

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5043

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 732a (MCL 257.732a), as amended by 2016 PA 32.

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. This subsection
2 is subject to subsection ~~(11)~~ (10).

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) Subject to subsection ~~(11)~~ (10), upon posting an abstract
8 indicating that an individual has been found guilty for a violation
9 of law listed or described in this subdivision, the secretary of
10 state shall assess a \$1,000.00 driver responsibility fee each year
11 for 2 consecutive years:

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

14 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
15 (4), or 653a(3) or (4).

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

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

24 (v) Fleeing or eluding an officer.

25 (b) Subject to subsection ~~(11)~~ (10), upon posting an abstract
26 indicating that an individual has been found guilty for a violation
27 of law listed in this subdivision, the secretary of state shall

1 assess a \$500.00 driver responsibility fee each year for 2
2 consecutive years:

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

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

6 (iii) Section 904.

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

9 ~~—— (c) Through September 30, 2012, upon posting an abstract~~
10 ~~indicating that an individual has been found guilty for a violation~~
11 ~~of section 301, the secretary of state shall assess a \$150.00~~
12 ~~driver responsibility fee each year for 2 consecutive years.~~
13 ~~However, a driver responsibility fee shall not be assessed under~~
14 ~~this subdivision for a violation committed on or after October 1,~~
15 ~~2012.~~

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

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

1 shall send a second notice that indicates that if payment is not
2 received within the next 30 days, the driver's driving privileges
3 will be suspended.

4 (4) The secretary of state may authorize payment by
5 installment for a period not to exceed 24 months or, alternatively,
6 the individual may engage in community service under section 732b.

7 **ALL OF THE FOLLOWING APPLY TO AN INDIVIDUAL WHO, ON OR BEFORE**
8 **FEBRUARY 1, 2018, HAS ENTERED INTO AN INSTALLMENT PAYMENT PLAN AS**
9 **PROVIDED IN THIS SUBSECTION:**

10 (A) ANY OUTSTANDING DRIVER RESPONSIBILITY FEE ASSESSED UNDER
11 THIS SECTION OR OUTSTANDING INSTALLMENT PAYMENT SHALL NOT BE
12 COLLECTED.

13 (B) AN INDIVIDUAL IS NOT LIABLE FOR ANY OUTSTANDING DRIVER
14 RESPONSIBILITY FEE ASSESSED UNDER THIS SECTION.

15 (C) AN INDIVIDUAL WHOSE DRIVING PRIVILEGES WERE SUSPENDED
16 UNDER THIS SECTION IS ELIGIBLE TO REINSTATE HIS OR HER OPERATOR'S
17 LICENSE IF HE OR SHE IS OTHERWISE IN COMPLIANCE WITH THIS ACT.

18 (5) Except as otherwise provided under this subsection and
19 section 732b, if payment is not received or an installment plan is
20 not established after the time limit required by the second notice
21 prescribed under subsection (3) expires, the secretary of state
22 shall suspend the driving privileges until the assessment and any
23 other fees prescribed under this act are paid. However, if the
24 individual's license to operate a motor vehicle is not otherwise
25 required under this act to be denied, suspended, or revoked, the
26 secretary of state shall reinstate the individual's operator's
27 driving privileges if the individual requests an installment plan

1 under subsection (4) and makes proper payment under that plan. Fees
2 required to be paid for the reinstatement of an individual's
3 operator's driving privileges as described under this subsection
4 shall, at the individual's request, be included in the amount to be
5 paid under the installment plan. If the individual establishes a
6 payment plan as described in this subsection and subsection (4) but
7 the individual fails to make full or timely payments under that
8 plan, or enters into community service under section 732b but fails
9 to successfully complete that service within the 45-day period
10 allowed, or withdraws from community service with or without good
11 cause shown, the secretary of state shall suspend the individual's
12 driving privileges. The secretary of state shall only reinstate a
13 license under this subsection once. ~~Not later than April 1, 2013,~~
14 ~~the secretary of state shall only reinstate a license under this~~
15 ~~subsection 3 times.~~

16 ~~—— (6) A fee shall not be assessed under this section for 7~~
17 ~~points or more on a driving record on October 1, 2003. Points~~
18 ~~assigned after October 1, 2003 shall be assessed as prescribed~~
19 ~~under subsections (1) and (2), but subject to subsection (11).~~

20 (6) ~~(7)~~ A driver responsibility fee shall be assessed under
21 this section in the same manner for a conviction or determination
22 of responsibility for a violation or an attempted violation of a
23 law of this state, of a local ordinance substantially corresponding
24 to a law of this state, or of a law of another state substantially
25 corresponding to a law of this state.

