

SENATE BILL No. 1086

March 10, 2004, Introduced by Senator SANBORN 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 added by 2003 PA 165.

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
3 pursuant to section 320a within a 2-year period for any violation
4 not listed under subsection (2) shall be assessed a \$100.00
5 driver responsibility fee. For each additional point accumulated
6 above 7 points not listed under subsection (2), an additional fee
7 of \$50.00 shall be assessed. The secretary of state shall
8 collect the fees described in this subsection once each year that
9 the point total on an individual driving record is 7 points or
10 more.

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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 of an abstract that an individual has been
6 found guilty for a violation listed in this subdivision, the
7 secretary of state shall assess a \$1,000.00 driver responsibility
8 fee each year for 2 consecutive years for any of the following
9 offenses:

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

12 (ii) A violation of section 601b(2) or (3), 601c(1) or (2),
13 or 653a(3) or (4).

14 (iii) A violation of section 625(1), (4), or (5), section
15 625m, or section 81134 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.81134, or a law or ordinance
17 substantially corresponding to section 625(1), (4), or (5),
18 section 625m, or section 81134 of the natural resources and
19 environmental protection 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 of an abstract that an individual has been
24 found guilty for a violation listed in this subdivision, the
25 secretary of state shall assess a \$500.00 driver responsibility
26 fee each year for 2 consecutive years for any of the following
27 offenses:

1 (i) ~~Section~~ A violation of section 625(3), (6), (7), or
2 (8).

3 (ii) ~~Section~~ A violation of section 626.

4 (iii) ~~Section~~ A violation of section 904.

5 (iv) ~~Section~~ A violation of section 3101 or 3103 of the
6 insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3103.

7 (c) Upon posting of an abstract that an individual has been
8 found guilty for a violation listed in this subdivision, the
9 secretary of state shall assess a \$150.00 driver responsibility
10 fee each year for 2 consecutive years for any of the following
11 offenses:

12 (i) ~~Section~~ A violation of section 301.

13 (ii) ~~Section~~ A violation of section 328 if the individual
14 fails to present proof to the secretary of state within the first
15 30-day notification period as described in subsection (3) that he
16 or she was properly insured as required under chapter 31 of the
17 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, at
18 the time he or she was operating the vehicle.

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 the notice is for a
23 violation of section 328(1), the notice shall contain a statement
24 that the fee will be waived if the individual presents proof to
25 the secretary of state within 30 days after the notice is issued
26 that the vehicle was insured as required under chapter 31 of the
27 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, at

1 **the time the vehicle was operated.** If payment is not received as
2 **required under this section** within 30 days after the notice is
3 mailed, the secretary of state shall send a second notice that
4 indicates that if payment is not received within the next 30
5 days, the driver's driving privileges will be suspended.

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

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

14 (6) A fee shall not be assessed under this section for 7
15 points or more on a driving record on ~~the effective date of the~~
16 ~~amendatory act that added this section~~ **October 1, 2003**. Points
17 assigned after ~~that date~~ **October 1, 2003** shall be assessed as
18 prescribed under subsections (1) and (2).

19 (7) The fire protection fund is created within the state
20 treasury. The state treasurer may receive money or other assets
21 from any source for deposit into the fund. The state treasurer
22 shall direct the investment of the fund. The state treasurer
23 shall credit to the fund interest and earnings from fund
24 investments. Money in the fund at the close of the fiscal year
25 shall remain in the fund and shall not lapse to the general
26 fund. The department of consumer and industry services shall
27 expend money from the fund, upon appropriation, only for fire

1 protection grants to cities, villages, and townships with state
2 owned facilities for fire services, as provided in 1977 PA 289,
3 MCL 141.951 to 141.956.

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

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

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

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

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

21 (9) For fiscal year 2003-2004, \$3,500,000.00 is appropriated
22 from the fire protection fund described in subsection (7) to the
23 department of consumer and industry services for the purposes
24 described under subsection (7).