

SUBSTITUTE FOR
HOUSE BILL NO. 4098

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 732a. (1) ~~An~~**THROUGH DECEMBER 31, 2011, 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~~**THROUGH DECEMBER**
6 **31, 2011, 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 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) Upon posting an abstract indicating that an individual has
8 been found guilty for a violation of law listed or described in
9 this subdivision, the secretary of state shall assess a \$1,000.00
10 driver responsibility fee each year for 2 consecutive years:

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

13 (ii) Section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4)
14 or, beginning October 31, 2010, section 601d or 626(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 an abstract indicating that an individual has
25 been found guilty for a ~~violation of law listed in this subdivision~~
26 **ANY OF THE FOLLOWING VIOLATIONS**, the secretary of state shall
27 assess a \$500.00 driver responsibility fee each year for 2

1 consecutive years **AS FOLLOWS:**

2 (i) **THROUGH DECEMBER 31, 2011, AS FOLLOWS:**

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

4 (B) ~~(ii)~~ Section 626 or, beginning October 31, 2010, section
5 626(2).

6 (C) ~~(iii)~~ Section 904.

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

9 (ii) **BEGINNING JANUARY 1, 2012, AS FOLLOWS:**

10 (A) **SECTION 625(3), (6), (7), OR (8).**

11 (B) **SECTION 626(2).**

12 (c) ~~Upon~~ **THROUGH DECEMBER 31, 2011, UPON** posting an abstract
13 indicating that an individual has been found guilty for a violation
14 of section 301, the secretary of state shall assess a \$150.00
15 driver responsibility fee each year for 2 consecutive years. **A**
16 **DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED UNDER**
17 **THIS SUBDIVISION FOR A VIOLATION COMMITTED ON OR AFTER JANUARY 1,**
18 **2012.**

19 (d) ~~Upon~~ **THROUGH DECEMBER 31, 2011, UPON** posting an abstract
20 indicating that an individual has been found guilty or determined
21 responsible for a violation listed in section 328, the secretary of
22 state shall assess a \$200.00 driver responsibility fee each year
23 for 2 consecutive years. **A DRIVER RESPONSIBILITY FEE SHALL NOT BE**
24 **ASSESSED OR COLLECTED UNDER THIS SUBDIVISION FOR A VIOLATION**
25 **COMMITTED ON OR AFTER JANUARY 1, 2012.**

26 (3) The secretary of state shall send a notice of the driver
27 responsibility assessment, as prescribed under subsection (1) or

1 (2), to the individual by regular mail to the address on the
2 records of the secretary of state. If payment is not received
3 within 30 days after the notice is mailed, the secretary of state
4 shall send a second notice that indicates that if payment is not
5 received within the next 30 days, the driver's driving privileges
6 will be suspended.

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

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

House Bill No. 4098 (H-5) as amended September 15, 2010
1 under this subsection once.

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) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS SECTION,**
7 **IF AN INDIVIDUAL OWES A DRIVER RESPONSIBILITY FEE FOR ANY OF THE**
8 **FOLLOWING ON THE DATE THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS**
9 **ENACTED INTO LAW, AND THE INDIVIDUAL PAYS 50% OR MORE OF THE TOTAL AMOUNT**
10 **OWED BEFORE JANUARY 1, 2012, THE REMAINING BALANCE OF THE FEE IS WAIVED:**

11 (A) POINTS UNDER SUBSECTION (1).

12 (B) A VIOLATION OF SECTION 301.

13 (C) A VIOLATION OF SECTION 328.

14 (D) A VIOLATION OF SECTION 904.

15 (E) A VIOLATION OF SECTION 3101, 3102(1), OR 3103 OF THE INSURANCE
CODE OF 1956, 1956 PA 218, MCL 500.3101, 500.3102, AND 500.3103.]

16 (8) ~~(7)~~—A driver responsibility fee shall be assessed under
17 this section in the same manner for a conviction or determination
18 of responsibility for a violation or an attempted violation of a
19 law of this state, of a local ordinance substantially corresponding
20 to a law of this state, or of a law of another state substantially
corresponding to a law of this state.

21 (9) ~~(8)~~—The fire protection fund is created within the state
22 treasury. The state treasurer may receive money or other assets
23 from any source for deposit into the fund. The state treasurer
24 shall direct the investment of the fund. The state treasurer shall
25 credit to the fund interest and earnings from fund investments.
26 Money in the fund at the close of the fiscal year shall remain in
27 the fund and shall not lapse to the general fund. The department of

1 energy, labor, and economic growth shall expend money from the
 2 fund, upon appropriation, only for fire protection grants to
 3 cities, villages, and townships with state owned facilities for
 4 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

5 (10) ~~(9)~~—The secretary of state shall transmit the fees
 6 collected under this section to the state treasurer. The state
 7 treasurer shall credit fee money received under this section in
 8 each fiscal year as follows:

9 (a) The first ~~\$65,000,000.00~~ shall be credited to the general
 10 fund.

11 ~~——(b) If more than \$65,000,000.00 is collected under this~~
 12 ~~section, the next amount collected in excess of \$65,000,000.00 up~~
 13 ~~to \$68,500,000.00 shall be credited to the fire protection fund~~
 14 ~~created in this section.~~

15 ~~——(c) If more than \$100,000,000.00 is collected under this~~
 16 ~~section, the next amount collected in excess of \$100,000,000.00 up~~
 17 ~~to \$105,000,000.00 shall be credited to the fire protection fund~~
 18 ~~created in this section.~~

19 ~~——(d) Any amount collected after crediting the amounts under~~
 20 ~~subdivisions (a), (b), and (c) shall be credited to the general~~
 21 ~~fund. \$8,500,000.00 SHALL BE CREDITED TO THE FIRE PROTECTION FUND~~
 22 ~~CREATED IN SUBSECTION (9).~~

23 (B) ANY AMOUNT COLLECTED AFTER CREDITING THE AMOUNT UNDER
 24 SUBDIVISION (A) SHALL BE CREDITED TO THE GENERAL FUND.

25 (11) ~~(10)~~—The collection of assessments under this section is
 26 subject to section 304.

27 Enacting section 1. This amendatory act does not take effect

1 unless all of the following bills of the 95th Legislature are
2 enacted into law:

3 (a) House Bill No. 4101.

4 (b) House Bill No. 4604.

5 (c) House Bill No. 5603.