26 (7) ~~(8)~~ The fire protection fund is created within the state
27 treasury. The state treasurer may receive money or other assets

1 from any source for deposit into the fund. The state treasurer
2 shall direct the investment of the fund. The state treasurer shall
3 credit to the fund interest and earnings from fund investments.
4 Money in the fund at the close of the fiscal year shall remain in
5 the fund and shall not lapse to the general fund. The department of
6 licensing and regulatory affairs shall expend money from the fund,
7 upon appropriation, only for fire protection grants to cities,
8 villages, and townships with state-owned facilities for fire
9 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

14 (a) The first \$8,500,000.00 shall be credited to the fire
15 protection fund created in subsection ~~(8)~~-(7).

16 (b) For fiscal year 2015, after the amount specified in
17 subdivision (a) is credited to the fire protection fund created
18 under subsection ~~(8)~~-(7), the next \$1,550,000.00 shall be credited
19 as follows:

20 (i) \$550,000.00 to the department of treasury, distributed as
21 follows:

22 (A) \$500,000.00 for administering the requirements of the
23 department of treasury under section 732b.

24 (B) \$50,000.00 for providing a 1-time-only written notice to
25 individuals under section 732b(2) of the option of entering into
26 community service as an alternative to paying a driver
27 responsibility fee.

1 (ii) \$1,000,000.00 to the department of state for necessary
2 expenses incurred by the department of state in implementing and
3 administering the requirements of sections 625k and 625q. ~~of the~~
4 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~
5 Funds appropriated under this subparagraph shall be based upon an
6 established cost allocation methodology that reflects the actual
7 costs incurred or to be incurred by the secretary of state during
8 the fiscal year. However, funds appropriated under this
9 subparagraph shall not exceed \$1,000,000.00 during that fiscal
10 year.

11 (c) For fiscal year 2016, after the amount specified in
12 subdivision (a) is credited to the fire protection fund created
13 under subsection ~~(8)~~, ~~(7)~~, the next \$1,500,000.00 shall be credited
14 as follows:

15 (i) \$500,000.00 to the department of treasury for
16 administering the requirements of the department of treasury under
17 section 732b.

18 (ii) \$1,000,000.00 to the department of state for necessary
19 expenses incurred by the department of state in implementing and
20 administering the requirements of sections 625k and 625q. ~~of the~~
21 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~
22 Funds appropriated under this subparagraph shall be based upon an
23 established cost allocation methodology that reflects the actual
24 costs incurred or to be incurred by the secretary of state during
25 the fiscal year. However, funds appropriated under this
26 subparagraph shall not exceed \$1,000,000.00 during that fiscal
27 year.

(d) For fiscal year 2017 and for each fiscal year thereafter, after the amount specified in subdivision (a) is credited to the fire protection fund created under subsection ~~(8)~~, **(7)**, the next \$1,000,000.00 shall be credited to the department of state for necessary expenses incurred by the department of state in implementing and administering the requirements of sections 625k and 625q. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~ Funds appropriated under this subdivision shall be based upon an established cost allocation methodology that reflects the actual costs incurred or to be incurred by the secretary of state during the fiscal year. However, funds appropriated under this subdivision shall not exceed \$1,000,000.00 during any fiscal year.

(e) Any amount collected after crediting the amounts under subdivisions (a) through (d) shall be credited to the general fund.

(9) ~~(10)~~ The collection of assessments under this section is subject to section 304.

(10) ~~(11)~~ **A SUBJECT TO SUBSECTION (4), A** driver responsibility fee shall be assessed and collected under this section as follows:

(a) For an individual who accumulates 7 or more points on his or her driving record beginning on the following dates, a fee assessed under subsection (1) shall be reduced as follows:

(i) Beginning October 1, 2015, the assessment shall be 75% of the fee calculated under subsection (1).

(ii) Beginning October 1, 2016, the assessment shall be 50% of the fee calculated under subsection (1).

(iii) Beginning October 1, 2018, the assessment shall be 25%

1 of the fee calculated under subsection (1).

2 (iv) Beginning October 1, 2019, no fee shall be assessed under
3 subsection (1).

4 (b) A fee assessed under subsection (2)(a) or (b) shall be
5 reduced as follows:

6 (i) For a violation that occurs on or after October 1, 2015,
7 100% of the fee shall be assessed for the first year and 50% for
8 the second year.

9 (ii) For a violation that occurs on or after October 1, 2016,
10 100% of the fee shall be assessed for the first year and no fee
11 shall be assessed for the second year.

12 (iii) For a violation that occurs on or after October 1, 2018,
13 50% of the fee shall be assessed for the first year and no fee
14 shall be assessed for the second year.

15 (iv) For a violation that occurs on or after October 1, 2019,
16 no fee shall be assessed under subsection (2)(a) or (b).

17 (11) ~~(12)~~—It is the intent of the legislature that beginning
18 with the fiscal year ending September 30, 2018, and each fiscal
19 year after that, \$8,500,000.00 shall be appropriated to the fire
20 protection fund created under subsection ~~(8)~~ **(7)**.