

SENATE BILL No. 697

August 30, 2007, Introduced by Senators GARCIA, GLEASON, HUNTER, SCHAUER and JANSEN 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, whether licensed or not, who
2 accumulates 7 or more points on his or her driving record pursuant
3 to sections 320a and 629c within a 2-year period for any violation
4 not 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
9 an individual driving record is 7 points or more.

10 (2) An individual, whether licensed or not, who violates any
11 of the following sections or another law or local ordinance that

1 substantially corresponds to those sections shall be assessed a
2 driver responsibility fee as follows:

3 (a) Upon posting of an abstract that an individual has been
4 found guilty for a violation of law listed or described in this
5 subdivision, the secretary of state shall assess a \$1,000.00 driver
6 responsibility fee each year for 2 consecutive years:

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

9 (ii) Section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).

10 (iii) Section 625(1), (4), or (5), section 625m, or section
11 81134 of the natural resources and environmental protection act,
12 1994 PA 451, MCL 324.81134, or a law or ordinance substantially
13 corresponding to section 625(1), (4), or (5), section 625m, or
14 section 81134 of the natural resources and environmental protection
15 act, 1994 PA 451, MCL 324.81134.

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

18 (v) Fleeing or eluding an officer.

19 (b) Upon posting of an abstract that an individual has been
20 found guilty for a violation of law listed in this subdivision, the
21 secretary of state shall assess a \$500.00 driver responsibility fee
22 each year for 2 consecutive years:

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

24 (ii) Section 626.

25 (iii) Section 904.

26 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
27 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

1 (c) Upon posting of an abstract that an individual has been
2 found guilty for a violation of section 301, the secretary of state
3 shall assess a \$150.00 driver responsibility fee each year for 2
4 consecutive years.

5 (d) Subject to subsection (8), upon posting of an abstract
6 that an individual has been found guilty or determined responsible
7 for a violation listed in section 328, the secretary of state shall
8 assess a \$200.00 driver responsibility fee each year for 2
9 consecutive years.

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

18 (4) The secretary of state may authorize payment by
19 installment for ~~an ANY~~ amount of ~~\$500.00 or more~~ for a period not
20 to exceed 12 months.

21 (5) If payment is not received or an installment plan is not
22 established after the time limit required by the second notice
23 prescribed under subsection (3) expires, the secretary of state
24 shall suspend the driving privileges until the assessment and any
25 other fees prescribed under this act are paid.

26 (6) A fee shall not be assessed under this section for 7
27 points or more on a driving record on October 1, 2003. Points

1 assigned after October 1, 2003 shall be assessed as prescribed
2 under subsections (1) and (2).

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

9 (8) Not more than 60 days after ~~the effective date of the~~
10 ~~amendatory act that added this subsection~~ **MAY 1, 2004**, if an
11 individual who was issued a citation for a violation of section
12 328(1) for failing to produce a certificate of insurance from
13 October 1, 2003 until ~~the date the amendatory act that added this~~
14 ~~subsection takes effect~~ **MAY 1, 2004** presents a certificate of
15 insurance that was in effect at the time the individual was issued
16 the citation to the court that forwarded the abstract, the court
17 shall rescind the abstract. After the court rescinds the abstract
18 as described in this subsection, the court shall notify the
19 secretary of state, ~~which~~ **WHO** shall refund, waive, or both refund
20 and waive the driver responsibility fee corresponding to the
21 violation, as appropriate.

22 (9) The fire protection fund is created within the state
23 treasury. The state treasurer may receive money or other assets
24 from any source for deposit into the fund. The state treasurer
25 shall direct the investment of the fund. The state treasurer shall
26 credit to the fund interest and earnings from fund investments.
27 Money in the fund at the close of the fiscal year shall remain in

1 the fund and shall not lapse to the general fund. **THE DEPARTMENT OF**
2 **LABOR AND ECONOMIC GROWTH SHALL BE THE ADMINISTRATOR OF THE FUND**
3 **FOR AUDITING PURPOSES.** The department of ~~consumer and industry~~
4 ~~services~~ **LABOR AND ECONOMIC GROWTH** shall expend money from the
5 fund, upon appropriation, only for fire protection grants to
6 cities, villages, and townships with state owned facilities for
7 fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

8 (10) The secretary of state shall transmit the fees collected
9 under this section to the state treasurer. The state treasurer
10 shall credit fee money received under this section in each fiscal
11 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 ~~—— (11) For fiscal year 2003-2004, \$3,500,000.00 is appropriated~~
26 ~~from the fire protection fund described in subsection (9) to the~~
27 ~~department of consumer and industry services for the purposes~~

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