

HOUSE BILL NO. 5685

March 17, 2020, Introduced by Reps. Sneller and Filler and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 215, 226a, 233, 234, 243, and 907 (MCL 257.215, 257.226a, 257.233, 257.234, 257.243, and 257.907), section 226a as amended by 2006 PA 516, section 233 as amended by 2014 PA 290, section 234 as amended by 2002 PA 552, section 243 as amended by 1989 PA 299, and section 907 as amended by 2015 PA 126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 215. ~~It is a misdemeanor for any~~ **A person to shall not**
 2 drive or move or ~~for an owner~~ **shall not** knowingly ~~to permit to be~~
 3 driven or moved upon any highway any vehicle of a type required to
 4 be registered ~~hereunder which~~ **under this act that** is not registered
 5 or for which a certificate of title has not been applied for or for
 6 which the appropriate fee has not been paid when and as required
 7 ~~hereunder,~~ **under this act**, except as provided in ~~subsection (b) of~~
 8 section 217. **A person who violates this section is responsible for**
 9 **a civil infraction.**

10 Sec. 226a. (1) Temporary registration plates or markers may be
 11 issued to licensed dealers in vehicles and to persons engaged in
 12 the sale of vessels required to be numbered by part 801 of the
 13 natural resources and environmental protection act, 1994 PA 451,
 14 MCL 324.80101 to 324.80199, upon application accompanied by the
 15 proper fee, for use by purchasers or lessees of vehicles, for **a**
 16 **period** not to exceed 15 days pending receipt of regular
 17 registration plates from the dealer or person. Only 1 temporary
 18 plate or marker may be issued to a purchaser or lessee of a
 19 vehicle. If a dealer or person requires a purchaser or lessee of a
 20 vehicle or purchaser or lessee of a vessel to pay for a temporary
 21 plate or marker, the dealer or person shall not charge the
 22 purchaser or lessee more than the dealer or person was charged by
 23 the secretary of state for the individual plate or marker. The
 24 secretary of state shall determine the composition and design of
 25 the temporary registration plates or markers.

26 (2) A temporary registration plate or marker ~~shall~~ **must** show
 27 in ink the date of issue, a description of the vehicle for which
 28 issued, and any other information required by the secretary of
 29 state. A dealer or person shall immediately notify the secretary of



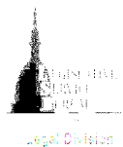
1 state of each temporary registration plate or marker issued by the
2 dealer or person, on a form prescribed by the secretary of state.
3 ~~Upon the attachment of~~ **When** the regular plate **is attached** to a
4 vehicle for which a temporary registration plate or marker ~~has been~~
5 **was** issued, the temporary plate ~~shall~~ **must** be destroyed.

6 (3) All temporary registration plates or markers ~~shall~~ **must** be
7 serially numbered and upon issuance the number ~~shall~~ **must** be noted
8 on the statement of vehicle sale form or in the case of a boat
9 trailer on a form prescribed by the secretary of state.

10 (4) A dealer or person, upon demand, shall immediately
11 surrender any temporary registration plates or markers in his or
12 her possession if the secretary of state finds, after
13 investigation, that the dealer or person has violated this section,
14 and the dealer or person shall immediately forfeit any right to the
15 temporary registration plates or markers.

16 (5) The secretary of state may issue a registration plate upon
17 application and payment of the proper fee to an individual,
18 partnership, corporation, or association who in the ordinary course
19 of business has occasion to legally repossess a vehicle in which a
20 security interest is held. A registration plate issued ~~pursuant to~~
21 **under** this subsection ~~shall~~ **must** be used to move and dispose of a
22 vehicle.

