

**SUBSTITUTE FOR
SENATE BILL NO. 1369**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 732a (MCL 257.732a), as amended by 2012 PA 203,
and by adding section 732b.

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 under
3 sections 320a and 629c within a 2-year period for any violation not
4 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

1 an individual driving record is 7 points or more.

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

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

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

12 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or
13 (4), or 653a(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) Through September 30, 2012, upon posting an abstract
7 indicating that an individual has been found guilty for a violation
8 of section 301, the secretary of state shall assess a \$150.00
9 driver responsibility fee each year for 2 consecutive years.
10 However, a driver responsibility fee shall not be assessed under
11 this subdivision for a violation committed on or after October 1,
12 2012.

13 (d) Through September 30, 2012, upon posting an abstract
14 indicating that an individual has been found guilty or determined
15 responsible for a violation listed in section 328, the secretary of
16 state shall assess a \$200.00 driver responsibility fee each year
17 for 2 consecutive years. However, a driver responsibility fee shall
18 not be assessed under this subdivision for a violation committed on
19 or after October 1, 2012.

20 (3) The secretary of state shall send a notice of the driver
21 responsibility assessment, as prescribed under subsection (1) or
22 (2), to the individual by regular mail to the address on the
23 records of the secretary of state. If payment is not received
24 within 30 days after the notice is mailed, the secretary of state
25 shall send a second notice that indicates that if payment is not
26 received within the next 30 days, **OR THE INDIVIDUAL DOES NOT**
27 **ALTERNATIVELY ENTER INTO A COMMUNITY SERVICE PROGRAM UNDER SECTION**

1 732B, IF APPLICABLE, the driver's driving privileges will be
2 suspended.

3 (4) The secretary of state may authorize payment by
4 installment for a period not to exceed 24 months **OR A COMMUNITY**
5 **SERVICE PROGRAM UNDER SECTION 732B.**

6 (5) Except as otherwise provided under this subsection **AND**
7 **SECTION 732B**, if payment is not received or an installment plan is
8 not established after the time limit required by the second notice
9 prescribed under subsection (3) expires, the secretary of state
10 shall suspend the driving privileges until the assessment and any
11 other fees prescribed under this act are paid. However, if the
12 individual's license to operate a motor vehicle is not otherwise
13 required under this act to be denied, suspended, or revoked, the
14 secretary of state shall reinstate the individual's operator's
15 driving privileges if the individual requests an installment plan
16 under subsection (4) and makes proper payment under that plan. Fees
17 required to be paid for the reinstatement of an individual's
18 operator's driving privileges as described under this subsection
19 shall, at the individual's request, be included in the amount to be
20 paid under the installment plan. If the individual establishes a
21 payment plan as described in this subsection and subsection (4) but
22 fails to make full or timely payments under that plan **OR FAILS TO**
23 **COMPLETE THE COMMUNITY SERVICE PROGRAM UNDER SECTION 732B**, the
24 secretary of state shall suspend the individual's driving
25 privileges. The secretary of state shall only reinstate a license
26 under this subsection once. Not later than April 1, 2013, the
27 secretary of state shall only reinstate a license under this

1 subsection 3 times.

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

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

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

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

27 (a) The first \$8,500,000.00 shall be credited to the fire

1 protection fund.

2 (b) Any amount collected after crediting the amount under
3 subdivision (a) shall be credited to the general fund.

4 (10) The collection of assessments under this section is
5 subject to section 304.

6 SEC. 732B. (1) IF AN INDIVIDUAL WAS ASSESSED A DRIVER
7 RESPONSIBILITY FEE UNDER SECTION 732A(1) OR (2)(C) OR (D) BEFORE
8 OCTOBER 1, 2012, THE INDIVIDUAL MAY ENTER A COMMUNITY SERVICE
9 PROGRAM APPROVED BY THE SECRETARY OF STATE AS AN ALTERNATIVE TO
10 PAYING THAT FEE OR ANY UNPAID PORTION OF THAT FEE. THE COMMUNITY
11 SERVICE PROGRAM SHALL REQUIRE THE FOLLOWING AMOUNTS OF COMMUNITY
12 SERVICE TO BE COMPLETED WITHIN 6 MONTHS AFTER ENTERING INTO THE
13 PROGRAM:

14 (A) FOR A DRIVER RESPONSIBILITY FEE ASSESSED UNDER SECTION
15 732A(1) OR (2)(C), 15 HOURS. THE NUMBER OF HOURS OF COMMUNITY
16 SERVICE REQUIRED UNDER THIS SECTION SHALL BE PRORATED BASED UPON
17 ANY PORTION OF THE FEE THAT HAS BEEN PAID.

18 (B) FOR A DRIVER RESPONSIBILITY FEE ASSESSED UNDER SECTION
19 732A(2)(D), 20 HOURS. THE NUMBER OF HOURS OF COMMUNITY SERVICE
20 REQUIRED UNDER THIS SECTION SHALL BE PRORATED BASED UPON ANY
21 PORTION OF THE FEE THAT HAS BEEN PAID.

