

# HOUSE BILL No. 5603

November 12, 2009, Introduced by Rep. Johnson and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 732a. (1) ~~An~~**THROUGH DECEMBER 31, 2009, AN** individual,  
2       whether licensed or not, who accumulates 7 or more points on his or  
3       her driving record pursuant to sections 320a and 629c within a 2-  
4       year period for any violation not listed under subsection (2) shall  
5       be assessed a \$100.00 driver responsibility fee. ~~For~~**THROUGH**  
6       **DECEMBER 31, 2009, FOR** each additional point accumulated above 7  
7       points not listed under subsection (2), an additional fee of \$50.00  
8       shall be assessed. The secretary of state shall collect the fees  
9       described in this subsection ~~once each year that the point total on~~  
10      ~~an individual driving record is 7 points or more~~**THROUGH DECEMBER**

1 31, 2009.

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 an abstract indicating that an individual has  
7 been found guilty for a violation of law listed or described in  
8 this subdivision, the secretary of state shall assess a \$1,000.00  
9 driver 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), BEGINNING JANUARY~~  
13 **1, 2011, SECTION 601d** ~~, OR 626(3) or (4) , or 653a(3) or (4) OR,~~  
14 **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 BEGINNING JANUARY 1, 2010, UPON~~ posting an abstract  
25 indicating that an individual has been found guilty ~~for a violation~~  
26 ~~of law listed in this subdivision~~ **OF ANY OF THE FOLLOWING**  
27 **VIOLATIONS**, the secretary of state shall assess a \$500.00 driver

responsibility fee each year for 2 consecutive years:

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

(ii) Section **626 OR, BEGINNING OCTOBER 31, 2010, SECTION**  
**626(2).**

~~\_\_\_\_\_ (iii) Section 904.~~

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

(c) ~~Upon~~ **THROUGH DECEMBER 31, 2009, UPON** posting an abstract  
indicating that an individual has been found guilty for a violation  
of section 301, the secretary of state shall assess a \$150.00  
driver responsibility fee. ~~each year for 2 consecutive years. A~~  
**DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED UNDER**  
**THIS SUBDIVISION FOR A VIOLATION COMMITTED ON OR AFTER JANUARY 1,**  
**2010.**

(d) ~~Upon~~ **THROUGH DECEMBER 31, 2009, UPON** posting an abstract  
indicating that an individual has been found guilty or determined  
responsible for a violation listed in section 328, the secretary of  
state shall assess a \$200.00 driver responsibility fee. ~~each year~~  
~~for 2 consecutive years. A DRIVER RESPONSIBILITY FEE SHALL NOT BE~~  
**ASSESSED OR COLLECTED UNDER THIS SUBDIVISION FOR A VIOLATION**  
**COMMITTED ON OR AFTER JANUARY 1, 2010.**

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

1 received within the next 30 days, the driver's driving privileges  
2 will be suspended.

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

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

25 (6) A fee shall not be assessed under this section for 7  
26 points or more on a driving record on October 1, 2003. Points  
27 assigned after October 1, 2003 shall be assessed as prescribed

1 under subsections (1) and (2).

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

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

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

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

25 (b) If more than \$65,000,000.00 is collected under this  
26 section, the next amount collected in excess of \$65,000,000.00 up  
27 to \$68,500,000.00 shall be credited to the fire protection fund

1 created in this section.

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

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

9 Enacting section 1. This amendatory act does not take effect  
10 unless all of the following bills of the 95th Legislature are  
11 enacted into law:

12 (a) House Bill No. 4098.

13 (b) House Bill No. 4101.

14 (c) House Bill No. 4604.