23 (6) The secretary of state may issue a registration plate upon
24 application and payment of the proper fee to an individual,
25 partnership, corporation, or association ~~who~~ **that** in the ordinary
26 course of business has occasion to legally pick up or deliver a
27 vehicle not required to be titled under this act, to legally pick
28 up or deliver a commercial motor vehicle being driven to a facility
29 to undergo aftermarket modification, or to repair or service a



1 vehicle, or to persons defined as dealers under part 801 of the
 2 natural resources and environmental protection act, 1994 PA 451,
 3 MCL 324.80101 to 324.80199, ~~for the purpose of delivering to~~
 4 **deliver** a vessel or trailer to a customer or to and from a boat
 5 show or exposition. A registration plate issued under this
 6 subsection ~~shall~~**must** be used to move the vehicle.

7 (7) The secretary of state may issue a registration plate upon
 8 application and payment of the proper fee to an individual,
 9 partnership, corporation, or association ~~who~~**that** in the ordinary
 10 course of business operates an auto auction, and ~~who~~**that** in the
 11 ordinary course of business has occasion to legally pick up a
 12 vehicle ~~which~~**that** will be offered for sale at the auction, or
 13 deliver a vehicle ~~which~~**that** has been offered for sale at the
 14 auction. The registration plate ~~shall~~**must** be used only to move
 15 vehicles as provided in this subsection. Auto auctions that ~~make~~
 16 ~~application~~**apply** for a registration plate under this subsection
 17 shall furnish a surety bond as required by the secretary of state.

18 (8) **A person who violates this section is responsible for a**
 19 **civil infraction.**

20 Sec. 233. (1) If the owner of a registered vehicle transfers
 21 or assigns the title or interest in the vehicle, the registration
 22 plates issued for the vehicle ~~shall~~**must** be removed and transferred
 23 to the owner's spouse, mother, father, sister, brother, or child to
 24 whom title or interest in the vehicle is transferred, or retained
 25 and preserved by the owner for transfer to another vehicle upon
 26 application and payment of the required fees. A person shall not
 27 transfer the plates to a vehicle without applying for a proper
 28 certificate of registration describing the vehicle to which the
 29 plates are being transferred, except as provided in section 217(4).



1 If the owner of a registered vehicle acquires another vehicle
2 without transferring or assigning the title or interest in the
3 vehicle for which the plates were issued, the owner may have the
4 plates transferred to the subsequently acquired vehicle upon
5 application and payment of the required fees.

6 (2) A person shall not purchase or lease another vehicle or an
7 interest in another vehicle with the intent to circumvent the
8 restrictions created by immobilization of a vehicle under this act.

9 (3) A person shall not transfer or attempt to transfer
10 ownership or right of possession of a vehicle subject to forfeiture
11 or ordered forfeited under this act with the intent to avoid the
12 forfeiture of that vehicle.

13 (4) During the time a vehicle is subject to a temporary
14 registration plate, vehicle forfeiture, immobilization,
15 registration denial, or the period from adjudication to
16 immobilization or forfeiture under this act, a person shall not
17 without a court order transfer or assign the title or an interest
18 in the vehicle to a person who is not subject to payment of a use
19 tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93.

20 (5) A person who violates subsection (2), (3), or (4) is
21 ~~guilty of a misdemeanor punishable by imprisonment for not more~~
22 ~~than 1 year or a fine of not more than \$1,000.00, or~~
23 **both responsible for a civil infraction.**

24 (6) A person whose operator's or chauffeur's license is
25 suspended, revoked, or denied for, or who has never been licensed
26 by this state and was convicted for, a third or subsequent
27 violation of section 625 or 625m, of a local ordinance
28 substantially corresponding to section 625 or 625m, or of a law of
29 another state substantially corresponding to section 625 or 625m,



1 or for a fourth or subsequent suspension or revocation under
2 section 904 shall not purchase, lease, or otherwise acquire a motor
3 vehicle during the suspension, revocation, or denial period. A
4 person who violates this subsection is ~~guilty of a misdemeanor~~
5 ~~punishable by imprisonment for not more than 93 days or a fine of~~
6 ~~not more than \$100.00, or both.~~ **responsible for a civil infraction.**

