

SENATE BILL No. 1497

September 15, 2010, Introduced by Senators CHERRY and OLSHOVE 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 individual, whether licensed or not, who
2 accumulates 7 or more points on his or her driving record pursuant
3 to ~~to~~ **UNDER** sections 320a and 629c within a 2-year period for any
4 violation not listed under subsection (2) shall be assessed a
5 \$100.00 driver responsibility fee. For each additional point
6 accumulated above 7 points not listed under subsection (2), an
7 additional fee of \$50.00 shall be assessed. The secretary of state
8 shall collect the fees described in this subsection once each year
9 that the point total on an individual driving record is 7 points or

1 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 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), ~~601d, 626(3) or~~
13 ~~(4), or 653a(3) or (4)~~ **OR, BEGINNING OCTOBER 31, 2010, SECTION 601D**
14 **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
26 subdivision, the secretary of state shall assess a \$500.00 driver
27 responsibility fee each year for 2 consecutive years:

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

2 (ii) Section **626 OR, BEGINNING OCTOBER 31, 2010, SECTION**
3 626(2).

4 (iii) Section 904.

5 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
6 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

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

11 (d) Upon posting an abstract indicating that an individual has
12 been found guilty or determined responsible for a violation listed
13 in section 328, the secretary of state shall assess a \$200.00
14 driver responsibility fee each year for 2 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 a period not to exceed 24 months.

25 ~~—(5) Except as otherwise provided under this subsection, if~~
26 ~~payment is not received or an installment plan is not established~~
27 ~~after the time limit required by the second notice prescribed under~~

~~subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request, be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but fails to make full or timely payments under that plan, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once.~~

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

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

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

12 (8) ~~(9)~~—The secretary of state shall transmit the fees
13 collected under this section to the state treasurer. The state
14 treasurer shall credit fee money received under this section in
15 each fiscal 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.