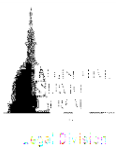


HOUSE BILL NO. 5853

June 11, 2020, Introduced by Reps. Kahle, Yancey, Lasinski, Brenda Carter, Tyrone Carter, Hope, Whitsett, Hood, Sneller, Sabo, Warren, Sowerby, Cambensy, Clemente, Cherry, Manoogian, Kupp, Hoadley, Brann, Gay-Dagnogo, Guerra, O'Malley, Wozniak, Brixie, Peterson, Bolden, Meerman, Ellison, Wittenberg, Hammoud, Kennedy and Chirkun and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 208b, 215, 217, 217c, 226a, 233, 233a, 234,
239, 244, 248, 248f, 251, 252a, 255, 256, 301, 306, 310, 311, 312,
312a, 315, 317, 324, 325, 326, 328, 503, 624b, 675, 677a, 682c,
698, 707c, 722, 724, 728d, 904, 904a, 904e, 905, and 907 (MCL
257.208b, 257.215, 257.217, 257.217c, 257.226a, 257.233, 257.233a,
257.234, 257.239, 257.244, 257.248, 257.248f, 257.251, 257.252a,
257.255, 257.256, 257.301, 257.306, 257.310, 257.311, 257.312,
257.312a, 257.315, 257.317, 257.324, 257.325, 257.326, 257.328,



SCB

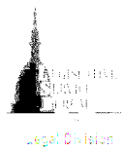


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257.503, 257.624b, 257.675, 257.677a, 257.682c, 257.698, 257.707c, 257.722, 257.724, 257.728d, 257.904, 257.904a, 257.904e, 257.905, and 257.907), section 208b as amended by 2019 PA 88, sections 217 and 233 as amended by 2014 PA 290, section 217c as amended by 2018 PA 108, section 226a as amended by 2006 PA 516, section 233a as amended by 2000 PA 82, section 234 as amended by 2002 PA 552, section 244 as amended by 2013 PA 231, section 248 as amended by 2018 PA 420, section 248f as amended by 2006 PA 298, section 251 as amended by 2012 PA 498, section 252a as amended by 2018 PA 347, section 255 as amended by 2018 PA 64, section 256 as amended by 1987 PA 34, section 301 as amended by 2011 PA 159, sections 306 and 324 as amended by 2015 PA 11, section 310 as amended by 2018 PA 177, section 311 as amended by 1983 PA 63, section 312 as amended by 2000 PA 456, section 312a as amended by 2016 PA 318, section 315 as amended by 2008 PA 7, section 317 as amended by 2018 PA 566, section 328 as amended by 2015 PA 135, section 503 as added by 2013 PA 218, section 624b as amended by 2003 PA 61, section 675 as amended by 2018 PA 179, section 682c as added by 2012 PA 262, section 698 as amended by 2018 PA 342, section 722 as amended by 2018 PA 274, section 724 as amended by 2018 PA 651, section 904 as amended by 2018 PA 212, section 904a as amended by 1985 PA 53, section 904e as amended by 1999 PA 73, section 905 as added by 1980 PA 518, and section 907 as amended by 2015 PA 126; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 208b. (1) The secretary of state may provide a commercial
- 2 look-up service of records maintained under this act. For each
- 3 individual record looked up, the secretary of state shall charge a
- 4 fee specified annually by the legislature, or if the legislature



1 does not specify a fee, a market-based price established by the
2 secretary of state. The secretary of state shall process a
3 commercial look-up request only if the request is in a form or
4 format prescribed by the secretary of state. Until October 1, 2023,
5 fees collected under this subsection must be credited to the
6 transportation administration collection fund created in section
7 810b.

8 (2) A driver education provider shall subscribe to the
9 commercial look-up service maintained by the secretary of state.

10 (3) A driver education provider shall maintain on its premises
11 the most current copy of all nonpersonal information related to his
12 or her driving record and the driving record of each instructor
13 employed by the driver education provider for review by any
14 prospective customer or the parent or guardian of a prospective
15 customer.

16 (4) A prospective customer or the parent or guardian of a
17 prospective customer may review a copy of all nonpersonal
18 information related to the driving record of the driver education
19 provider or an instructor employed by the driver education
20 provider.