7 (7) If the assigned holder of registration plates applies for
8 a new registration certificate, the application ~~shall~~ **must** be
9 accompanied either by the old registration certificate or by a
10 certificate of title showing the person to be the assigned holder
11 of the registration plates for which the old registration
12 certificate had been issued. A person who fails or neglects to
13 fulfill the requirements of this subsection is ~~guilty of a~~
14 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~
15 ~~a fine of not more than \$100.00, or both.~~ **responsible for a civil**
16 **infraction.**

17 (8) The owner shall ~~indorse~~ **endorse** on the certificate of
18 title as required by the secretary of state an assignment of the
19 title with warranty of title in the form printed on the certificate
20 with a statement of all security interests in the vehicle or in
21 accessories on the vehicle and deliver or cause the certificate to
22 be mailed or delivered to the purchaser or transferee at the time
23 of the delivery to the purchaser or transferee of the vehicle. The
24 certificate ~~shall~~ **must** show the payment or satisfaction of any
25 security interest as shown on the original title. However, as
26 provided under section 238, the secretary of state is not required
27 to issue a title to the owner of a vehicle if the title is subject
28 to a security interest.

29 (9) Upon the delivery of a motor vehicle and the transfer,



1 sale, or assignment of the title or interest in a motor vehicle by
2 a person, including a dealer, the effective date of the transfer of
3 title or interest in the vehicle is the date of signature on either
4 the application for title or the assignment of the certificate of
5 title by the purchaser, transferee, or assignee.

6 (10) A secured receipt that is in a form approved by the
7 department and produced at the time the secured interest is
8 presented with payment in satisfaction of the security interest may
9 be submitted to the department in lieu of the title for purposes of
10 transferring ownership in the vehicle.

11 Sec. 234. (1) The purchaser or transferee, unless the person
12 is a licensed dealer, shall present or cause to be presented the
13 certificate of title and registration certificate if ~~plates are a~~
14 **registration plate is** being transferred to another vehicle,
15 assigned as provided in this act, to the secretary of state
16 accompanied by the **required** fees, ~~as provided by law, whereupon and~~
17 **the secretary of state shall issue** a new certificate of title and
18 registration certificate ~~shall be issued to the assignee. The~~
19 **secretary of state shall mail or deliver the** certificate of title
20 ~~shall be mailed or delivered to the owner or another person~~
21 **designated by** the owner ~~may direct~~ in a separate instrument in a
22 form **prescribed by** the secretary of state. ~~shall prescribe.~~

23 (2) If the secretary of state mails or delivers a purchaser's
24 or transferee's certificate of title to a dealer, the dealer shall
25 mail or deliver that certificate of title to the purchaser or
26 transferee not more than 5 days after receiving the certificate of
27 title from the secretary of state.

28 (3) Unless the transfer is made and the fee paid within 15
29 days, the vehicle is considered to be without registration, the



1 secretary of state may repossess the ~~license plates,~~ **registration**
 2 **plate,** and ~~transfer ownership~~ of the vehicle ~~ownership~~ may be
 3 effected ~~transferred~~ and a valid registration **may be** acquired
 4 thereafter only upon payment of a transfer fee of \$15.00 in
 5 addition to the fee provided for in section 806.

6 (4) If a security interest is reserved or created at the time
 7 of the transfer, the parties shall comply with ~~the requirements of~~
 8 section 238.

9 (5) **A person who violates this section is responsible for a**
 10 **civil infraction.**

11 Sec. 243. (1) A nonresident owner, except as otherwise
 12 provided in this section, owning any foreign vehicle ~~of a type~~
 13 otherwise subject to registration under this act may operate or
 14 permit the operation of the vehicle within this state without
 15 registering the vehicle in, or paying any fees to, this state if
 16 the vehicle ~~at all times~~ when operated in this state is duly
 17 registered in, and displays ~~upon it~~ a valid registration
 18 certificate and registration plate or plates issued for the vehicle
 19 in the place of residence of the owner.

