

SENATE BILL No. 639

July 18, 2007, Introduced by Senators CHERRY, JACOBS, GLEASON, OLSHOVE and SCOTT 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.

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

1 **STATE SHALL IMMEDIATELY NOTIFY THE PERSON OF THE SUSPENSION BY**
2 **REGULAR MAIL AT THE PERSON'S LAST KNOWN ADDRESS.**

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

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

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

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

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

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

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

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

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

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

26 (11) For fiscal year 2003-2004, \$3,500,000.00 is appropriated
27 from the fire protection fund described in subsection (9) to the

- 1 department of consumer and industry services for the purposes
- 2 described under subsection (9).