

# SENATE BILL No. 1509

September 18, 2008, Introduced by Senators CLARK-COLEMAN, SCHAUER, SCOTT, ANDERSON, HUNTER, THOMAS, CHERRY, OLSHOVE, GLEASON, CLARKE, JACOBS and BASHAM 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 (8), 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  
9 in this subsection once each year that the point total on an

1 individual driving record is 7 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 of an abstract that an individual has been  
7 found guilty for a violation of law listed or described in this  
8 subdivision, the secretary of state shall assess a \$1,000.00 driver  
9 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), or 653a(3) or (4).

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

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

21 (v) Fleeing or eluding an officer.

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

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

27 (ii) Section 626.

1 (iii) Section 904.

2 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
3 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

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

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

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

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

24 (5) If payment is not received or an installment plan is not  
25 established after the time limit required by the second notice  
26 prescribed under subsection (3) expires, the secretary of state  
27 shall suspend the driving privileges until the assessment and any

1 other fees prescribed under this act are paid.

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

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

12 (8) ~~Not more than 60 days after the effective date of the~~  
13 ~~amendatory act that added this subsection, if an individual who was~~  
14 ~~issued a citation for a violation of section 328(1) for failing to~~  
15 ~~produce a certificate of insurance from October 1, 2003 until the~~  
16 ~~date the amendatory act that added this subsection takes effect~~  
17 ~~presents a certificate of insurance that was in effect at the time~~  
18 ~~the individual was issued the citation to the court that forwarded~~  
19 ~~the abstract, the court shall rescind the abstract. After the court~~  
20 ~~rescinds the abstract as described in this subsection, the court~~  
21 ~~shall notify the secretary of state, which shall refund, waive, or~~  
22 ~~both refund and waive the driver responsibility fee corresponding~~  
23 ~~to the violation, as appropriate. THIS SECTION DOES NOT APPLY TO AN~~  
24 **INDIVIDUAL WHO SATISFIES EITHER OR BOTH OF THE FOLLOWING CRITERIA:**

25 (A) THE INDIVIDUAL IS 62 YEARS OF AGE OR OLDER.

26 (B) THE INDIVIDUAL'S ANNUAL INCOME IS NOT MORE THAN 1-1/2  
27 TIMES THE FEDERAL POVERTY GUIDELINES PUBLISHED ANNUALLY IN THE

1 FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH AND  
2 HUMAN SERVICES UNDER ITS AUTHORITY TO REVISE THE POVERTY LINE UNDER  
3 42 USC 9902.

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

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

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

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

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

1 created in this section.

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

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