

# SENATE BILL NO. 706

February 06, 2024, Introduced by Senators KLINEFELT, BELLINO, CAVANAGH, CHANG, SHINK, BAYER, MOSS, GEISS, MCCANN and CHERRY and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 320e, and 732a (MCL 257.204a, 257.320e, and 257.732a), sections 204a and 320e as amended by 2020 PA 376 and section 732a as amended by 2018 PA 50.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 204a. (1) The secretary of state shall create and
- 2 maintain a computerized central file that provides an individual
- 3 historical driving record for a natural person with respect to all

1 of the following:

2 (a) A license issued to the individual under chapter III.

3 (b) A conviction, civil infraction determination, or other  
4 licensing action that is entered against the individual for a  
5 violation of this act or a local ordinance that substantially  
6 corresponds to a provision of this act, or that is reported to the  
7 secretary of state by another jurisdiction.

8 (c) A failure of the individual, including a nonresident, to  
9 comply with a suspension issued under section 321a.

10 (d) A cancellation, denial, revocation, suspension, or  
11 restriction of the individual's operating privilege, ~~a failure to~~  
12 ~~pay a department of state driver responsibility fee,~~ or other  
13 licensing action regarding that individual, under this act or that  
14 is reported to the secretary of state by another jurisdiction. This  
15 subdivision also applies to nonresidents.

16 (e) An accident in which the individual is involved.

17 ~~(f) A conviction of the person for an offense described in~~  
18 ~~former section 319e.~~

19 (f) ~~(g)~~ Any driving record requested and received by the  
20 secretary of state under section 307.

21 (g) ~~(h)~~ Any notice given by the secretary of state and the  
22 information provided in that notice under section 317(2) or (3).

23 (h) ~~(i)~~ Any other information received by the secretary of  
24 state regarding the individual that is required to be maintained as  
25 part of the individual's driving record as provided by law.

26 (2) A secretary of state certified computer-generated or paper  
27 copy of an order, record, or paper maintained in the computerized  
28 central file of the secretary of state is admissible in evidence in  
29 the same manner as the original and is prima facie proof of the

1 contents of and the facts stated in the original.

2 (3) An order, record, or paper generated by the computerized  
3 central file of the secretary of state may be certified  
4 electronically by the generating computer. The certification must  
5 be a certification of the order, record, or paper as it appeared on  
6 a specific date.

7 (4) A court or the office of the clerk of a court of this  
8 state that is electronically connected by a terminal device to the  
9 computerized central file of the secretary of state may receive  
10 into and use as evidence in any case the computer-generated  
11 certified information obtained by the terminal device from the  
12 file. A duly authorized employee of a court of record of this state  
13 may order a record for an individual from a secretary of state  
14 computer terminal device located in, and under the control of, the  
15 court, and certify in writing that the document was produced from  
16 the terminal and that the document was not altered in any way.

17 (5) After receiving a request for information contained in  
18 records maintained under this section, the secretary of state shall  
19 provide the information, in a form prescribed by the secretary of  
20 state, to any of the following:

21 (a) Another state.

22 (b) The United States Secretary of Transportation.

23 (c) The individual who is the subject of the record.

24 (d) A motor carrier employer or prospective motor carrier  
25 employer, but only if the individual who is the subject of the  
26 record is first notified of the request as prescribed by the  
27 secretary of state.

28 (e) An authorized agent of an individual or entity listed in  
29 subdivisions (a) to (d).

1           Sec. 320e. (1) Except as otherwise provided in subsection (2)  
2 or (3), an individual whose operator's or chauffeur's license is  
3 suspended, revoked, or restricted under section 303, 319, 320, 324,  
4 625, 625b, 625f, ~~732a,~~ or 904 shall pay a license reinstatement fee  
5 of \$125.00 to the secretary of state before a license is issued or  
6 returned to the individual. The increase in the reinstatement fee  
7 from \$60.00 to \$125.00 must be imposed for a license that is issued  
8 or returned on or after October 1, 1991 regardless of when the  
9 license was suspended, revoked, or restricted. Of the increase in  
10 the reinstatement fee from \$60.00 to \$125.00, \$25.00 must be  
11 allocated to the department of state, \$10.00 must be deposited by  
12 the department of treasury in the drunk driving prevention  
13 equipment and training fund created under section 625h(1), and  
14 \$30.00 must be deposited by the department of treasury in the drunk  
15 driving caseflow assistance fund created under section 625h(5). The  
16 fee must be waived if the license was suspended or restricted  
17 because of the individual's mental or physical infirmity or  
18 disability.