21 (5) A driver education provider shall include in its contract
22 with each client, as prescribed by the secretary of state, a notice
23 that nonpersonal information related to the driving record of each
24 individual instructor is available for review by the general
25 public. A driver education provider who fails to include the
26 information required by this subsection is ~~subject to a fine~~
27 **responsible for a civil infraction and shall be ordered to pay a**
28 **civil fine** of not more than ~~\$500.00.~~**\$100.00.**

29 (6) Each limo carrier of passengers shall subscribe to the



1 commercial look-up service maintained by the secretary of state.

2 (7) ~~A person~~ **An individual** who drives a limousine for hire for
3 a limo carrier of passengers shall maintain a most current copy of
4 all nonpersonal information related to the ~~person's~~ **individual's**
5 driving record in the limousine available for review by any
6 prospective passenger.

7 (8) A prospective passenger may review a copy of all
8 nonpersonal information related to the driving record of the driver
9 of a limousine from a limo carrier of passengers or from the driver
10 of the limousine.

11 (9) The secretary of state shall not provide an entire
12 computerized central file or other file of records maintained under
13 this act to a nongovernmental person or entity, unless the person
14 or entity pays the prescribed fee for each individual record
15 contained within the computerized file.

16 (10) A driver training school operator who fails to provide
17 the information required to be maintained by this section is
18 ~~subject to a fine~~ **responsible for a civil infraction and shall be**
19 **ordered to pay a civil fine** of not more than ~~\$500.00.~~ **\$100.00.** Each
20 failure to provide information constitutes a separate offense.

21 (11) A limo carrier of passengers who fails to provide the
22 information required to be maintained by this section is ~~subject to~~
23 ~~a fine~~ **responsible for a civil infraction and shall be ordered to**
24 **pay a civil fine** of not more than ~~\$500.00.~~ **\$100.00.** Each failure to
25 provide information constitutes a separate offense.

26 (12) The driver of a limousine who fails to provide the
27 information required by this section is ~~subject to a fine~~
28 **responsible for a civil infraction and shall be ordered to pay a**
29 **civil fine** of not more than ~~\$500.00.~~ **\$100.00.** Each failure to



1 provide information constitutes a separate offense.

2 (13) As used in this section:

3 (a) "Driver education provider" means that term as defined in
4 section 5 of the driver education provider and instructor act, 2006
5 PA 384, MCL 256.625.

6 (b) "Limousine carrier" and "limousine" mean those terms as
7 defined in section 2 of the limousine, taxicab, and transportation
8 network company act, 2016 PA 345, MCL 257.2102.

9 Sec. 215. ~~It is a misdemeanor for any~~ **A person to shall not**
10 drive or move or ~~for an owner~~ **shall not** knowingly ~~to permit to be~~
11 driven or moved upon any highway any vehicle of a type required to
12 be registered ~~hereunder which~~ **under this act that** is not registered
13 or for which a certificate of title has not been applied for or for
14 which the appropriate fee has not been paid when and as required
15 ~~hereunder, under this act~~, except as provided in ~~subsection (b) of~~
16 section ~~217.217(1) (b)~~. **A person who violates this section is**
17 **responsible for a civil infraction and shall be ordered to pay a**
18 **civil fine of not more than \$100.00.**

19 Sec. 217. (1) An owner of a vehicle that is subject to
20 registration under this act shall apply to the secretary of state,
21 upon an appropriate form furnished by the secretary of state, for
22 the registration of the vehicle and issuance of a certificate of
23 title for the vehicle. A vehicle brought into this state from
24 another state or jurisdiction that has a rebuilt, salvage, scrap,
25 flood, or comparable certificate of title issued by that other
26 state or jurisdiction ~~shall must~~ be issued a rebuilt, salvage,
27 scrap, or flood certificate of title by the secretary of state. The
28 application ~~shall must~~ be accompanied by the required fee. An
29 application for a certificate of title ~~shall must~~ bear the



1 signature or verification and certification of the owner. The
2 application ~~shall~~**must** contain all of the following:

3 (a) The owner's name, the owner's bona fide residence, and
4 either of the following:

5 (i) If the owner is an individual, the owner's mailing address.

