETARY OF STATE SHALL NOT SUSPEND THE INDIVIDUAL'S DRIVING  
3 PRIVILEGES UNDER THIS SUBSECTION.

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 (6) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
9 ADDED THIS SUBSECTION, A DRIVER RESPONSIBILITY FEE AND ANY PORTION  
10 OF A DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED  
11 UNDER ANY OF THE FOLLOWING:

12 (A) SUBSECTION (1).

13 (B) SECTION 301.

14 (C) SECTION 328.

15 (D) SECTION 904.

16 (E) SECTION 3101, 3102, OR 3103 OF THE INSURANCE CODE OF 1956,  
17 1956 PA 218, MCL 500.3101, 500.3102, AND 500.3103.

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

24 (8) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
25 ADDED SUBSECTION (6), AN INDIVIDUAL MAY PETITION A COURT IN WHICH  
26 THE INDIVIDUAL PLEADED OR WAS OTHERWISE FOUND RESPONSIBLE FOR  
27 OPERATING A MOTOR VEHICLE WHILE THE INDIVIDUAL'S DRIVING PRIVILEGES

1 WERE SUSPENDED OR REVOKED FOR FAILING TO PAY A DRIVER  
2 RESPONSIBILITY FEE UNDER THIS SECTION TO SET ASIDE OR DISMISS 1 OR  
3 MORE OF THOSE JUDGMENTS.

4 (9) A COURT DESCRIBED IN SUBSECTION (8) MAY SET ASIDE OR  
5 DISMISS 1 OR MORE JUDGMENTS FOR OPERATING A MOTOR VEHICLE WITH A  
6 SUSPENDED OR REVOKED OPERATOR'S LICENSE IF THE COURT FINDS THAT THE  
7 JUDGMENT OR JUDGMENTS RESULTED FROM THE INDIVIDUAL'S FAILURE TO PAY  
8 A DRIVER RESPONSIBILITY FEE UNDER THIS SECTION.

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

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

25 (12) ~~(9)~~—The secretary of state shall transmit the fees  
26 collected under this section to the state treasurer. The state  
27 treasurer shall credit fee money received under this section in

1 each fiscal year as follows:

2 (a) The first \$8,500,000.00 shall be credited to the fire  
3 protection fund **CREATED UNDER THIS SECTION**.

4 (b) Any amount collected after crediting the amount under  
5 subdivision (a) shall be credited to the general fund.

6 (13) ~~(10)~~The collection of assessments under this section is  
7 subject to section 304.