22 (2) AN INDIVIDUAL MAY APPLY FOR ENTRY INTO A COMMUNITY SERVICE
23 PROGRAM UNDER SUBSECTION (1) BY COMPLETING A FORM AS PRESCRIBED BY
24 THE SECRETARY OF STATE. THE COURT SHALL GRANT THE INDIVIDUAL'S
25 REQUEST FOR COMMUNITY SERVICE WHEN THE FORM IS PROPERLY COMPLETED
26 AND RETURNED TO THE COURT.

27 (3) IF AN INDIVIDUAL ENTERS COMMUNITY SERVICE UNDER THIS

1 SECTION, THE DEPARTMENT OF TREASURY SHALL HOLD THE COLLECTION OF
2 THE DRIVER RESPONSIBILITY FEE OR THE REMAINING PORTION OF THAT FEE
3 IN ABEYANCE PENDING THE INDIVIDUAL'S ENTRY AND SUCCESSFUL
4 COMPLETION OF THE COMMUNITY SERVICE REQUIREMENTS OF THIS SECTION,
5 OR THE TERMINATION OF THE COMMUNITY SERVICE OPPORTUNITY BY THE
6 COURT BECAUSE OF THE INDIVIDUAL'S FAILURE TO COMPLY WITH THOSE
7 REQUIREMENTS, WHICHEVER OCCURS FIRST. THE SECRETARY OF STATE SHALL
8 NOT SUSPEND AN INDIVIDUAL'S DRIVING PRIVILEGES DURING THE TERM OF
9 THE COMMUNITY SERVICE PROGRAM OR WHILE THE INDIVIDUAL IS PENDING
10 ENTRY INTO A COMMUNITY SERVICE PROGRAM AFTER HAVING PROPERLY
11 SUBMITTED AN APPLICATION FOR COMMUNITY SERVICE UNDER THIS SECTION.
12 IF THE INDIVIDUAL'S DRIVING PRIVILEGES ARE SUSPENDED ON THE
13 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION ONLY
14 FOR FAILING TO PAY A DRIVER RESPONSIBILITY FEE AND NO OTHER
15 SUSPENSION OR REVOCATION DETERMINATION IS PENDING, AND THE
16 INDIVIDUAL PROPERLY APPLIES FOR COMMUNITY SERVICE UNDER THIS
17 SECTION AS AN ALTERNATIVE TO PAYING THAT DRIVER RESPONSIBILITY FEE
18 OR ANY PORTION OF THAT FEE, THE SECRETARY OF STATE SHALL REINSTATE
19 THE INDIVIDUAL'S DRIVING PRIVILEGES WITHOUT REQUIRING THE PAYMENT
20 OF A LICENSE REINSTATEMENT FEE PENDING THE INDIVIDUAL'S ENTRY INTO
21 AND COMPLETION OF COMMUNITY SERVICE AS PROVIDED IN THIS SECTION.

22 (4) THE DEPARTMENT OF TREASURY SHALL WAIVE THE DRIVER
23 RESPONSIBILITY FEE OR ANY PORTION OF THE DRIVER RESPONSIBILITY FEE
24 OTHERWISE REQUIRED TO BE PAID UNDER SECTION 732A(1) OR (2) (C) OR
25 (D) UPON PROOF SATISFACTORY TO THE COURT THAT THE INDIVIDUAL
26 COMPLETED THE COMMUNITY SERVICE REQUIREMENTS OF THIS SECTION.

27 (5) AN INDIVIDUAL WHOSE REQUEST FOR COMMUNITY SERVICE IS

1 ACCEPTED BUT WHO FAILS TO SUCCESSFULLY COMPLETE THE ASSIGNED
2 COMMUNITY SERVICE IS LIABLE FOR THE FULL DRIVER RESPONSIBILITY FEE
3 ASSESSED UNDER SECTION 732A AND IS SUBJECT TO THE LICENSING
4 SANCTIONS PRESCRIBED UNDER THAT SECTION.

5 (6) AN INDIVIDUAL WHO ENTERS COMMUNITY SERVICE UNDER THIS
6 SECTION SHALL BE ALLOWED ONLY 1 OPPORTUNITY TO COMPLETE THE
7 COMMUNITY SERVICE ALTERNATIVE FOR EACH DRIVER RESPONSIBILITY FEE
8 OWED. HOWEVER, THE COURT MAY ALLOW AN INDIVIDUAL TO WITHDRAW FROM
9 THAT COMMUNITY SERVICE BEFORE THE EXPIRATION OF THE 6-MONTH PERIOD
10 FOR COMPLETING THAT COMMUNITY SERVICE FOR GOOD CAUSE SHOWN. IF THE
11 INDIVIDUAL IS ALLOWED TO WITHDRAW FROM COMMUNITY SERVICE FOR GOOD
12 CAUSE SHOWN, THAT OPPORTUNITY FOR COMPLETING COMMUNITY SERVICE
13 SHALL NOT BE CONSIDERED IN THE NUMBER OF OPPORTUNITIES TO PERFORM
14 COMMUNITY SERVICE SET FORTH IN THIS SUBSECTION.

15 (7) THE COURT SHALL NOTIFY THE DEPARTMENT OF TREASURY WHEN THE
16 INDIVIDUAL HAS SUCCESSFULLY COMPLETED OR HAS FAILED TO COMPLETE HIS
17 OR HER COMMUNITY SERVICE UNDER THIS SECTION.