

**SUBSTITUTE FOR
HOUSE BILL NO. 5079**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 732a and 732b (MCL 257.732a and 257.732b),
section 732a as amended by 2016 PA 32 and section 732b as added by
2014 PA 283.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 732a. (1) ~~An~~**SUBJECT TO SUBSECTION (10), 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 each additional
6 point accumulated above 7 points not listed under subsection (2),
7 an additional fee of \$50.00 shall be assessed. The secretary of
8 state shall collect the fees described in this subsection once each

1 year that the point total on an individual driving record is 7
2 points or more. ~~This subsection is subject to subsection (11).~~

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

7 (a) Subject to subsection ~~(11)~~, **(10)**, upon posting an abstract
8 indicating that an individual has been found guilty for a violation
9 of law listed or described in this subdivision, the secretary of
10 state shall assess a \$1,000.00 driver responsibility fee each year
11 for 2 consecutive years:

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

14 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
15 (4), or 653a(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) Subject to subsection ~~(11)~~, **(10)**, 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) Through September 30, 2012, 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 However, a driver responsibility fee shall not be assessed under
14 this subdivision for a violation committed on or after October 1,
15 2012.

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

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

1 shall send a second notice that indicates that if payment is not
2 received within the next 30 days, the driver's driving privileges
3 will be suspended.

4 (4) The secretary of state may authorize payment by
5 installment for a period not to exceed 24 months or, alternatively,
6 the individual may engage in community service **OR WORKFORCE**
7 **TRAINING** under section 732b.

8 (5) Except as otherwise provided under this subsection and
9 section 732b, if payment is not received or an installment plan is
10 not established after the time limit required by the second notice
11 prescribed under subsection (3) expires, the secretary of state
12 shall suspend the driving privileges until the assessment and any
13 other fees prescribed under this act are paid. However, if the
14 individual's license to operate a motor vehicle is not otherwise
15 required under this act to be denied, suspended, or revoked, the
16 secretary of state shall reinstate the individual's operator's
17 driving privileges if the individual requests an installment plan
18 under subsection (4) and makes proper payment under that plan. Fees
19 required to be paid for the reinstatement of an individual's
20 operator's driving privileges as described under this subsection
21 shall, at the individual's request, be included in the amount to be
22 paid under the installment plan. If the individual establishes a
23 payment plan as described in this subsection and subsection (4) but
24 the individual fails to make full or timely payments under that
25 plan, or enters into community service **OR WORKFORCE TRAINING** under
26 section 732b but fails to successfully complete that service within
27 the 45-day period allowed, or withdraws from community service **OR**

WORKFORCE TRAINING with or without good cause shown, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once. Not later than April 1, 2013, the secretary of state shall only reinstate a license under this subsection 3 times.

~~———— (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), but subject to subsection (11).~~

(6) ~~(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.

(7) ~~(8)~~ The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of licensing and regulatory affairs shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state-owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

(8) ~~(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 \$8,500,000.00 shall be credited to the fire
5 protection fund created in subsection ~~(8)~~. ~~(7)~~.

6 ~~—— (b) For fiscal year 2015, after the amount specified in~~
7 ~~subdivision (a) is credited to the fire protection fund created~~
8 ~~under subsection (8), the next \$1,550,000.00 shall be credited as~~
9 ~~follows:~~

10 ~~—— (i) \$550,000.00 to the department of treasury, distributed as~~
11 ~~follows:~~

12 ~~—— (A) \$500,000.00 for administering the requirements of the~~
13 ~~department of treasury under section 732b.~~

14 ~~—— (B) \$50,000.00 for providing a 1-time-only written notice to~~
15 ~~individuals under section 732b(2) of the option of entering into~~
16 ~~community service as an alternative to paying a driver~~
17 ~~responsibility fee.~~

18 ~~—— (ii) \$1,000,000.00 to the department of state for necessary~~
19 ~~expenses incurred by the department of state in implementing and~~
20 ~~administering the requirements of sections 625k and 625q of the~~
21 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

22 ~~Funds appropriated under this subparagraph shall be based upon an~~
23 ~~established cost allocation methodology that reflects the actual~~
24 ~~costs incurred or to be incurred by the secretary of state during~~
25 ~~the fiscal year. However, funds appropriated under this~~
26 ~~subparagraph shall not exceed \$1,000,000.00 during that fiscal~~
27 ~~year.~~

~~(c) For fiscal year 2016, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection (8), the next \$1,500,000.00 shall be credited as follows:~~

~~(i) \$500,000.00 to the department of treasury for administering the requirements of the department of treasury under section 732b.~~

~~(ii) \$1,000,000.00 to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q. Funds appropriated under this subparagraph shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subparagraph shall not exceed \$1,000,000.00 during that fiscal year.~~

(B) ~~(d)~~ For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection ~~(8)~~, **(7)**, the next \$1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~ Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of

1 state during the fiscal year. However, funds appropriated under
2 this subdivision shall not exceed \$1,000,000.00 during any fiscal
3 year.