20 (2) A nonresident owner of a foreign vehicle operated within
 21 this state for the transportation of persons or property for
 22 compensation ~~shall~~ **must** register the vehicle and pay the same fees
 23 for its registration as is required ~~with reference to~~ **for** like
 24 vehicles owned by residents of this state, except that the
 25 department may issue to the nonresident owner a temporary permit
 26 authorizing the operation of the foreign vehicle within this state
 27 for a period of 72 hours, without registering the vehicle, on the
 28 payment of a fee as provided in section 802a. ~~of this act.~~ The
 29 **secretary of state shall prescribe the form and determine the**



1 **manner of displaying the** temporary permit ~~shall be in a form as~~
2 ~~prescribed by, and shall be displayed on a foreign vehicle. in a~~
3 ~~manner determined by the secretary of state.~~ Each request for a
4 temporary permit under this subsection ~~shall~~**must** be based on
5 emergency or infrequent need for the permit. The secretary of state
6 may refuse to issue a permit if he or she has reason to believe the
7 applicant has previously forged or misused a permit, has attempted
8 to circumvent the registration laws of this state, or has not
9 demonstrated an emergency or infrequent use.

10 (3) The secretary of state may designate an owner or
11 registrant having a fleet of motor vehicles currently registered
12 under this act to act as an agent for the secretary of state ~~for~~
13 ~~the purpose of issuing to~~ **issue** to himself or herself a temporary
14 registration under this section.

15 (4) A nonresident owner of a pleasure vehicle otherwise
16 subject to registration under this act shall not operate the
17 vehicle for a period exceeding 90 days without securing
18 registration in this state.

19 (5) Every nonresident, including any foreign corporation
20 carrying on business within this state and owning and operating in
21 that business any vehicle subject to registration as provided in
22 this chapter, shall register the vehicle and pay the same fee for
23 the registration as is required ~~with reference to~~**for** like vehicles
24 owned by residents of this state, except as otherwise provided by
25 law.

26 (6) **A person who violates this section is responsible for a**
27 **civil infraction.**

28 Sec. 907. (1) A violation of this act, or a local ordinance
29 substantially corresponding to a provision of this act, that is



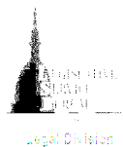
1 designated a civil infraction ~~shall not be considered~~ **is not** a
 2 lesser included offense of a criminal offense.

3 (2) If a person is determined under sections 741 to 750 to be
 4 responsible or responsible "with explanation" for a civil
 5 infraction under this act or a local ordinance substantially
 6 corresponding to a provision of this act, the judge or district
 7 court magistrate may order the person to pay a civil fine of not
 8 more than \$100.00 and costs as provided in subsection (4). However,
 9 if the civil infraction was a moving violation that resulted in an
 10 at-fault collision with another vehicle, a person, or any other
 11 object, the civil fine ordered under this section ~~shall~~ **must** be
 12 increased by \$25.00 but the total civil fine ~~shall~~ **must** not exceed
 13 \$100.00. However, for a violation of section 602b, the person ~~shall~~
 14 **must** be ordered to pay costs as provided in subsection (4) and a
 15 civil fine of \$100.00 for a first offense and \$200.00 for a second
 16 or subsequent offense. For a violation of section 674(1)(s) or a
 17 local ordinance substantially corresponding to section 674(1)(s),
 18 the person ~~shall~~ **must** be ordered to pay costs as provided in
 19 subsection (4) and a civil fine of not less than \$100.00 or more
 20 than \$250.00. For a violation of section 676c, the person ~~shall~~
 21 **must** be ordered to pay costs as provided in subsection (4) and a
 22 civil fine of \$1,000.00. For a violation of section 328, the civil
 23 fine ordered under this subsection ~~shall be not more than~~ **must not**
 24 **exceed** \$50.00. For a violation of section 710d, the civil fine
 25 ordered under this subsection ~~shall~~ **must** not exceed \$10.00, subject
 26 to subsection (12). For a violation of section 710e, the civil fine
 27 and court costs ordered under this subsection ~~shall~~ **must** be \$25.00.
 28 For a violation of section 682 or a local ordinance substantially
 29 corresponding to section 682, the person ~~shall~~ **must** be ordered to



