

SENATE BILL No. 633

October 22, 2013, Introduced by Senators CASWELL, JONES, MEEKHOF, BOOHER, HANSEN, COLBECK, ANANICH and NOFS 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 2012 PA 203,
and by adding section 732b.

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

1 an 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 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).

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:

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

1 (ii) Section ~~626 or, beginning October 31, 2010, section~~
2 626(2).

3 (iii) Section 904.

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

6 (c) Through September 30, 2012, upon posting an abstract
7 indicating that an individual has been found guilty for a violation
8 of section 301, the secretary of state shall assess a \$150.00
9 driver responsibility fee each year for 2 consecutive years.

10 However, a driver responsibility fee shall not be assessed under
11 this subdivision for a violation committed on or after October 1,
12 2012.

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

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

1 (4) The secretary of state may authorize payment by
2 installment for a period not to exceed 24 months **OR, ALTERNATIVELY,**
3 **THE INDIVIDUAL MAY ENGAGE IN COMMUNITY SERVICE UNDER SECTION 732B.**

4 (5) Except as otherwise provided under this subsection **AND**
5 **SECTION 732B,** if payment is not received or an installment plan is
6 not established after the time limit required by the second notice
7 prescribed under subsection (3) expires, the secretary of state
8 shall suspend the driving privileges until the assessment and any
9 other fees prescribed under this act are paid. However, if the
10 individual's license to operate a motor vehicle is not otherwise
11 required under this act to be denied, suspended, or revoked, the
12 secretary of state shall reinstate the individual's operator's
13 driving privileges if the individual requests an installment plan
14 under 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 **OR THE**
21 **INDIVIDUAL ENTERS INTO COMMUNITY SERVICE UNDER SECTION 732B BUT**
22 **FAILS TO SUCCESSFULLY COMPLETE THAT SERVICE WITHIN THE 45-DAY**
23 **PERIOD ALLOWED,** the secretary of state shall suspend the
24 individual's driving privileges. The secretary of state shall only
25 reinstate a license under this subsection once. Not later than
26 April 1, 2013, the secretary of state shall only reinstate a
27 license under this subsection 3 times.

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

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

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

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

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

1 (B) AFTER THE AMOUNT SPECIFIED IN SUBDIVISION (A) IS CREDITED
2 TO THE FIRE PROTECTION FUND, THE NEXT \$1,500,000.00 SHALL BE
3 CREDITED AS FOLLOWS:

4 (i) \$500,000.00 TO THE DEPARTMENT OF TREASURY FOR ADMINISTERING
5 THE REQUIREMENTS OF THE DEPARTMENT OF TREASURY UNDER SECTION 732B.

6 (ii) \$1,000,000.00 TO THE DEPARTMENT OF STATE FOR ADMINISTERING
7 ANY IGNITION INTERLOCK PROGRAM ADMINISTERED BY THE DEPARTMENT OF
8 STATE.

9 (C) ~~(b)~~ Any amount collected after crediting the amount
10 AMOUNTS under ~~subdivision~~ SUBDIVISIONS (a) AND (B) shall be
11 credited to the general fund.

12 (10) The collection of assessments under this section is
13 subject to section 304.

14 SEC. 732B. (1) IF AN INDIVIDUAL WAS ASSESSED A DRIVER
15 RESPONSIBILITY FEE UNDER SECTION 732A(1) OR (2)(C) OR (D) BEFORE
16 OCTOBER 1, 2012, THE INDIVIDUAL MAY ENGAGE IN 10 HOURS OF COMMUNITY
17 SERVICE AS AN ALTERNATIVE TO PAYING THAT FEE OR ANY UNPAID PORTION
18 OF THAT FEE. COMMUNITY SERVICE UNDER THIS SUBSECTION SHALL BE
19 COMPLETED WITHIN 45 DAYS AFTER THE APPLICATION TO ENGAGE IN
20 COMMUNITY SERVICE IS FILED WITH THE DEPARTMENT OF TREASURY UNDER
21 SUBSECTION (3).

22 (2) AN INDIVIDUAL MAY ENGAGE IN COMMUNITY SERVICE UNDER
23 SUBSECTION (1) BY OBTAINING A COMMUNITY SERVICE FORM FROM THE
24 SECRETARY OF STATE OR THE DEPARTMENT OF TREASURY. THE SECRETARY OF
25 STATE SHALL MAKE COMMUNITY SERVICE FORMS AVAILABLE TO THE PUBLIC AT
26 ALL BRANCH OFFICES AND ON THE DEPARTMENT'S WEBSITE FOR PURPOSES OF
27 THIS SECTION, AND SHALL PROVIDE COMMUNITY SERVICE FORMS TO THE