19           (2) An individual whose operator's or chauffeur's license is  
20 suspended, revoked, or restricted under section 319(7) shall pay a  
21 license reinstatement fee of \$125.00 to the secretary of state  
22 before a license is issued or returned to the individual. The fee  
23 must be waived if the license was suspended or restricted because  
24 of the individual's mental or physical infirmity or disability.

25           (3) Except as provided in subsection (4), an individual whose  
26 operator's or chauffeur's license is suspended as provided in  
27 section 321c shall pay a license reinstatement fee of \$85.00 to the  
28 secretary of state before a license is issued or returned to the  
29 person. The fee ~~shall~~**must** be deposited in the state general fund

1 and ~~shall~~**must** be used to defray the expenses of the secretary of  
2 state in processing the suspension and reinstatement of driver  
3 licenses under this section.

4 (4) Beginning ~~on the effective date of the 2020 amendatory act~~  
5 ~~that added this subsection,~~ **October 1, 2021**, the secretary of state  
6 shall waive the reinstatement fee for an individual whose  
7 operator's or chauffeur's license was suspended, revoked, or  
8 restricted for reasons that are no longer eligible for the  
9 suspension, revocation, or restriction of an operator's or  
10 chauffeur's license under this act. The secretary of state shall  
11 immediately reinstate an operator's or chauffeur's license that was  
12 suspended, revoked, or restricted for reasons that are no longer  
13 eligible under this act.

14 (5) The secretary of state shall assess points and take  
15 licensing action, including suspending, revoking, or denying a  
16 license under this act, according to the law in effect at the time  
17 of the conspiracy to commit the offense or at the time the offense  
18 was committed or attempted or the civil infraction occurred. If 1  
19 or more of the convictions involved in a licensing sanction is a  
20 violation or attempted violation of this act committed or attempted  
21 after January 1, 1992, the secretary of state shall apply the law  
22 in effect after January 1, 1992.

23 (6) Judicial review of an administrative licensing sanction  
24 under section 303 must be governed by the law in effect at the time  
25 the offense was committed or attempted. If 1 or more of the  
26 convictions involved in an administrative licensing sanction is a  
27 violation or attempted violation of this act committed or attempted  
28 after January 1, 1992, judicial review of that sanction must be  
29 governed by the law in effect after January 1, 1992.

1           Sec. 732a. (1) Subject to subsection (10), an individual,  
2 whether licensed or not, who accumulates 7 or more points on ~~his or~~  
3 ~~her~~**the individual's** driving record under sections 320a and 629c  
4 within a 2-year period for any violation not listed under  
5 subsection (2) shall be assessed a \$100.00 driver responsibility  
6 fee. For each additional point accumulated above 7 points not  
7 listed under subsection (2), an additional fee of \$50.00 ~~shall~~**must**  
8 be assessed. The secretary of state shall collect the fees  
9 described in this subsection once each year that the point total on  
10 an individual driving record is 7 points or more. This subsection  
11 is subject to subsection (11).

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

16           (a) Subject to subsections (10) and (11), upon posting an  
17 abstract indicating that an individual has been found guilty for a  
18 violation of law listed or described in this subdivision, the  
19 secretary of state shall assess a \$1,000.00 driver responsibility  
20 fee each year for 2 consecutive years:

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

23           (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or  
24 (4), or 653a(3) or (4).

25           (iii) Section 625(1), (4), or (5), section 625m, or section  
26 81134 of the natural resources and environmental protection act,  
27 1994 PA 451, MCL 324.81134, or a law or ordinance substantially  
28 corresponding to section 625(1), (4), or (5), section 625m, or  
29 section 81134 of the natural resources and environmental protection

1 act, 1994 PA 451, MCL 324.81134.

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

4 (v) Fleeing or eluding an officer.

5 (b) Subject to subsections (10) and (11), upon posting an  
6 abstract indicating that an individual has been found guilty for a  
7 violation of law listed in this subdivision, the secretary of state  
8 shall assess a \$500.00 driver responsibility fee each year for 2  
9 consecutive years:

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

11 (ii) Section 626(2).

12 (iii) Section 904.

13 (iv) Section 3101, 3102(1), or 3103 of the insurance code of  
14 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

15 (c) Through September 30, 2012, upon posting an abstract  
16 indicating that an individual has been found guilty for a violation  
17 of section 301, the secretary of state shall assess a \$150.00  
18 driver responsibility fee each year for 2 consecutive years.  
19 However, a driver responsibility fee ~~shall~~**must** not be assessed  
20 under this subdivision for a violation committed on or after  
21 October 1, 2012.

