

SENATE BILL No. 127

January 28, 2009, Introduced by Senators BROWN, CHERRY, SCOTT, GARCIA, RICHARDVILLE, KAHN, VAN WOERKOM, KUIPERS, CROPSEY, BIRKHOLZ and BASHAM and referred to the Committee on Judiciary.

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 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.

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

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

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

11 (ii) Section 601b(2) or (3), 601c(1) or (2), ~~601d, 626(3) or~~
12 ~~(4), or 653a(3) or (4)~~ **OR, BEGINNING OCTOBER 31, 2010, SECTION 601D**
13 **OR 626(3) OR (4).**

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

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

22 (v) Fleeing or eluding an officer.

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

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

1 (ii) Section 626 OR, BEGINNING OCTOBER 31, 2010, SECTION
2 626(2).

3 (iii) Section 904.

4 (iv) Section 3101, 3102(1), or 3103 of the insurance code of
5 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

6 (c) Upon posting an abstract indicating that an individual has
7 been found guilty for a violation of section 301, the secretary of
8 state shall assess a \$150.00 driver responsibility fee each year
9 for 2 consecutive years. **A DRIVER RESPONSIBILITY FEE SHALL NOT BE**
10 **ASSESSED OR COLLECTED UNDER THIS SUBDIVISION FOR A VIOLATION**
11 **COMMITTED ON OR AFTER JANUARY 1, 2010.**

12 (d) Upon posting an abstract indicating that an individual has
13 been found guilty or determined responsible for a violation listed
14 in section 328, the secretary of state shall assess a \$200.00
15 driver responsibility fee each year for 2 consecutive years. **A**
16 **DRIVER RESPONSIBILITY FEE SHALL NOT BE ASSESSED OR COLLECTED UNDER**
17 **THIS SUBDIVISION FOR A VIOLATION COMMITTED ON OR AFTER JANUARY 1,**
18 **2010.**

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

27 (4) The secretary of state may authorize payment by

1 installment for a period not to exceed 24 months. **FOR A DRIVER**
2 **RESPONSIBILITY FEE THAT IS ASSESSED EACH YEAR FOR 2 CONSECUTIVE**
3 **YEARS, THE INDIVIDUAL MAY OPT TO PAY THE FEE IN A SINGLE PAYMENT AT**
4 **THE TIME THE PAYMENT FOR THE FIRST YEAR IS DUE.**

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

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

1 under subsections (1) and (2).

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

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

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

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

25 (b) If more than \$65,000,000.00 is collected under this
26 section, the next amount collected in excess of \$65,000,000.00 up
27 to \$68,500,000.00 shall be credited to the fire protection fund

1 created in this section.

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

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

9 (10) FROM FEBRUARY 15, 2009 TO APRIL 15, 2009, AN INDIVIDUAL
10 WHO HAS BEEN ASSESSED A DRIVER RESPONSIBILITY FEE UNDER SUBSECTION
11 (1) OR (2) (B) MAY SATISFY THE ASSESSMENT BY PAYING 75% OF THE
12 AMOUNT ASSESSED. IF AN INDIVIDUAL SATISFIES HIS OR HER ASSESSMENT
13 DUE UNDER SUBSECTION (1) OR (2) (B) DURING THIS REDUCED PAYMENT
14 PERIOD, ANY SANCTION THAT APPLIED FOR FAILURE TO TIMELY PAY THAT
15 ASSESSMENT SHALL BE WAIVED.