

HOUSE BILL NO. 4909

September 03, 2019, Introduced by Reps. Garrett and Tyrone Carter and referred to the Committee on Insurance.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 328 (MCL 257.328), as amended by 2015 PA 135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle upon the highways of
3 this state or the operator of the motor vehicle shall produce,
4 under subsection (2), upon the request of a police officer,



1 evidence that the motor vehicle is insured under chapter 31 of the
2 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
3 Subject to section 907(15), an owner or operator of a motor vehicle
4 who fails to produce evidence of insurance upon request under this
5 subsection or who fails to have motor vehicle insurance for the
6 vehicle as required under chapter 31 of the insurance code of 1956,
7 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil
8 infraction. If ~~a person~~ **an individual** displays an electronic copy
9 of his or her certificate of insurance using an electronic device,
10 the police officer shall only view the electronic copy of the
11 certificate of insurance and shall not manipulate the electronic
12 device to view any other information on the electronic device. ~~A~~
13 ~~person~~ **An individual** who displays an electronic copy of his or her
14 certificate of insurance using an electronic device as provided in
15 this subsection ~~shall is~~ not ~~be~~ presumed to have consented to a
16 search of the electronic device. A police officer may require the
17 ~~person~~ **individual** to electronically forward the electronic copy of
18 the certificate of insurance to a specified location provided by
19 the police officer. The police officer may then view the electronic
20 copy of the certificate of insurance in a setting in which it is
21 safe for the officer to verify that the information contained in
22 the electronic copy of the certificate of insurance is valid and
23 accurate. This state, a law enforcement agency, or an employee of
24 this state or a law enforcement agency is not liable for damage to
25 or loss of an electronic device that occurs as a result of a police
26 officer's viewing an electronic copy of a certificate of insurance
27 in the manner provided in this section, regardless of whether the
28 police officer or the owner or operator of the vehicle was in
29 possession of the electronic device at the time the damage or loss



1 occurred.

2 (2) A certificate of insurance, in paper or electronic form
3 and issued by an insurance company, that certifies that the
4 security that meets the requirements of sections 3101 and 3102 of
5 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
6 is in force is prima facie evidence that insurance is in force for
7 the motor vehicle described in the certificate of insurance until
8 the expiration date shown on the certificate. The certificate, in
9 addition to describing the motor vehicles for which insurance is in
10 effect, must, if applicable, state the name of each person named on
11 the policy, policy declaration, or a declaration certificate whose
12 operation of the vehicle would cause the liability coverage of that
13 insurance to become void.

14 (3) If, before the appearance date on a citation issued under
15 subsection (1), the defendant submits proof to the court that the
16 motor vehicle had insurance meeting the requirements of sections
17 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL
18 500.3101 and 500.3102, at the time the violation of subsection (1)
19 occurred, all of the following apply:

20 (a) The court shall not assess a fine or costs.

21 (b) The court shall not forward an abstract of the court
22 record to the secretary of state.

23 (c) The court may assess a fee of not more than \$25.00, which
24 ~~shall~~**must** be paid to the court funding unit.

25 (4) If an owner or operator of a motor vehicle is determined
26 to be responsible for a violation of subsection (1), the court in
27 which the civil infraction determination is entered may require the
28 ~~person~~**individual** to surrender his or her operator's or chauffeur's
29 license unless proof that the vehicle has insurance meeting the



1 requirements of sections 3101 and 3102 of the insurance code of
2 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
3 court. If the court requires the license to be surrendered, the
4 court shall order the secretary of state to suspend the ~~person's~~
5 **individual's** license. The court shall immediately destroy the
6 license and shall forward an abstract of the court record to the
7 secretary of state as required by section 732. Upon receipt of the
8 abstract, the secretary of state shall suspend the ~~person's~~
9 **individual's** license beginning with the date on which the ~~person~~
10 **individual** is determined to be responsible for the civil infraction
11 for a period of 30 days or until proof of insurance meeting the
12 requirements of sections 3101 and 3102 of the insurance code of
13 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
14 secretary of state, whichever occurs later. ~~A person~~ **An individual**
15 who submits proof of insurance to the secretary of state under this
16 subsection shall pay a service fee of \$25.00 to the secretary of
17 state. The ~~person shall~~ **individual must** not be required to be
18 examined under section 320c and ~~shall~~ **must** not be required to pay a
19 replacement license fee.

20 (5) If an owner or operator of a motor vehicle is determined
21 to be responsible for a violation of subsection (1), the court in
22 which the civil infraction determination is entered shall notify
23 the secretary of state of the vehicle registration number and the
24 year and make of the motor vehicle being operated at the time of
25 the violation. A notification under this subsection ~~shall~~ **must** be
26 made on the abstract or on a form approved by the supreme court
27 administrator. Upon receipt, the secretary of state shall
28 immediately enter this information in the records of the
29 department. The secretary of state shall not renew, transfer, or



1 replace the registration plate of the vehicle involved in the
2 violation or allow the purchase of a new registration plate for the
3 vehicle involved in the violation until the owner meets the
4 requirements of section 227a or unless the vehicle involved in the
5 violation is transferred or sold to a person other than the owner's
6 spouse, mother, father, sister, brother, or child.

7 (6) An owner or operator of a motor vehicle who knowingly
8 produces false evidence under this section is guilty of a
9 misdemeanor, punishable by imprisonment for not more than 1 year,
10 or a fine of not more than \$1,000.00, or both.

11 (7) Points ~~shall~~**must** not be entered on a driver's record
12 under section 320a for a violation of this section.

13 (8) This section does not apply to the owner or operator of a
14 motor vehicle that is registered in a state other than this state
15 or a foreign country or province.

16 (9) **Unless otherwise authorized by law, a motor vehicle may**
17 **not be impounded or seized for a violation of subsection (1).**