6 (ii) If the owner is a firm, association, partnership, limited
7 liability company, or corporation, the owner's business address.

8 (b) A description of the vehicle including the make or name,
9 style of body, and model year; the number of miles, not including
10 the tenths of a mile, registered on the vehicle's odometer at the
11 time of transfer; whether the vehicle is a flood vehicle or another
12 state previously issued the vehicle a flood certificate of title;
13 whether the vehicle is to be or has been used as a taxi or police
14 vehicle, or by a political subdivision of this state, unless the
15 vehicle is owned by a dealer and loaned or leased to a political
16 subdivision of this state for use as a driver education vehicle;
17 whether the vehicle has previously been issued a salvage or rebuilt
18 certificate of title from this state or a comparable certificate of
19 title from any other state or jurisdiction; vehicle identification
20 number; and the vehicle's weight fully equipped, if a passenger
21 vehicle registered in accordance with section 801(1)(a), and, if a
22 trailer coach or pickup camper, in addition to the weight, the
23 manufacturer's serial number, or in the absence of the serial
24 number, a number assigned by the secretary of state. A number
25 assigned by the secretary of state ~~shall~~**must** be permanently placed
26 on the trailer coach or pickup camper in the manner and place
27 designated by the secretary of state.

28 (c) A statement of the applicant's title and the names and
29 addresses of the holders of security interests in the vehicle and



1 in an accessory to the vehicle, in the order of their priority.

2 (d) Further information that the secretary of state reasonably
3 requires to enable the secretary of state to determine whether the
4 vehicle is lawfully entitled to registration and the owner entitled
5 to a certificate of title. If the secretary of state is not
6 satisfied as to the ownership of a vehicle having a value over
7 \$2,500.00 or that is less than 10 years old, before registering the
8 vehicle and issuing a certificate of title, the secretary of state
9 may require the applicant to file a properly executed surety bond
10 in a form prescribed by the secretary of state and executed by the
11 applicant and a company authorized to conduct a surety business in
12 this state. The bond ~~shall~~**must** be in an amount equal to twice the
13 value of the vehicle as determined by the secretary of state and
14 ~~shall~~**must** be conditioned to indemnify or reimburse the secretary
15 of state, any prior owner, and any subsequent purchaser or lessee
16 of the vehicle and their successors in interest against any
17 expense, loss, or damage, including reasonable ~~attorney's~~**attorney**
18 fees, by reason of the issuance of a certificate of title for the
19 vehicle or on account of any defect in the right, title, or
20 interest of the applicant in the vehicle. An interested person has
21 a right of action to recover on the bond for a breach of the
22 conditions of the bond, but the aggregate liability of the surety
23 to all persons ~~shall~~**must** not exceed the amount of the bond. If the
24 secretary of state is not satisfied as to the ownership of a
25 vehicle that is valued at \$2,500.00 or less and that is 10 years
26 old or older, the secretary of state shall require the applicant to
27 certify that the applicant is the owner of the vehicle and entitled
28 to register and title the vehicle.

29 (e) Except as provided in subdivision (f), an application for



1 a commercial vehicle ~~shall~~**must** also have attached a scale weight
2 receipt of the motor vehicle fully equipped as of the time the
3 application is made. A scale weight receipt is not necessary if
4 there is presented with the application a registration receipt of
5 the previous year that shows on its face the empty weight of the
6 motor vehicle as registered with the secretary of state that is
7 accompanied by a statement of the applicant that there has not been
8 structural change in the motor vehicle that has increased the empty
9 weight and that the previous registered weight is the true weight.

10 (f) An application for registration of a vehicle on the basis
11 of elected gross weight ~~shall~~**must** include a declaration by the
12 applicant specifying the elected gross weight for which application
13 is being made.

14 (g) If the application is for a certificate of title of a
15 motor vehicle registered in accordance with section 801(1)(p), the
16 application ~~shall~~**must** include the manufacturer's suggested base
17 list price for the model year of the vehicle. The base list price
18 ~~shall be~~**is** the manufacturer's suggested retail price as shown on
19 the label required to be affixed to the vehicle under 15 USC 1232.
20 If the manufacturer's suggested retail price is unavailable, the
21 application ~~shall~~**must** list the purchase price of the vehicle as
22 defined in section 801.