4 (C) ~~(e)~~ Any amount collected after crediting the amounts under
5 subdivisions (a) ~~through (d)~~ **AND (B)** shall be credited to the
6 general fund.

7 (9) ~~(10)~~ The collection of assessments under this section is
8 subject to section 304.

9 (10) ~~(11)~~ A driver responsibility fee shall be assessed and
10 collected under this section as follows:

11 (a) For an individual who accumulates 7 or more points on his
12 or her driving record beginning on the following dates, a fee
13 assessed under subsection (1) shall be reduced as follows:

14 (i) Beginning October 1, 2015, the assessment shall be 75% of
15 the fee calculated under subsection (1).

16 (ii) Beginning October 1, 2016, the assessment shall be 50% of
17 the fee calculated under subsection (1).

18 (iii) Beginning October 1, 2018, the assessment shall be 25%
19 of the fee calculated under subsection (1).

20 (iv) Beginning October 1, 2019, no fee shall be assessed under
21 subsection (1).

22 (b) A fee assessed under subsection (2) (a) or (b) shall be
23 reduced as follows:

24 (i) For a violation that occurs on or after October 1, 2015,
25 100% of the fee shall be assessed for the first year and 50% for
26 the second year.

27 (ii) For a violation that occurs on or after October 1, 2016,

1 100% of the fee shall be assessed for the first year and no fee
 2 shall be assessed for the second year.

3 (iii) For a violation that occurs on or after October 1, 2018,
 4 50% of the fee shall be assessed for the first year and no fee
 5 shall be assessed for the second year.

6 (iv) ~~For~~ **EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR** a
 7 violation that occurs on or after October 1, 2019, no fee shall be
 8 assessed under subsection (2)(a) or (b).

9 **(C) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
 10 **ADDED THIS SECTION, NO FEE SHALL BE ASSESSED UNDER SUBSECTION**
 11 **(2) (B) (iii) OR (iv) .**

12 **(11)** ~~(12)~~ It is the intent of the legislature that beginning
 13 with the fiscal year ending September 30, 2018, and each fiscal
 14 year after that, \$8,500,000.00 shall be appropriated to the fire
 15 protection fund created under subsection ~~(8)~~ **(7)** .

16 Sec. 732b. (1) If an individual was assessed a driver
 17 responsibility fee under section ~~732a(2)(e)~~ **732A(2) (B) (iii) OR**
 18 **(iv) , (C) ,** or (d), the individual may engage in 10 hours of
 19 community service **OR 10 HOURS OF PARTICIPATION IN A WORKFORCE**
 20 **TRAINING PAYMENT PROGRAM CREATED UNDER SECTION 732C** as an
 21 alternative to paying that fee or any unpaid portion of that fee.
 22 ~~Community service under this subsection shall be completed within~~
 23 ~~45 days after the application to engage in community service is~~
 24 ~~filed with the department of treasury under subsection (3).~~

25 (2) An individual may engage in community service **OR WORKFORCE**
 26 **TRAINING** under subsection (1) by obtaining a community service **OR**
 27 **WORKFORCE TRAINING** form from the secretary of state or the

1 department of treasury. The department of treasury shall mail to
2 each individual who is required to pay a driver responsibility fee
3 under section ~~732a(2)(e)~~ **732A(2)(B)(iii) OR (iv), (C)**, or (d) a 1-
4 time-only written notice of the option of completing community
5 service **OR WORKFORCE TRAINING** as an alternative to paying that
6 driver responsibility fee. The notice shall include a statement
7 that community service **OR WORKFORCE TRAINING** forms for that purpose
8 can be obtained from the department of state or from the department
9 of treasury. The notice shall be sent to the last known address of
10 the individual as shown in the records of the department of
11 treasury. The secretary of state shall make community service **AND**
12 **WORKFORCE TRAINING** forms available to the public at all branch
13 offices and on the department's website for purposes of this
14 section and shall provide community service **AND WORKFORCE TRAINING**
15 forms to the department of treasury for purposes of this section.