1 pay costs as provided in subsection (4) and a civil fine of not
 2 less than \$100.00 or more than \$500.00. For a violation of section
 3 240, the civil fine ordered under this subsection ~~shall be~~ **is**
 4 \$15.00. For a violation of section 252a(1), the civil fine ordered
 5 under this subsection ~~shall be~~ **is** \$50.00. For a violation of
 6 section 676a(3), the civil fine ordered under this section ~~shall be~~
 7 ~~not more than~~ **must not exceed** \$10.00. For a first violation of
 8 section 319f(1), the civil fine ordered under this section ~~shall~~
 9 **must** be not less than \$2,500.00 or more than \$2,750.00; for a
 10 second or subsequent violation, the civil fine shall be not less
 11 than \$5,000.00 or more than \$5,500.00. For a violation of section
 12 319g(1)(a), the civil fine ordered under this section ~~shall be not~~
 13 ~~more than~~ **must not exceed** \$10,000.00. For a violation of section
 14 319g(1)(g), the civil fine ordered under this section ~~shall~~ **must** be
 15 not less than \$2,750.00 or more than \$25,000.00. **For a violation of**
 16 **section 215, 226a, 233(6) or (7), 234, or 243, the civil fine**
 17 **ordered under this subsection must be \$150.00. For a violation of**
 18 **section 233(2), (3), or (4), the civil fine ordered under this**
 19 **subsection is \$1,000.00.** Permission may be granted for payment of a
 20 civil fine and costs to be made within a specified period of time
 21 or in specified installments, but unless permission is included in
 22 the order or judgment, the civil fine and costs ~~shall~~ **must** be
 23 payable immediately.

24 (3) Except as **otherwise** provided in this ~~subsection,~~ **section,**
 25 if a person is determined to be responsible or responsible "with
 26 explanation" for a civil infraction under this act or a local
 27 ordinance substantially corresponding to a provision of this act
 28 while driving a commercial motor vehicle, he or she ~~shall~~ **must** be
 29 ordered to pay costs as provided in subsection (4) and a civil fine



1 of not more than \$250.00.

2 (4) If a civil fine is ordered under subsection (2) or (3),
3 the judge or district court magistrate shall summarily tax and
4 determine the costs of the action, which are not limited to the
5 costs taxable in ordinary civil actions, and may include all
6 expenses, direct and indirect, to which the plaintiff has been put
7 in connection with the civil infraction, up to the entry of
8 judgment. Costs ~~shall~~**must** not be ordered in excess of \$100.00. A
9 civil fine ordered under subsection (2) or (3) ~~shall~~**must** not be
10 waived unless costs ordered under this subsection are waived.
11 Except as otherwise provided by law, costs are payable to the
12 general fund of the plaintiff.

13 (5) In addition to a civil fine and costs ordered under
14 subsection (2) or (3) and subsection (4) and the justice system
15 assessment ordered under subsection (13), the judge or district
16 court magistrate may order the person to attend and complete a
17 program of treatment, education, or rehabilitation.

18 (6) A district court magistrate shall impose the sanctions
19 permitted under subsections (2), (3), and (5) only to the extent
20 expressly authorized by the chief judge or only judge of the
21 district court district.

22 (7) Each district of the district court and each municipal
23 court may establish a schedule of civil fines, costs, and
24 assessments to be imposed for civil infractions that occur within
25 the respective district or city. If a schedule is established, it
26 ~~shall~~**must** be prominently posted and readily available for public
27 inspection. A schedule need not include all violations that are
28 designated by law or ordinance as civil infractions. A schedule may
29 exclude cases on the basis of a defendant's prior record of civil



1 infractions or traffic offenses, or a combination of civil
2 infractions and traffic offenses.

