

# SENATE BILL No. 1212

March 13, 2008, Introduced by Senators SWITALSKI, GARCIA and BIRKHOLZ 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.

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 of law listed or described in this  
7 subdivision, the secretary of state shall assess a \$1,000.00 driver  
8 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), or 653a(3) or (4).

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

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

20           (v) Fleeing or eluding an officer.

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

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

26           (ii) Section 626.

27           (iii) Section 904.

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

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

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

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

20 (4) The secretary of state may authorize payment by  
21 installment for an amount of \$500.00 or more for a period not to  
22 exceed 12 months. **FOR A DRIVER RESPONSIBILITY FEE THAT IS ASSESSED**  
23 **EACH YEAR FOR 2 CONSECUTIVE YEARS, THE DRIVER MAY OPT TO PAY THE**  
24 **FEE IN A SINGLE PAYMENT AT THE TIME THE PAYMENT FOR THE FIRST YEAR**  
25 **IS DUE.**

26 (5) If payment is not received or an installment plan is not  
27 established after the time limit required by the second notice

1 prescribed under subsection (3) expires, the secretary of state  
2 shall suspend the driving privileges until the assessment and any  
3 other fees prescribed under this act are paid.

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

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

14 (8) ~~Not more than 60 days after the effective date of the~~  
15 ~~amendatory act that added this subsection~~ **UNTIL JUNE 30, 2004**, if  
16 an individual who was issued a citation for a violation of section  
17 328(1) for failing to produce a certificate of insurance from  
18 October 1, 2003 until ~~the date the amendatory act that added this~~  
19 ~~subsection takes effect~~ **MAY 1, 2004** presents a certificate of  
20 insurance that was in effect at the time the individual was issued  
21 the citation to the court that forwarded the abstract, the court  
22 shall rescind the abstract. After the court rescinds the abstract  
23 as described in this subsection, the court shall notify the  
24 secretary of state, which shall refund, waive, or both refund and  
25 waive the driver responsibility fee corresponding to the violation,  
26 as appropriate.

27 (9) The fire protection fund is created within the state

1 treasury. The state treasurer may receive money or other assets  
2 from any source for deposit into the fund. The state treasurer  
3 shall direct the investment of the fund. The state treasurer shall  
4 credit to the fund interest and earnings from fund investments.  
5 Money in the fund at the close of the fiscal year shall remain in  
6 the fund and shall not lapse to the general fund. The department of  
7 ~~consumer and industry services~~ **LABOR AND ECONOMIC GROWTH** shall  
8 expend money from the fund, upon appropriation, only for fire  
9 protection grants to cities, villages, and townships with state  
10 owned facilities for fire services, as provided in 1977 PA 289, MCL  
11 141.951 to 141.956.

12 (10) The secretary of state shall transmit the fees collected  
13 under this section to the state treasurer. The state treasurer  
14 shall credit fee money received under this section in each fiscal  
15 year as follows:

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

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

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

26 (d) Any amount collected after crediting the amounts under  
27 subdivisions (a), (b), and (c) shall be credited to the general

1 fund.

2 ~~—— (11) For fiscal year 2003-2004, \$3,500,000.00 is appropriated~~  
3 ~~from the fire protection fund described in subsection (9) to the~~  
4 ~~department of consumer and industry services for the purposes~~  
5 ~~described under subsection (9).~~