

HOUSE BILL No. 5170

September 13, 2005, Introduced by Reps. Nitz, Baxter, Sheltroun, Stahl and Leland 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 2004 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 732a. (1) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (12), AN**
2 individual, whether licensed or not, who accumulates 7 or more
3 points on his or her driving record pursuant to sections 320a and
4 629c within a 2-year period for any violation not listed under
5 subsection (2) shall be assessed a \$100.00 driver responsibility
6 fee. 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 secretary of state shall collect the fees described

1 in this subsection once each year that the point total on an
2 individual driving record is 7 points or more.

3 (2) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (12), AN** individual,
4 whether licensed or not, who violates any of the following sections
5 or another law or local ordinance that substantially corresponds to
6 those sections shall be assessed a driver responsibility fee as
7 follows:

8 (a) Upon posting of an abstract that an individual has been
9 found guilty for a violation of law listed or described in this
10 subdivision, the secretary of state shall assess a \$1,000.00 driver
11 responsibility fee each year 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), or 653a(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 of an abstract that an individual has been
25 found guilty for a violation of law listed in this subdivision, the
26 secretary of state shall assess a \$500.00 driver responsibility fee
27 each year for 2 consecutive years:

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

2 (ii) Section 626.

3 (iii) Section 904.

4 (iv) Section 3101, 3102(1), or ~~3103~~ **3103(1)** of the insurance
5 code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

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

10 (d) Subject to subsection (8), upon posting of an abstract
11 that an individual has been found guilty or determined responsible
12 for a violation listed in section 328, the secretary of state shall
13 assess a \$200.00 driver responsibility fee each year for 2
14 consecutive years.

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

23 (4) The secretary of state may authorize payment by
24 installment for an amount of \$500.00 or more for a period not to
25 exceed 12 months.

26 (5) If payment is not received or an installment plan is not
27 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.

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

14 (8) ~~Not more than 60 days after the effective date of the~~
15 ~~amendatory act that added this subsection~~ **BEFORE JULY 1, 2004**, if
16 an individual who was issued a citation for a violation of section
17 328(1) for failing to produce a certificate of insurance from
18 October 1, 2003 until ~~the date the amendatory act that added this~~
19 ~~subsection takes effect~~ **MAY 1, 2004** presents a certificate of
20 insurance that was in effect at the time the individual was issued
21 the citation to the court that forwarded the abstract, the court
22 shall rescind the abstract. After the court rescinds the abstract
23 as described in this subsection, the court shall notify the
24 secretary of state, which shall refund, waive, or both refund and
25 waive the driver responsibility fee corresponding to the violation,
26 as appropriate.

27 (9) The fire protection fund is created within the state

1 treasury. The state treasurer may receive money or other assets
2 from any source for deposit into the fund. The state treasurer
3 shall direct the investment of the fund. The state treasurer shall
4 credit to the fund interest and earnings from fund investments.
5 Money in the fund at the close of the fiscal year shall remain in
6 the fund and shall not lapse to the general fund. The department of
7 ~~consumer and industry services~~ **LABOR AND ECONOMIC GROWTH** shall
8 expend money from the fund, upon appropriation, only for fire
9 protection grants to cities, villages, and townships with state
10 owned facilities for fire services, as provided in 1977 PA 289, MCL
11 141.951 to 141.956.

12 (10) The secretary of state shall transmit the fees collected
13 under this section to the state treasurer. The state treasurer
14 shall credit fee money received under this section in each fiscal
15 year as follows:

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

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

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

26 (d) Any amount collected after crediting the amounts under
27 subdivisions (a), (b), and (c) shall be credited to the general

1 fund.

2 (11) For fiscal year 2003-2004, \$3,500,000.00 is appropriated
3 from the fire protection fund described in subsection (9) to the
4 department of ~~consumer and industry services~~ **LABOR AND ECONOMIC**
5 **GROWTH** for the purposes described under subsection (9).

6 (12) **AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF AGE AND WHO**
7 **HAS NOT BEGUN OR ENROLLED IN A DRIVER EDUCATION COURSE AS THAT TERM**
8 **IS DEFINED IN SECTION 1 OF THE DRIVER EDUCATION AND TRAINING**
9 **SCHOOLS ACT, 1974 PA 369, MCL 256.601, SHALL NOT BE ASSESSED A**
10 **DRIVER RESPONSIBILITY FEE.**