

# SENATE BILL No. 1369

November 27, 2012, Introduced by Senators CASWELL, COLBECK, ANDERSON, HILDENBRAND, BOOHER, NOFS, EMMONS, JANSEN, ROBERTSON, PROOS, PAPPAGEORGE and HANSEN 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 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  
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).

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

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

21           (v) Fleeing or eluding an officer.

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

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

27           (ii) Section 626 or, beginning October 31, 2010, section

1 626(2).

2 (iii) Section 904.

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

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

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

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, **OR THE INDIVIDUAL DOES NOT**  
26 **ALTERNATIVELY ENTER INTO A COMMUNITY SERVICE PROGRAM UNDER SECTION**  
27 **732B, IF APPLICABLE,** the driver's driving privileges will be

1 suspended.

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

5 (5) Except as otherwise provided under this subsection **AND**  
6 **SECTION 732B**, if payment is not received or an installment plan is  
7 not established after the time limit required by the second notice  
8 prescribed under subsection (3) expires, the secretary of state  
9 shall suspend the driving privileges until the assessment and any  
10 other fees prescribed under this act are paid. However, if the  
11 individual's license to operate a motor vehicle is not otherwise  
12 required under this act to be denied, suspended, or revoked, the  
13 secretary of state shall reinstate the individual's operator's  
14 driving privileges if the individual requests an installment plan  
15 under 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 **OR ENTERS A**  
22 **COMMUNITY SERVICE PROGRAM UNDER SECTION 732B**, the secretary of  
23 state shall suspend the individual's driving privileges. The  
24 secretary of state shall only reinstate a license under this  
25 subsection once. Not later than April 1, 2013, the secretary of  
26 state shall only reinstate a license under this subsection 3 times.

27 (6) A fee shall not be assessed under this section for 7

1 points or more on a driving record on October 1, 2003. Points  
2 assigned after October 1, 2003 shall be assessed as prescribed  
3 under subsections (1) and (2).

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

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

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

25 (a) The first \$8,500,000.00 shall be credited to the fire  
26 protection fund.

27 (b) Any amount collected after crediting the amount under

1 subdivision (a) shall be credited to the general fund.

2 (10) The collection of assessments under this section is  
3 subject to section 304.

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

12 (A) FOR A DRIVER RESPONSIBILITY FEE ASSESSED UNDER SECTION  
13 732A(1) OR (2)(C), 15 HOURS. THE NUMBER OF HOURS OF COMMUNITY  
14 SERVICE REQUIRED UNDER THIS SECTION SHALL BE PRORATED BASED UPON  
15 ANY PORTION OF THE FEE THAT HAS BEEN PAID.

16 (B) FOR A DRIVER RESPONSIBILITY FEE ASSESSED UNDER SECTION  
17 732A(2)(D), 20 HOURS. THE NUMBER OF HOURS OF COMMUNITY SERVICE  
18 REQUIRED UNDER THIS SECTION SHALL BE PRORATED BASED UPON ANY  
19 PORTION OF THE FEE THAT HAS BEEN PAID.

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

25 (3) IF AN INDIVIDUAL ENTERS COMMUNITY SERVICE UNDER THIS  
26 SECTION, THE DEPARTMENT OF TREASURY SHALL HOLD THE COLLECTION OF  
27 THE DRIVER RESPONSIBILITY FEE OR THE REMAINING PORTION OF THAT FEE

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

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

25 (5) AN INDIVIDUAL WHOSE REQUEST FOR COMMUNITY SERVICE IS  
26 ACCEPTED BUT WHO FAILS TO SUCCESSFULLY COMPLETE THE ASSIGNED  
27 COMMUNITY SERVICE IS LIABLE FOR THE FULL DRIVER RESPONSIBILITY FEE

1 ASSESSED UNDER SECTION 732A AND IS SUBJECT TO THE LICENSING  
2 SANCTIONS PRESCRIBED UNDER THAT SECTION.

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

13 (7) THE COURT SHALL NOTIFY THE DEPARTMENT OF TREASURY WHEN THE  
14 INDIVIDUAL HAS SUCCESSFULLY COMPLETED HIS OR HER COMMUNITY SERVICE  
15 UNDER THIS SECTION.