23 (2) An applicant for registration of a leased pickup truck or
24 passenger vehicle that is subject to registration under this act,
25 except a vehicle that is subject to a registration fee under
26 section 801g, shall disclose in writing to the secretary of state
27 the lessee's name, the lessee's bona fide residence, and either of
28 the following:

29 (a) If the lessee is an individual, the lessee's Michigan



1 driver license number or Michigan personal identification number
2 or, if the lessee does not have a Michigan driver license or
3 Michigan personal identification number, the lessee's mailing
4 address.

5 (b) If the lessee is a firm, association, partnership, limited
6 liability company, or corporation, the lessee's business address.

7 (3) The secretary of state shall maintain the information
8 described in subsection (2) on the secretary of state's computer
9 records.

10 (4) Except as provided in subsection (5), a dealer selling,
11 leasing, or exchanging vehicles required to be titled, within 15
12 days after delivering a vehicle to the purchaser or lessee, and a
13 person engaged in the sale of vessels required to be numbered by
14 part 801 of the natural resources and environmental protection act,
15 1994 PA 451, MCL 324.80101 to 324.80199, within 15 days after
16 delivering a boat trailer weighing less than 2,500 pounds to the
17 purchaser or lessee, shall apply to the secretary of state for a
18 new title, if required, and transfer or secure registration plates
19 and secure a certificate of registration for the vehicle or boat
20 trailer, in the name of the purchaser or lessee. The dealer's
21 license may be suspended or revoked in accordance with section 249
22 for failure to apply for a title when required or for failure to
23 transfer or secure registration plates and certificate of
24 registration within ~~the~~ 15 days **as** required by this section. If the
25 dealer or person fails to apply for a title when required, ~~and~~ to
26 transfer or secure registration plates, ~~and to~~ secure a certificate
27 of registration, and pay the required fees within 15 days of
28 delivery of the vehicle or boat trailer, a title and registration
29 for the vehicle or boat trailer may subsequently be acquired only

1 upon the payment of a late transfer fee of \$15.00 for an individual
2 or a dealer other than a dealer subject to section 235b in addition
3 to the fees specified in section 806. For a used or secondhand
4 vehicle dealer subject to section 235b, the late transfer fee is
5 \$100.00 in addition to the fees specified in section 806. The
6 purchaser or lessee of the vehicle or the purchaser of the boat
7 trailer shall sign the application, including, if applicable, the
8 declaration specifying the maximum elected gross weight as required
9 by subsection (1)(f), and other necessary papers to enable the
10 dealer or person to secure the title, registration plates, and
11 transfers from the secretary of state. If the secretary of state
12 mails or delivers a purchaser's certificate of title to a dealer,
13 the dealer shall mail or deliver the certificate of title to the
14 purchaser not more than 5 days after receiving the certificate of
15 title from the secretary of state. However, as provided under
16 section 238, the secretary of state is not required to issue a
17 title to the owner of a vehicle or lienholder if the title is
18 subject to a security interest.

19 (5) A dealer selling or exchanging an off lease or buy back
20 vehicle shall apply to the secretary of state for a new title for
21 the vehicle within 15 days after it receives the certificate of
22 title from the lessor or manufacturer under section 235 or section
23 235b and transfer or secure registration plates and secure a
24 certificate of registration for the vehicle in the name of the
25 purchaser. The dealer's license may be suspended or revoked in
26 accordance with section 249 for failure to apply for a title when
27 required or for failure to transfer or secure registration plates
28 and certificate of registration within the 15-day period. If the
29 dealer or person fails to apply for a title when required, ~~and to~~