16 (3) If an individual chooses to engage in community service **OR**
17 **WORKFORCE TRAINING** under this section, the individual shall
18 complete the community service **OR WORKFORCE TRAINING** form obtained
19 under subsection (2) and return the form to the department of
20 treasury in the manner prescribed by the department of treasury. ~~by~~
21 ~~December 31, 2015.~~ Upon receiving a properly completed community
22 service **OR WORKFORCE TRAINING** form under this subsection, the
23 department of treasury shall inform the department of state that
24 the individual intends to complete community service **OR WORKFORCE**
25 **TRAINING** under this section as an alternative to paying a driver
26 responsibility fee or any portion of a driver responsibility fee.
27 If the secretary of state is notified by the department of treasury

1 that the individual has elected to complete community service **OR**
2 **WORKFORCE TRAINING** under this section as an alternative to paying
3 the fee, that fee shall be held in abeyance for a period of 45
4 days. If the individual's license is suspended for failing to pay
5 the driver responsibility fee or portion of the driver
6 responsibility fee, the department of state shall, upon payment of
7 the reinstatement fee, reinstate the individual's driver license.

8 (4) An individual who engages in community service **OR**
9 **WORKFORCE TRAINING** under this section shall be allowed only 1
10 opportunity to complete the community service **OR WORKFORCE TRAINING**
11 alternative for each driver responsibility fee owed. However, the
12 department of treasury may allow an individual to withdraw from
13 that community service **OR WORKFORCE TRAINING** before the expiration
14 of the 45-day period for completing that community service **OR**
15 **WORKFORCE TRAINING** for good cause shown. If the individual is
16 allowed to withdraw from community service **OR WORKFORCE TRAINING**
17 for good cause shown, that opportunity for completing community
18 service **OR WORKFORCE TRAINING** shall not be considered in the number
19 of opportunities to perform community service **OR WORKFORCE TRAINING**
20 under this subsection, but the individual is subject to the
21 suspension of his or her driving privileges under section 732a(5).

22 (5) Upon completing community service **OR WORKFORCE TRAINING**
23 under this section, the individual may request the person with whom
24 he or she engaged in community service **OR WORKFORCE TRAINING** under
25 this section to verify on the community service **OR WORKFORCE**
26 **TRAINING** form in the manner designated by the secretary of state
27 that he or she successfully completed that community service **OR**

1 **WORKFORCE TRAINING.** Upon verification, the individual may return
2 the community service **OR WORKFORCE TRAINING** form to the department
3 of treasury for purposes of this section. Any person who falsely
4 verifies community service **OR WORKFORCE TRAINING** under this
5 subsection and any individual who falsely requests the verification
6 of community service **WORKFORCE TRAINING** under this section or who
7 returns a community service form to the department of treasury
8 under this subsection knowing that his or her community service **OR**
9 **WORKFORCE TRAINING** is falsely verified is responsible for a state
10 civil infraction and may be fined not more than \$200.00.

11 (6) The department of treasury shall waive the driver
12 responsibility fee or any portion of the driver responsibility fee
13 otherwise required to be paid under section ~~732a(2)(c)~~
14 **732A(2)(B)(iii) OR (iv), (C),** or (d) upon receiving verification
15 that the individual successfully completed the community service **OR**
16 **WORKFORCE TRAINING** requirements of this section. The department of
17 treasury shall notify the department of state when it has waived
18 the fee under this section or, if the fee is not waived under this
19 section, that the 45-day period has expired and the fee has not
20 been waived. If the secretary of state is notified by the
21 department of treasury that the fee has not been waived, the
22 department of state shall enter that information into the records
23 of the department and shall suspend the individual's driver license
24 and proceed as provided by law for the individual's failure to pay
25 the driver responsibility fee or to complete community service **OR**
26 **WORKFORCE TRAINING** under this section.

27 (7) As used in this section, "community service" means

1 engaging in a useful and productive activity without compensation
2 for a person other than a family member, including, but not limited
3 to, an entity organized under section 501(c)(3) of the internal
4 revenue code, 26 USC 501, and community service offered through the
5 Michigan community service commission.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.