3 (8) The state court administrator shall annually publish and
4 distribute to each district and court a recommended range of civil
5 fines and costs for first-time civil infractions. This
6 recommendation is not binding upon the courts having jurisdiction
7 over civil infractions but is intended to act as a normative guide
8 for judges and district court magistrates and a basis for public
9 evaluation of disparities in the imposition of civil fines and
10 costs throughout the state.

11 (9) If a person has received a civil infraction citation for
12 defective safety equipment on a vehicle under section 683, the
13 court shall waive a civil fine, costs, and assessments upon receipt
14 of certification by a law enforcement agency that repair of the
15 defective equipment was made before the appearance date on the
16 citation.

17 (10) A default in the payment of a civil fine or costs ordered
18 under subsection (2), (3), or (4) or a justice system assessment
19 ordered under subsection (13), or an installment of the fine,
20 costs, or assessment, may be collected by a means authorized for
21 the enforcement of a judgment under chapter 40 of the revised
22 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
23 under chapter 60 of the revised judicature act of 1961, 1961 PA
24 236, MCL 600.6001 to 600.6098.

25 (11) If a person fails to comply with an order or judgment
26 issued under this section within the time prescribed by the court,
27 the ~~driver's~~**driver** license of that person ~~shall~~**must** be suspended
28 under section 321a until full compliance with that order or
29 judgment occurs. In addition to this suspension, the court may also



1 proceed under section 908.

2 (12) The court may waive any civil fine, cost, or assessment
3 against a person who received a civil infraction citation for a
4 violation of section 710d if the person, before the appearance date
5 on the citation, supplies the court with evidence of acquisition,
6 purchase, or rental of a child seating system meeting the
7 requirements of section 710d.

8 (13) In addition to any civil fines or costs ordered to be
9 paid under this section, the judge or district court magistrate
10 shall order the defendant to pay a justice system assessment of
11 \$40.00 for each civil infraction determination, except for a
12 parking violation or a violation for which the total fine and costs
13 imposed are \$10.00 or less. Upon payment of the assessment, the
14 clerk of the court shall transmit the assessment collected to the
15 state treasury to be deposited into the justice system fund created
16 in section 181 of the revised judicature act of 1961, 1961 PA 236,
17 MCL 600.181. An assessment levied under this subsection is not a
18 civil fine for purposes of section 909.

19 (14) If a person has received a citation for a violation of
20 section 223, the court shall waive any civil fine, costs, and
21 assessment, upon receipt of certification by a law enforcement
22 agency that the person, before the appearance date on the citation,
23 produced a valid registration certificate that was valid on the
24 date the violation of section 223 occurred.

25 (15) If a person has received a citation for a violation of
26 section 328(1) for failing to produce a certificate of insurance
27 under section 328(2), the court may waive the fee described in
28 section 328(3)(c) and shall waive any fine, costs, and any other
29 fee or assessment otherwise authorized under this act upon receipt



1 of verification by the court that the person, before the appearance
2 date on the citation, produced valid proof of insurance that was in
3 effect at the time the violation of section 328(1) occurred.

4 Insurance obtained subsequent to the time of the violation does not
5 make the person eligible for a waiver under this subsection.

6 (16) If a person is determined to be responsible or
7 responsible "with explanation" for a civil infraction under this
8 act or a local ordinance substantially corresponding to a provision
9 of this act and the civil infraction arises out of the ownership or
10 operation of a commercial quadricycle, he or she ~~shall~~**must** be
11 ordered to pay costs as provided in subsection (4) and a civil fine
12 of not more than \$500.00.

13 (17) As used in this section, "moving violation" means an act
14 or omission prohibited under this act or a local ordinance
15 substantially corresponding to this act that involves the operation
16 of a motor vehicle and for which a fine may be assessed.