22 (d) Through September 30, 2012, upon posting an abstract  
23 indicating that an individual has been found guilty or determined  
24 responsible for a violation listed in section 328, the secretary of  
25 state shall assess a \$200.00 driver responsibility fee each year  
26 for 2 consecutive years. However, a driver responsibility fee ~~shall~~  
27 **must** not be assessed under this subdivision for a violation  
28 committed on or after October 1, 2012.

29 (3) The secretary of state shall send a notice of the driver

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

8 (4) The secretary of state may authorize payment by  
9 installment for a period not to exceed 24 months or, alternatively,  
10 the individual may engage in workforce training under section 732b.  
11 All of the following apply to an individual who, on or before  
12 February 1, 2018, has entered into an installment payment plan as  
13 provided in this subsection:

14 (a) Any outstanding driver responsibility fee assessed under  
15 this section or outstanding installment payment ~~shall~~**must** not be  
16 collected.

17 (b) An individual is not liable for any outstanding driver  
18 responsibility fee assessed under this section.

19 (c) An individual whose driving privileges were suspended  
20 under this section is eligible to reinstate ~~his or her~~**the**  
21 **individual's** operator's license if ~~he or she~~**the individual** is  
22 otherwise in compliance with this act.

23 (5) Except as otherwise provided under this subsection and  
24 section 732b, if payment is not received or an installment plan is  
25 not established after the time limit required by the second notice  
26 prescribed under subsection (3) expires, the secretary of state  
27 shall suspend the driving privileges until the assessment and any  
28 other fees prescribed under this act are paid. However, if the  
29 individual's license to operate a motor vehicle is not otherwise

1 required under this act to be denied, suspended, or revoked, the  
2 secretary of state shall reinstate the individual's operator's  
3 driving privileges if the individual requests an installment plan  
4 under subsection (4) and makes proper payment under that plan. Fees  
5 required to be paid for the reinstatement of an individual's  
6 operator's driving privileges as described under this subsection  
7 ~~shall, must~~, at the individual's request, be included in the amount  
8 to be paid under the installment plan. If the individual  
9 establishes a payment plan as described in this subsection and  
10 subsection (4) but the individual fails to make full or timely  
11 payments under that plan, or enters into workforce training under  
12 section 732b but fails to successfully complete that service within  
13 the 45-day period allowed, or withdraws from workforce training  
14 with or without good cause shown, the secretary of state shall  
15 suspend the individual's driving privileges. The secretary of state  
16 shall only reinstate a license under this subsection once.

17 (6) A driver responsibility fee ~~shall must~~ be assessed under  
18 this section in the same manner for a conviction or determination  
19 of responsibility for a violation or an attempted violation of a  
20 law of this state, of a local ordinance substantially corresponding  
21 to a law of this state, or of a law of another state substantially  
22 corresponding to a law of this state.

23 (7) The fire protection fund is created within the state  
24 treasury. The state treasurer may receive money or other assets  
25 from any source for deposit into the fund. The state treasurer  
26 shall direct the investment of the fund. The state treasurer shall  
27 credit to the fund interest and earnings from fund investments.  
28 Money in the fund at the close of the fiscal year ~~shall remain~~  
29 **remains** in the fund and ~~shall does~~ not lapse to the general fund.

1 The department of licensing and regulatory affairs shall expend  
2 money from the fund, upon appropriation, only for fire protection  
3 grants to cities, villages, and townships with state-owned  
4 facilities for fire services, as provided in 1977 PA 289, MCL  
5 141.951 to 141.956.

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

10 (a) The first \$8,500,000.00 ~~shall~~**must** be credited to the fire  
11 protection fund created in subsection (7).

12 (b) For fiscal year 2017 and for each fiscal year thereafter,  
13 after the amount specified in subdivision (a) is credited to the  
14 fire protection fund created under subsection (7), the next  
15 \$1,000,000.00 ~~shall~~**must** be credited to the department of state for  
16 necessary expenses incurred by the department of state in  
17 implementing and administering the requirements of sections 625k  
18 and 625q, and, for fiscal year 2018 only, the next \$250,000.00  
19 ~~shall~~**must** be credited to the department of treasury to implement  
20 and administer the program created in section 732d. Funds  
21 appropriated under this subdivision ~~shall~~**must** be based ~~upon~~**on** an  
22 established cost allocation methodology that reflects the actual  
23 costs incurred or to be incurred by the secretary of state during  
24 the fiscal year. However, except as otherwise provided in this  
25 subdivision, funds appropriated under this subdivision ~~shall~~**must**  
26 not exceed \$1,000,000.00 during any fiscal year. Funds appropriated  
27 under this subdivision ~~shall~~**must** not exceed \$1,250,000.00 during  
28 fiscal year 2018.