1 transfer or secure registration plates, ~~and to~~ secure a certificate
2 of registration, and pay the required fees within the 15-day time
3 period, a title and registration for the vehicle may subsequently
4 be acquired only upon the payment of a late transfer fee of \$15.00
5 for an individual or dealer other than a used or secondhand vehicle
6 dealer subject to section 235b in addition to the fees specified in
7 section 806. The late transfer fee for a used or secondhand vehicle
8 dealer subject to section 235b is \$100.00 in addition to the fees
9 specified in section 806. The purchaser of the vehicle shall sign
10 the application, including, if applicable, the declaration
11 specifying the maximum elected gross weight as required by
12 subsection (1)(f), and other necessary papers to enable the dealer
13 or person to secure the title, registration plates, and transfers
14 from the secretary of state. If the secretary of state mails or
15 delivers a purchaser's certificate of title to a dealer, the dealer
16 shall mail or deliver the certificate of title to the purchaser not
17 more than 5 days after receiving the certificate of title from the
18 secretary of state. However, as provided under section 238, the
19 secretary of state is not required to issue a title to the owner of
20 a vehicle if the title is subject to a security interest.

21 (6) If a vehicle is delivered to a purchaser or lessee who has
22 valid Michigan registration plates that are to be transferred to
23 the vehicle, and an application for title, if required, and
24 registration for the vehicle is not made before delivery of the
25 vehicle to the purchaser or lessee, the registration plates ~~shall~~
26 **must** be affixed to the vehicle immediately, and the dealer shall
27 provide the purchaser or lessee with an instrument in writing, on a
28 form prescribed by the secretary of state, ~~which shall serve that~~
29 **serves** as a temporary registration for the vehicle for a period of

1 15 days from the date the vehicle is delivered.

2 (7) If the seller does not prepare the credit information,
3 contract note, and mortgage, and the holder, finance company,
4 credit union, or banking institution requires the installment
5 seller to record the lien on the title, the holder, finance
6 company, credit union, or banking institution shall pay the seller
7 a service fee of not more than \$10.00. The service fee ~~shall~~**must**
8 be paid from the finance charges and ~~shall~~**must** not be charged to
9 the buyer in addition to the finance charges. The holder, finance
10 company, credit union, or banking institution shall issue its check
11 or bank draft for the principal amount financed, payable jointly to
12 the buyer and seller, and ~~there shall be imprinted~~**imprint** on the
13 back side of the check or bank draft the following:

14 "Under Michigan law, the seller must record a first lien in
15 favor of (name of lender) _____ on the vehicle with
16 vehicle identification number _____ and title the vehicle
17 only in the name(s) shown on the reverse side."

18 (8) On the front of the check or draft described under
19 subsection (7), the holder, finance company, credit union, or
20 banking institution shall note the name or names of the prospective
21 owners. Failure of the holder, finance company, credit union, or
22 banking institution to comply with these requirements frees the
23 seller from any obligation to record the lien or from any liability
24 that may arise as a result of the failure to record the lien. A
25 service fee ~~shall~~**must** not be charged to the buyer.

26 (9) In the absence of actual malice proved independently and
27 not inferred from lack of probable cause, a person who in any
28 manner causes a prosecution for larceny of a motor vehicle; for
29 embezzlement of a motor vehicle; for any crime an element of which



1 is the taking of a motor vehicle without authority; or for buying,
2 receiving, possessing, leasing, or aiding in the concealment of a
3 stolen, embezzled, or converted motor vehicle knowing that the
4 motor vehicle has been stolen, embezzled, or converted, is not
5 liable for damages in a civil action for causing the prosecution.
6 This subsection does not relieve a person from proving any other
7 element necessary to sustain his or her cause of action.

8 (10) Receipt by the secretary of state of a properly tendered
9 application for a certificate of title on which a security interest
10 in a vehicle is to be indicated is a condition of perfection of a
11 security interest in the vehicle and is equivalent to filing a
12 financing statement under the uniform commercial code, 1962 PA 174,
13 MCL 440.1101 to 440.9994, with respect to the vehicle. When a
14 security interest in a vehicle is perfected, it has priority over
15 the rights of a lien creditor as lien creditor is defined in
16 section 9102 of the uniform commercial code, 1962 PA 174, MCL
17 440.9102.

18 **(11) A person who violates this section is responsible for a**
19 **civil infraction and shall be ordered to pay a civil fine of not**
20 **more than \$100.00.**

21 Sec. 217c. (1) The secretary of state may conduct periodic
22 reviews of the records of a dealer to determine whether adequate
23 notice is given to a transferee or lessee of a rebuilt salvage
24 vehicle of that vehicle's prior designation as a salvage vehicle.
25 The secretary of state may request an insurance company to provide
26 copies of salvage title documents and claims reports involving
27 major component parts to assist the secretary of state in
28 monitoring compliance with this act.

