

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 6455**

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 individual, whether licensed or not, who  
2 accumulates 7 or more points on his or her driving record pursuant  
3 to sections 320a and 629c within a 2-year period for any violation  
4 not listed under subsection (2) shall be assessed a \$100.00 driver  
5 responsibility fee. For each additional point accumulated above 7  
6 points not listed under subsection (2), an additional fee of \$50.00  
7 shall be assessed. The secretary of state shall collect the fees  
8 described in this subsection once each year that the point total on  
9 an individual driving record is 7 points or more.

10           (2) An individual, whether licensed or not, who violates any  
11 of the following sections or another law or local ordinance that

1 substantially corresponds to those sections shall be assessed a  
2 driver responsibility fee as follows:

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

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

9 (ii) Section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).

10 (iii) Section 625(1), (4), or (5), section 625m, or section  
11 81134 of the natural resources and environmental protection act,  
12 1994 PA 451, MCL 324.81134, or a law or ordinance substantially  
13 corresponding to section 625(1), (4), or (5), section 625m, or  
14 section 81134 of the natural resources and environmental protection  
15 act, 1994 PA 451, MCL 324.81134.

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

18 (v) Fleeing or eluding an officer.

19 (b) Upon posting of an abstract that an individual has been  
20 found guilty for a violation of law listed in this subdivision, the  
21 secretary of state shall assess a \$500.00 driver responsibility fee  
22 each year for 2 consecutive years:

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

24 (ii) Section 626.

25 (iii) Section 904.

26 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
27 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

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

5 (d) ~~Subject to subsection (8), upon~~ **UPON THE** posting of an  
6 abstract **INDICATING** that an individual has been found guilty or  
7 determined responsible for a violation listed in section 328, the  
8 secretary of state shall assess a \$200.00 driver responsibility fee  
9 each year for 2 consecutive years.

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

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

21 (5) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBSECTION, IF**  
22 payment is not received or an installment plan is not established  
23 after the time limit required by the second notice prescribed under  
24 subsection (3) expires, the secretary of state shall suspend the  
25 driving privileges until the assessment and any other fees  
26 prescribed under this act are paid. **HOWEVER, IF THE INDIVIDUAL'S**  
27 **LICENSE TO OPERATE A MOTOR VEHICLE IS NOT OTHERWISE REQUIRED UNDER**

1 THIS ACT TO BE DENIED, SUSPENDED, OR REVOKED, THE SECRETARY OF  
2 STATE SHALL REINSTATE THE INDIVIDUAL'S OPERATOR'S DRIVING  
3 PRIVILEGES IF THE INDIVIDUAL REQUESTS AN INSTALLMENT PLAN UNDER  
4 SUBSECTION (4) AND MAKES PROPER PAYMENT UNDER THAT PLAN. FEES  
5 REQUIRED TO BE PAID FOR THE REINSTATEMENT OF AN INDIVIDUAL'S  
6 OPERATOR'S DRIVING PRIVILEGES AS DESCRIBED UNDER THIS SUBSECTION  
7 SHALL, AT THE INDIVIDUAL'S REQUEST, BE INCLUDED IN THE AMOUNT TO BE  
8 PAID UNDER THE INSTALLMENT PLAN. IF THE INDIVIDUAL ESTABLISHES A  
9 PAYMENT PLAN AS DESCRIBED IN THIS SUBSECTION AND SUBSECTION (4) BUT  
10 FAILS TO MAKE FULL OR TIMELY PAYMENTS UNDER THAT PLAN, THE  
11 SECRETARY OF STATE SHALL SUSPEND THE INDIVIDUAL'S DRIVING  
12 PRIVILEGES. THE SECRETARY OF STATE SHALL ONLY REINSTATE A LICENSE  
13 UNDER THIS SUBSECTION ONCE.

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

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) Not more than 60 days after the effective date of the~~  
25 ~~amendatory act that added this subsection, if an individual who was~~  
26 ~~issued a citation for a violation of section 328(1) for failing to~~  
27 ~~produce a certificate of insurance from October 1, 2003 until the~~

~~1 date the amendatory act that added this subsection takes effect  
2 presents a certificate of insurance that was in effect at the time  
3 the individual was issued the citation to the court that forwarded  
4 the abstract, the court shall rescind the abstract. After the court  
5 rescinds the abstract as described in this subsection, the court  
6 shall notify the secretary of state, which shall refund, waive, or  
7 both refund and waive the driver responsibility fee corresponding  
8 to the violation, as appropriate.~~

9 (8) ~~(9)~~—The fire protection fund is created within the state  
10 treasury. The state treasurer may receive money or other assets  
11 from any source for deposit into the fund. The state treasurer  
12 shall direct the investment of the fund. The state treasurer shall  
13 credit to the fund interest and earnings from fund investments.  
14 Money in the fund at the close of the fiscal year shall remain in  
15 the fund and shall not lapse to the general fund. The department of  
16 ~~consumer and industry services~~ **ENERGY, LABOR, AND ECONOMIC GROWTH**  
17 shall expend money from the fund, upon appropriation, only for fire  
18 protection grants to cities, villages, and townships with state  
19 owned facilities for fire services, as provided in 1977 PA 289, MCL  
20 141.951 to 141.956.

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

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

27 (b) If more than \$65,000,000.00 is collected under this

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1 section, the next amount collected in excess of \$65,000,000.00 up  
2 to \$68,500,000.00 shall be credited to the fire protection fund  
3 created in this section.

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

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

11 (10) ~~(11)~~ For fiscal year 2003-2004, \$3,500,000.00 is  
12 appropriated from the fire protection fund described in subsection  
13 ~~(9)~~ (8) to the department of ~~consumer and industry services~~ **ENERGY,**  
14 **LABOR, AND ECONOMIC GROWTH** for the purposes described under  
15 subsection ~~(9)~~ (8).

<<Enacting section 1. This amendatory act takes effect April 1,  
2009.>>