

# HOUSE BILL No. 5885

March 12, 2008, Introduced by Reps. Gaffney and Hune 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 2004 PA 52.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 732a. (1) An individual **LESS THAN 62 YEARS OF AGE**,  
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 each  
6       additional point accumulated above 7 points not listed under  
7       subsection (2), an additional fee of \$50.00 shall be assessed. The  
8       secretary of state shall collect the fees described in this  
9       subsection once each year that the point total on an individual

1 driving record is 7 points or more.

2 (2) An individual **LESS THAN 62 YEARS OF AGE**, whether licensed  
3 or not, who violates any of the following sections or another law  
4 or local ordinance that substantially corresponds to those sections  
5 shall be assessed a driver responsibility fee as follows:

6 (a) Upon posting of an abstract that an individual has been  
7 found guilty for a violation of law listed or described in this  
8 subdivision, the secretary of state shall assess a \$1,000.00 driver  
9 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), or 653a(3) or (4).

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

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

21 (v) Fleeing or eluding an officer.

22 (b) Upon posting of an abstract that an individual **LESS THAN**  
23 **62 YEARS OF AGE** has been found guilty for a violation of law listed  
24 in this subdivision, the secretary of state shall assess a \$500.00  
25 driver responsibility fee each year for 2 consecutive years:

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

27 (ii) Section 626.

1 (iii) Section 904.

2 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
3 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

4 (c) Upon posting of an abstract that an individual **LESS THAN**  
5 **62 YEARS OF AGE** has been found guilty for a violation of section  
6 301, the secretary of state shall assess a \$150.00 driver  
7 responsibility fee each year for 2 consecutive years.

8 (d) Subject to subsection (8), upon posting of an abstract  
9 that an individual **LESS THAN 62 YEARS OF AGE** has been found guilty  
10 or determined responsible for a violation listed in section 328,  
11 the secretary of state shall assess a \$200.00 driver responsibility  
12 fee each year for 2 consecutive years.

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

21 (4) The secretary of state may authorize payment by  
22 installment for an amount of \$500.00 or more for a period not to  
23 exceed 12 months.

24 (5) If payment is not received or an installment plan is not  
25 established after the time limit required by the second notice  
26 prescribed under subsection (3) expires, the secretary of state  
27 shall suspend the driving privileges until the assessment and any

1 other fees prescribed under this act are paid.

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

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

12 ~~—— (8) Not more than 60 days after the effective date of the~~  
13 ~~amendatory act that added this subsection, if an individual who was~~  
14 ~~issued a citation for a violation of section 328(1) for failing to~~  
15 ~~produce a certificate of insurance from October 1, 2003 until the~~  
16 ~~date the amendatory act that added this subsection takes effect~~  
17 ~~presents a certificate of insurance that was in effect at the time~~  
18 ~~the individual was issued the citation to the court that forwarded~~  
19 ~~the abstract, the court shall rescind the abstract. After the court~~  
20 ~~rescinds the abstract as described in this subsection, the court~~  
21 ~~shall notify the secretary of state, which shall refund, waive, or~~  
22 ~~both refund and waive the driver responsibility fee corresponding~~  
23 ~~to the violation, as appropriate.~~

24 (8) ~~(9)~~ The fire protection fund is created within the state  
25 treasury. The state treasurer may receive money or other assets  
26 from any source for deposit into the fund. The state treasurer  
27 shall direct the investment of the fund. The state treasurer shall

1 credit to the fund interest and earnings from fund investments.  
2 Money in the fund at the close of the fiscal year shall remain in  
3 the fund and shall not lapse to the general fund. The department of  
4 consumer and industry services shall expend money from the fund,  
5 upon appropriation, only for fire protection grants to cities,  
6 villages, and townships with state owned facilities for fire  
7 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

12 (a) The first \$65,000,000.00 shall be credited to the general  
13 fund.

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

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

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

25 (10) ~~(11)~~—For fiscal year 2003-2004, \$3,500,000.00 is  
26 appropriated from the fire protection fund described in subsection  
27 ~~(9)~~—(8) to the department of consumer and industry services for the

1 purposes described under subsection ~~(9)~~(8).