29 (c) Any amount collected after crediting the amounts under

1 subdivisions (a) and (b) ~~shall~~**must** be credited to the general  
2 fund.

3 (9) The collection of assessments under this section is  
4 subject to section 304.

5 (10) Subject to subsections (4) and (11), a driver  
6 responsibility fee ~~shall~~**must** be assessed and collected under this  
7 section as follows:

8 (a) For an individual who accumulates 7 or more points on ~~his~~  
9 ~~or her~~**the individual's** driving record beginning on the following  
10 dates, a fee assessed under subsection (1) ~~shall~~**must** be reduced as  
11 follows:

12 (i) Beginning October 1, 2015, the assessment ~~shall be~~**is** 75%  
13 of the fee calculated under subsection (1).

14 (ii) Beginning October 1, 2016, the assessment ~~shall be~~**is** 50%  
15 of the fee calculated under subsection (1).

16 (iii) Beginning October 1, 2018, no fee ~~shall~~**must** be assessed  
17 under subsection (1).

18 (b) A fee assessed under subsection (2)(a) or (b) ~~shall~~**must**  
19 be reduced as follows:

20 (i) For a violation that occurs on or after October 1, 2015,  
21 100% of the fee ~~shall~~**must** be assessed for the first year and 50%  
22 for the second year.

23 (ii) For a violation that occurs on or after October 1, 2016,  
24 100% of the fee ~~shall~~**must** be assessed for the first year and no  
25 fee ~~shall~~**must** be assessed for the second year.

26 (iii) Beginning October 1, 2018, no fee ~~shall~~**must** be assessed  
27 under subsection (2)(a) or (b).

28 (c) Beginning ~~on the effective date of the amendatory act that~~  
29 ~~added this subdivision,~~ **March 31, 2018**, no fee ~~shall~~**must** be

1 assessed under subsection (2) (b) (iii) or (iv).

2 (11) Beginning September 30, 2018, all of the following apply:

3 (a) Any outstanding driver responsibility fee assessed under  
4 this section ~~shall~~**must** not be collected.

5 (b) An individual is not liable for any outstanding driver  
6 responsibility fee assessed under this section or responsible for  
7 completing workforce training under section 732b.

8 (c) An individual whose driving privileges were suspended  
9 under this section or an individual whose driving privileges were  
10 suspended under section 904(10), if that suspension arose out of  
11 the unlawful operation of a motor vehicle or a moving violation  
12 reportable under section 732 while ~~his or her~~**the individual's**  
13 driving privileges were suspended under this section, is eligible  
14 to reinstate ~~his or her~~**the individual's** operator's license if ~~he~~  
15 ~~or she~~**the individual** is otherwise in compliance with this act.

16 (12) Beginning ~~on the effective date of the amendatory act~~  
17 ~~that added this subsection~~**March 31, 2018**, and ending December 31,  
18 2018, ~~an individual whose driving privileges were suspended under~~  
19 ~~this section may reinstate his or her~~**the secretary of state may**  
20 **reinstate the** operator's license **of an individual whose driving**  
21 **privileges were suspended under this section**, without payment of a  
22 fee to the secretary of state for the reinstatement. Beginning  
23 January 1, 2019, ~~and ending an individual on the effective date of~~  
24 ~~the amendatory act that added this sentence~~, **the secretary of state**  
25 **may reinstate the operator's license of an individual** whose driving  
26 privileges were suspended under this section ~~may reinstate his or~~  
27 ~~her operator's license~~ upon payment of any fee required by the  
28 secretary of state for the reinstatement. **Beginning on the**  
29 **effective date of the amendatory act that added this sentence, the**

1 secretary of state may reinstate the operator's license of an  
2 individual whose driving privileges were suspended under this  
3 section, without payment of a fee to the secretary of state for the  
4 reinstatement.

5 (13) It is the intent of the legislature that beginning with  
6 the fiscal year ending September 30, 2018, and each fiscal year  
7 after that, \$8,500,000.00 ~~shall~~**must** be appropriated to the fire  
8 protection fund created under subsection (7).

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.