

Act No. 50  
Public Acts of 2018  
Approved by the Governor  
March 1, 2018  
Filed with the Secretary of State  
March 1, 2018  
EFFECTIVE DATE: March 31, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Rep. Rendon

# **ENROLLED HOUSE BILL No. 5079**

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 732a, 732b, and 904 (MCL 257.732a, 257.732b, and 257.904), section 732a as amended by 2016 PA 32, section 732b as added by 2014 PA 283, and section 904 as amended by 2015 PA 11.

*The People of the State of Michigan enact:*

Sec. 732a. (1) Subject to subsection (10), an individual, whether licensed or not, who accumulates 7 or more points on his or her driving record under sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a \$100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of \$50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more. This subsection is subject to subsection (11).

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

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

- (i) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.
- (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or (4), or 653a(3) or (4).

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

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

(v) Fleeing or eluding an officer.

(b) Subject to subsections (10) and (11), upon posting an abstract indicating that an individual has been found guilty for a violation of law listed in this subdivision, 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(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) Through September 30, 2012, 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. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

(d) Through September 30, 2012, 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. However, a driver responsibility fee shall not be assessed under this subdivision for a violation committed on or after October 1, 2012.

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

(4) The secretary of state may authorize payment by installment for a period not to exceed 24 months or, alternatively, the individual may engage in workforce training under section 732b. All of the following apply to an individual who, on or before February 1, 2018, has entered into an installment payment plan as provided in this subsection:

(a) Any outstanding driver responsibility fee assessed under this section or outstanding installment payment shall not be collected.

(b) An individual is not liable for any outstanding driver responsibility fee assessed under this section.

(c) An individual whose driving privileges were suspended under this section is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act.

(5) Except as otherwise provided under this subsection and section 732b, if payment is not received or an installment plan is not established 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 the individual fails to make full or timely payments under that plan, or enters into workforce training under section 732b but fails to successfully complete that service within the 45-day period allowed, or withdraws from workforce training with or without good cause shown, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once.

(6) 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.

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

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

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

(b) 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 (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, and, for fiscal year 2018 only, the next \$250,000.00 shall be credited to the department of treasury to implement and administer the program created in section 732d. 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, except as otherwise provided in this subdivision, funds appropriated under this subdivision shall not exceed \$1,000,000.00 during any fiscal year. Funds appropriated under this subdivision shall not exceed \$1,250,000.00 during fiscal year 2018.

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

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

(10) Subject to subsections (4) and (11), 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, no fee shall be assessed under subsection (1).

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

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

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

(iii) Beginning October 1, 2018, no fee shall be assessed under subsection (2)(a) or (b).

(c) Beginning on the effective date of the amendatory act that added this subdivision, no fee shall be assessed under subsection (2)(b)(iii) or (iv).

(11) Beginning September 30, 2018, all of the following apply:

(a) Any outstanding driver responsibility fee assessed under this section shall not be collected.

(b) An individual is not liable for any outstanding driver responsibility fee assessed under this section or responsible for completing workforce training under section 732b.

(c) An individual whose driving privileges were suspended under this section or an individual whose driving privileges were suspended under section 904(10), if that suspension arose out of the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while his or her driving privileges were suspended under this section, is eligible to reinstate his or her operator's license if he or she is otherwise in compliance with this act.

(12) Beginning on the effective date of the amendatory act that added this subsection and ending December 31, 2018, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license without payment of a fee to the secretary of state for the reinstatement. Beginning January 1, 2019, an individual whose driving privileges were suspended under this section may reinstate his or her operator's license upon payment of any fee required by the secretary of state for the reinstatement.

(13) 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 (7).

Sec. 732b. (1) If an individual was assessed a driver responsibility fee under section 732a(2)(b)(iii) or (iv), (c), or (d), the individual may engage in 10 hours of participation in a workforce training payment program created under section 732c as an alternative to paying that fee or any unpaid portion of that fee.

(2) An individual may engage in workforce training under subsection (1) by obtaining a workforce training form from the secretary of state or the department of treasury. The department of treasury shall mail to each individual who is required to pay a driver responsibility fee under section 732a(2)(b)(iii) or (iv), (c), or (d) a 1-time-only written notice of the option of completing workforce training as an alternative to paying that driver responsibility fee. The notice shall include a statement that workforce training forms for that purpose can be obtained from the department of state or from the department of treasury. The notice shall be sent to the last known address of the individual as shown in the records of the department of treasury. The secretary of state shall make workforce training forms available to the public at all branch offices and on the department's website for purposes of this section and shall provide workforce training forms to the department of treasury for purposes of this section.

