

HOUSE BILL No. 4098

January 22, 2009, Introduced by Rep. Bettie Scott 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 2008 PA 463.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 732a. (1) ~~An~~**UNTIL DECEMBER 31, 2009, AN** individual,
 2 whether licensed or not, who accumulates 7 or more points on his or
 3 her driving record pursuant to sections 320a and 629c within a 2-
 4 year period for any violation not listed under subsection (2) shall
 5 be assessed a \$100.00 driver responsibility fee. ~~For~~**UNTIL DECEMBER**
 6 **31, 2009, FOR** each additional point accumulated above 7 points not
 7 listed under subsection (2), an additional fee of \$50.00 shall be
 8 assessed. The secretary of state shall collect the fees described
 9 in this subsection ~~once each year that the point total on an~~

1 ~~individual driving record is 7 points or more~~ **UNTIL DECEMBER 31,**
2 **2009.**

3 (2) ~~An~~ **UNTIL DECEMBER 31, 2009, AN** individual, whether
4 licensed or not, who violates any of the following sections or
5 another law or local ordinance that substantially corresponds to
6 those sections shall be assessed a driver responsibility fee as
7 follows:

8 (a) Upon posting an abstract indicating that an individual has
9 been found guilty for a violation of law listed or described in
10 this subdivision, the secretary of state shall assess a \$1,000.00
11 driver responsibility fee: ~~each year 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) ~~Upon~~ **UNTIL DECEMBER 31, 2009, 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(2).

5 (iii) Section 904.

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

8 (c) ~~Upon~~ **UNTIL DECEMBER 31, 2009, UPON** posting an abstract
9 indicating that an individual has been found guilty for a violation
10 of section 301, the secretary of state shall assess a \$150.00
11 driver responsibility fee. ~~each year for 2 consecutive years.~~

12 (d) ~~Upon~~ **UNTIL DECEMBER 31, 2009, UPON** posting an abstract
13 indicating that an individual has been found guilty or determined
14 responsible for a violation listed in section 328, the secretary of
15 state shall assess a \$200.00 driver responsibility fee. ~~each year~~
16 ~~for 2 consecutive years.~~

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

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

27 (5) Except as otherwise provided under this subsection, if

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

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

24 **(7) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS**
25 **SECTION, IF AN INDIVIDUAL OWES A DRIVER RESPONSIBILITY FEE UNDER**
26 **THIS SECTION ON THE DATE THE AMENDATORY ACT THAT ADDED THIS**
27 **SUBSECTION IS ENACTED INTO LAW, AND THE INDIVIDUAL PAYS 50% OR MORE**

1 OF THE TOTAL AMOUNT OWED BY JANUARY 1, 2010, THE REMAINING BALANCE
2 OF THE FEE IS WAIVED. IF AN INDIVIDUAL PAYS MORE THAN 50% OF THE
3 TOTAL BALANCE OWED BY JANUARY 1, 2010, THE SECRETARY OF STATE SHALL
4 PROMPTLY RETURN TO THE INDIVIDUAL THE AMOUNT PAID THAT EXCEEDS 50%
5 OF THE TOTAL BALANCE OWED.

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

12 (9) ~~(8)~~—The fire protection fund is created within the state
13 treasury. The state treasurer may receive money or other assets
14 from any source for deposit into the fund. The state treasurer
15 shall direct the investment of the fund. The state treasurer shall
16 credit to the fund interest and earnings from fund investments.
17 Money in the fund at the close of the fiscal year shall remain in
18 the fund and shall not lapse to the general fund. The department of
19 energy, labor, and economic growth shall expend money from the
20 fund, upon appropriation, only for fire protection grants to
21 cities, villages, and townships with state owned facilities for
22 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

23 (10) ~~(9)~~—The secretary of state shall transmit the fees
24 collected under this section to the state treasurer. The state
25 treasurer shall credit fee money received under this section in
26 each fiscal year as follows:

27 (a) The first \$65,000,000.00 shall be credited to the general

1 fund.

2 (b) If more than \$65,000,000.00 is collected under this
3 section, the next amount collected in excess of \$65,000,000.00 up
4 to \$68,500,000.00 shall be credited to the fire protection fund
5 created in this section.

6 (c) If more than \$100,000,000.00 is collected under this
7 section, the next amount collected in excess of \$100,000,000.00 up
8 to \$105,000,000.00 shall be credited to the fire protection fund
9 created in this section.

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