1 DEPARTMENT OF TREASURY FOR PURPOSES OF THIS SECTION.

2 (3) IF AN INDIVIDUAL CHOOSES TO ENGAGE IN COMMUNITY SERVICE
3 UNDER THIS SECTION, THE INDIVIDUAL SHALL COMPLETE THE COMMUNITY
4 SERVICE FORM OBTAINED UNDER SUBSECTION (2) AND RETURN THE FORM TO
5 THE DEPARTMENT OF TREASURY IN THE MANNER PRESCRIBED BY THE
6 DEPARTMENT OF TREASURY BY DECEMBER 31, 2015. UPON RECEIVING A
7 PROPERLY COMPLETED COMMUNITY SERVICE FORM UNDER THIS SUBSECTION,
8 THE DEPARTMENT OF TREASURY SHALL INFORM THE DEPARTMENT OF STATE
9 THAT THE INDIVIDUAL INTENDS TO COMPLETE COMMUNITY SERVICE UNDER
10 THIS SECTION AS AN ALTERNATIVE TO PAYING A DRIVER RESPONSIBILITY
11 FEE OR ANY PORTION OF A DRIVER RESPONSIBILITY FEE. IF THE SECRETARY
12 OF STATE IS NOTIFIED BY THE DEPARTMENT OF TREASURY THAT THE
13 INDIVIDUAL HAS ELECTED TO COMPLETE COMMUNITY SERVICE UNDER THIS
14 SECTION AS AN ALTERNATIVE TO PAYING THE FEE, THAT FEE SHALL BE HELD
15 IN ABEYANCE FOR A PERIOD OF 45 DAYS. IF THE INDIVIDUAL'S LICENSE IS
16 SUSPENDED FOR FAILING TO PAY THE DRIVER RESPONSIBILITY FEE OR
17 PORTION OF THE DRIVER RESPONSIBILITY FEE, THE DEPARTMENT OF STATE
18 SHALL, UPON PAYMENT OF THE REINSTATEMENT FEE, REINSTATE THE
19 INDIVIDUAL'S DRIVER LICENSE.

20 (4) AN INDIVIDUAL WHO ENGAGES IN COMMUNITY SERVICE UNDER THIS
21 SECTION SHALL BE ALLOWED ONLY 1 OPPORTUNITY TO COMPLETE THE
22 COMMUNITY SERVICE ALTERNATIVE FOR EACH DRIVER RESPONSIBILITY FEE
23 OWED. HOWEVER, THE SECRETARY OF STATE MAY ALLOW AN INDIVIDUAL TO
24 WITHDRAW FROM THAT COMMUNITY SERVICE BEFORE THE EXPIRATION OF THE
25 45-DAY PERIOD FOR COMPLETING THAT COMMUNITY SERVICE FOR GOOD CAUSE
26 SHOWN. IF THE INDIVIDUAL IS ALLOWED TO WITHDRAW FROM COMMUNITY
27 SERVICE FOR GOOD CAUSE SHOWN, THAT OPPORTUNITY FOR COMPLETING

1 COMMUNITY SERVICE SHALL NOT BE CONSIDERED IN THE NUMBER OF
2 OPPORTUNITIES TO PERFORM COMMUNITY SERVICE SET FORTH IN THIS
3 SUBSECTION.

4 (5) UPON COMPLETING COMMUNITY SERVICE UNDER THIS SECTION, THE
5 INDIVIDUAL MAY REQUEST THE PERSON WITH WHOM HE OR SHE ENGAGED IN
6 COMMUNITY SERVICE UNDER THIS SECTION TO VERIFY ON THE COMMUNITY
7 SERVICE FORM IN THE MANNER DESIGNATED BY THE SECRETARY OF STATE
8 THAT HE OR SHE SUCCESSFULLY COMPLETED THAT COMMUNITY SERVICE. UPON
9 VERIFICATION, THE INDIVIDUAL MAY RETURN THE COMMUNITY SERVICE FORM
10 TO THE DEPARTMENT OF TREASURY FOR PURPOSES OF THIS SECTION. ANY
11 PERSON WHO FALSELY VERIFIES COMMUNITY SERVICE UNDER THIS SUBSECTION
12 AND ANY INDIVIDUAL WHO FALSELY REQUESTS THE VERIFICATION OF
13 COMMUNITY SERVICE UNDER THIS SECTION OR WHO RETURNS A COMMUNITY
14 SERVICE FORM TO THE DEPARTMENT OF TREASURY UNDER THIS SUBSECTION
15 KNOWING THAT HIS OR HER COMMUNITY SERVICE IS FALSELY VERIFIED IS
16 RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE
17 THAN \$200.00.

18 (6) THE DEPARTMENT OF TREASURY SHALL WAIVE THE DRIVER
19 RESPONSIBILITY FEE OR ANY PORTION OF THE DRIVER RESPONSIBILITY FEE
20 OTHERWISE REQUIRED TO BE PAID UNDER SECTION 732A(1) OR (2)(C) OR
21 (D) UPON RECEIVING VERIFICATION THAT THE INDIVIDUAL SUCCESSFULLY
22 COMPLETED THE COMMUNITY SERVICE REQUIREMENTS OF THIS SECTION. THE
23 DEPARTMENT OF TREASURY SHALL NOTIFY THE DEPARTMENT OF STATE WHEN IT
24 HAS WAIVED THE FEE UNDER THIS SECTION OR, IF THE FEE IS NOT WAIVED
25 UNDER THIS SECTION, THAT THE 45-DAY PERIOD HAS EXPIRED AND THE FEE
26 HAS NOT BEEN WAIVED. IF THE SECRETARY OF STATE IS NOTIFIED BY THE
27 DEPARTMENT OF TREASURY THAT THE FEE HAS NOT BEEN WAIVED, THE

1 DEPARTMENT OF STATE SHALL ENTER THAT INFORMATION INTO THE RECORDS
2 OF THE DEPARTMENT AND SHALL SUSPEND THE INDIVIDUAL'S DRIVER LICENSE
3 AND PROCEED AS PROVIDED BY LAW FOR THE INDIVIDUAL'S FAILURE TO PAY
4 OR TO COMPLETE COMMUNITY SERVICE UNDER THIS SECTION.

5 (7) AS USED IN THIS SECTION, "COMMUNITY SERVICE" MEANS
6 ENGAGING IN A USEFUL AND PRODUCTIVE ACTIVITY WITHOUT COMPENSATION
7 FOR A PERSON OTHER THAN A FAMILY MEMBER INCLUDING, BUT NOT LIMITED
8 TO, AN ENTITY ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL
9 REVENUE CODE, 26 USC 501 AND COMMUNITY SERVICE OFFERED THROUGH THE
10 MICHIGAN COMMUNITY SERVICE COMMISSION.