(3) If an individual chooses to engage in workforce training under this section, the individual shall complete the workforce training form obtained under subsection (2) and return the form to the department of treasury in the manner prescribed by the department of treasury. Upon receiving a properly completed workforce training form under this subsection, the department of treasury shall inform the department of state that the individual intends to complete workforce training under this section as an alternative to paying a driver responsibility fee or any portion of a driver responsibility fee. If the secretary of state is notified by the department of treasury that the individual has elected to complete workforce training under this section as an alternative to paying the fee, that fee shall be held in abeyance for a period of 45 days. If the individual's license is suspended for failing to pay the driver responsibility fee or portion of the driver responsibility fee, the department of state shall, upon payment of the reinstatement fee, reinstate the individual's driver license.

(4) An individual who engages in workforce training under this section shall be allowed only 1 opportunity to complete the workforce training alternative for each driver responsibility fee owed. However, the department of treasury may allow an individual to withdraw from that workforce training before the expiration of the 45-day period for completing that workforce training for good cause shown. If the individual is allowed to withdraw from workforce training for good cause shown, that opportunity for completing workforce training shall not be considered in the number of opportunities to perform workforce training under this subsection, but the individual is subject to the suspension of his or her driving privileges under section 732a(5).

(5) Upon completing workforce training under this section, the individual may request the person with whom he or she engaged in workforce training under this section to verify on the workforce training form in the manner designated by the secretary of state that he or she successfully completed that workforce training. Upon verification, the individual may return the workforce training form to the department of treasury for purposes of this section. Any person who falsely verifies workforce training under this subsection and any individual who falsely requests the verification of workforce training under this section or who returns a community service form to the department of treasury under this subsection knowing that his or her workforce training is falsely verified is responsible for a state civil infraction and may be fined not more than \$200.00.

(6) The department of treasury shall waive the driver responsibility fee or any portion of the driver responsibility fee otherwise required to be paid under section 732a(2)(b)(iii) or (iv), (c), or (d) upon receiving verification that the individual successfully completed the workforce training requirements of this section. The department of treasury shall notify the department of state when it has waived the fee under this section or, if the fee is not waived under this section, that the 45-day period has expired and the fee has not been waived. If the secretary of state is notified by the department of treasury that the fee has not been waived, the department of state shall enter that information into the records of the department and shall suspend the individual's driver license and proceed as provided by law for the individual's failure to pay the driver responsibility fee or to complete workforce training under this section.

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for

not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment under section 321a.

(6) In addition to being subject to any other penalty provided for in this act, if a person is convicted under subsection (4) or (5), the court may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(7) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state, by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never been licensed except as permitted by this act. If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a body function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(8) If the prosecuting attorney intends to seek an enhanced sentence under this section based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(9) A prior conviction under this section shall be established at or before sentencing by 1 or more of the following:

- (a) A copy of a judgment of conviction.
- (b) An abstract of conviction.
- (c) A transcript of a prior trial, plea, or sentencing.
- (d) A copy of a court register of action.
- (e) A copy of the defendant's driving record.
- (f) Information contained in a presentence report.
- (g) An admission by the defendant.

(10) Subject to section 732a(11)(c), upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(11) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is indefinitely suspended or whose application for a license has been denied, the secretary of state immediately shall impose a 30-day period of suspension or denial.

(12) Upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended or revoked under section 319b, or while the person is disqualified from operating a commercial motor vehicle by the United States Secretary of Transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

(13) If the secretary of state receives records of more than 1 conviction or civil infraction determination resulting from the same incident, all of the convictions or civil infraction determinations shall be treated as a single violation for purposes of imposing an additional period of suspension or revocation under subsection (10), (11), or (12).

(14) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

(15) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor



punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than \$100.00, or both.

(17) If a person has a second or subsequent suspension or revocation under this section within 7 years as indicated on the person's Michigan driving record, the court shall proceed as provided in section 904d.

(18) Any period of suspension or revocation required under subsection (10), (11), or (12) does not apply to a person who has only 1 currently effective suspension or denial on his or her Michigan driving record under section 321a and was convicted of or received a civil infraction determination for a violation that occurred during that suspension or denial. This subsection may only be applied once during the person's lifetime.

(19) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

Enacting section 1. This amendatory act takes effect 30 days after the date it is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor