

# HOUSE BILL No. 5414

March 18, 2014, Introduced by Reps. Haveman, Haines, Victory, Pscholka, Heise, Bumstead, Kowall, Walsh, Glardon, Lyons, Foster, Rendon, Lori, Santana, Graves, Price, Shirkey, Somerville, Cotter, Jenkins, Rogers, Denby, Jacobsen, Pagel, Forlini, Kurtz, Knezek, Stallworth, Daley, Schmidt, McMillin, Genetski, MacMaster, Franz, Kelly, Pettalia, Crawford, MacGregor, McCready, Outman, Barnett, Johnson, Yonker, Callton, Farrington, Goike, Howrylak, Muxlow, Lauwers, Lund, Zorn, Geiss, Cochran, Olumba, Tlaib, Poleski, Durhal, LaVoy, Faris, Talabi, Dillon, Potvin, Hooker, Nesbitt, Leonard, O'Brien, Kesto, Robinson, VerHeulen, McBroom, LaFontaine, Banks, Nathan, Rutledge, Kivela, Cavanagh, Zemke, Hobbs, Kosowski, Brown, Hovey-Wright, Abed, Lipton, Irwin, Roberts, Phelps, Stanley, Townsend, McCann, Darany, Kandrevas, Yanez, Brinks, Clemente, Lane, Haugh, Driskell, Switalski, Brunner, Smiley, Lamonte, Singh, Segal, Dianda, Schor, Oakes and Slavens and referred to the Committee on Appropriations.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 732a (MCL 257.732a), as amended by 2012 PA 203.

**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 under  
3 sections 320a and 629c within a 2-year period for any violation not  
4 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.

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1 (2) An individual, whether licensed or not, who violates any  
2 of the following sections or another law or local ordinance that  
3 substantially corresponds to those sections shall be assessed a  
4 driver responsibility fee as follows:

5 (a) Upon posting an abstract indicating that an individual has  
6 been found guilty for a violation of law listed or described in  
7 this subdivision, the secretary of state shall assess a \$1,000.00  
8 driver responsibility fee each year for 2 consecutive years **UNTIL**  
9 **SEPTEMBER 30, 2014 OR, BEGINNING OCTOBER 1, 2014, FOR ONLY 1 YEAR:**

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).

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

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

22 (v) Fleeing or eluding an officer.

23 (b) Upon posting an abstract indicating that an individual has  
24 been found guilty for a violation of law listed in this  
25 subdivision, the secretary of state shall assess a \$500.00 driver  
26 responsibility fee each year for 2 consecutive years **UNTIL**  
27 **SEPTEMBER 30, 2014 OR, BEGINNING OCTOBER 1, 2014, FOR ONLY 1 YEAR:**

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) Through September 30, 2012, upon posting an abstract  
8 indicating that an individual has been found guilty for a violation  
9 of section 301, the secretary of state shall assess a \$150.00  
10 driver responsibility fee each year for 2 consecutive years.  
11 However, a driver responsibility fee shall not be assessed under  
12 this subdivision for a violation committed on or after October 1,  
13 2012.

14 (d) Through September 30, 2012, upon posting an abstract  
15 indicating that an individual has been found guilty or determined  
16 responsible for a violation listed in section 328, the secretary of  
17 state shall assess a \$200.00 driver responsibility fee each year  
18 for 2 consecutive years. However, a driver responsibility fee shall  
19 not be assessed under this subdivision for a violation committed on  
20 or after October 1, 2012.

21 (3) The secretary of state shall send a notice of the driver  
22 responsibility assessment, as prescribed under subsection (1) or  
23 (2), to the individual by regular mail to the address on the  
24 records of the secretary of state. If payment is not received  
25 within 30 days after the notice is mailed, the secretary of state  
26 shall send a second notice that indicates that if payment is not  
27 received within the next 30 days, the driver's driving privileges

1 will be suspended.

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

4 (5) Except as otherwise provided under this subsection, if  
5 payment is not received or an installment plan is not established  
6 after the time limit required by the second notice prescribed under  
7 subsection (3) expires, the secretary of state shall suspend the  
8 driving privileges until the assessment and any other fees  
9 prescribed under this act are paid. However, if the individual's  
10 license to operate a motor vehicle is not otherwise required under  
11 this act to be denied, suspended, or revoked, the secretary of  
12 state shall reinstate the individual's operator's driving  
13 privileges if the individual requests an installment plan under  
14 subsection (4) and makes proper payment under that plan. Fees  
15 required to be paid for the reinstatement of an individual's  
16 operator's driving privileges as described under this subsection  
17 shall, at the individual's request, be included in the amount to be  
18 paid under the installment plan. If the individual establishes a  
19 payment plan as described in this subsection and subsection (4) but  
20 fails to make full or timely payments under that plan, the  
21 secretary of state shall suspend the individual's driving  
22 privileges. The secretary of state shall only reinstate a license  
23 under this subsection once. Not later than April 1, 2013, the  
24 secretary of state shall only reinstate a license under this  
25 subsection 3 times.

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

1 assigned after October 1, 2003 shall be assessed as prescribed  
2 under subsections (1) and (2), **BUT SUBJECT TO SUBSECTION (11)**.

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

9 (8) 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 licensing and regulatory affairs shall expend money from the fund,  
17 upon appropriation, only for fire protection grants to cities,  
18 villages, and townships with state-owned facilities for fire  
19 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

24 (a) The first \$8,500,000.00 shall be credited to the fire  
25 protection fund.

26 (b) Any amount collected after crediting the amount under  
27 subdivision (a) shall be credited to the general fund.

House Bill No. 5414 as amended May 21, 2014

1           (10) The collection of assessments under this section is  
2 subject to section 304.

3           (11) A DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED UNDER  
4 THIS SECTION AFTER SEPTEMBER 30, 2017. HOWEVER, IF A DRIVER  
5 RESPONSIBILITY FEE IS ASSESSED UNDER THIS SECTION ON OR BEFORE  
6 SEPTEMBER 30, 2017, IT SHALL BE COLLECTED AS PROVIDED IN THIS  
7 SECTION.

          [[12) IT IS THE INTENT OF THE LEGISLATURE THAT BEGINNING WITH THE  
FISCAL YEAR ENDING SEPTEMBER 30, 2018, AND EACH FISCAL YEAR AFTER THAT,  
\$8,500,000.00 SHALL BE APPROPRIATED TO THE FIRE PROTECTION FUND CREATED  
UNDER SUBSECTION (8).]