29 (2) Except for a late model vehicle that has been stolen and



1 recovered and that has no major component part removed, missing, or
2 destroyed, or damaged and not salvageable, an insurance company
3 licensed to conduct business in this state that acquires ownership
4 of a late model vehicle through the payment of a claim shall
5 proceed under either of the following:

6 (a) If the insurance company acquires ownership of the vehicle
7 through payment of a claim, the owner of the vehicle must assign
8 the certificate of title to the insurance company which shall do
9 all of the following:

10 (i) Surrender a properly assigned certificate of title to the
11 secretary of state.

12 (ii) If the estimated cost of repair, including parts and
13 labor, is equal to or more than 75% but less than 91% of the
14 predamaged actual cash value of the vehicle, apply for a salvage
15 certificate of title, and if the estimated cost of repair,
16 including parts and labor, is equal to or greater than 91% of the
17 predamaged actual cash value of the vehicle, apply for a scrap
18 certificate of title. The insurance company shall not sell the
19 vehicle without first receiving a salvage or scrap certificate of
20 title, which shall be assigned to the buyer. An insurance company
21 may assign a salvage or scrap certificate of the title only to an
22 automotive recycler, used or secondhand vehicle parts dealer,
23 foreign salvage vehicle dealer, or vehicle scrap metal processor.

24 (b) If after payment of a total loss claim the insurance
25 company permits the owner of the vehicle to retain ownership, the
26 insurance company shall do all of the following:

27 (i) If the estimated cost of repair, including parts and labor,
28 is equal to or greater than 75% but less than 91% of the predamaged
29 actual cash value of the vehicle, require each owner of the vehicle



1 to sign an application for a salvage certificate of title, or if
2 the estimated cost of repair, including parts and labor, is equal
3 to or greater than 91% of the predamaged actual cash value of the
4 vehicle, require each owner of the vehicle to sign an application
5 for a scrap vehicle certificate of title.

6 (ii) Attach the owner's certificate of title to the application
7 for a salvage or scrap certificate of title or have the owner
8 certify that the certificate of title is lost.

9 (iii) On behalf of the owner, apply to the secretary of state
10 for a salvage or scrap certificate of title in the name of the
11 owner. The owner shall not sell or otherwise dispose of the vehicle
12 without first receiving a salvage or scrap certificate of title,
13 ~~which shall be~~ **that must be** assigned to the buyer. An insurance
14 company may assign a salvage or scrap certificate of title only to
15 an automotive recycler, used or secondhand vehicle parts dealer,
16 foreign salvage vehicle dealer, or vehicle scrap metal processor.

17 (3) If an insurance company pays a claim for total loss to the
18 owner or lienholder of record as kept by the secretary of state, or
19 both, if applicable, of a vehicle but the owner or lienholder of
20 record as kept by the secretary of state fails to surrender the
21 certificate of title or other document necessary for the transfer
22 of ownership of the vehicle to the insurance company within the
23 expiration of 30 days after the claim payment, the insurance
24 company, without having obtained the surrender of the title or
25 other document otherwise necessary for the transfer of ownership
26 for the vehicle from the owner or lienholder of record as kept by
27 the secretary of state, or both, if applicable, may apply to the
28 secretary of state for a title as provided under this section. The
29 insurance company shall, at the time of application, provide proof



1 of the payment and that the insurance company has requested in
2 writing, by certified mail or by another commercially available
3 delivery service providing proof of delivery, on at least 2
4 separate occasions that the owner or lienholder of record as kept
5 by the secretary of state surrender to the insurance company the
6 certificate of title or other document necessary for the transfer
7 of ownership to the insurance company. The application ~~shall~~**must**
8 be signed under the penalty of perjury. Subject to subsection
9 (2) (a) (ii), upon meeting the requirements of this subsection, the
10 secretary of state shall issue to the insurance company the
11 appropriate certificate of title free of all liens and shall notify
12 the prior vehicle owner and lienholder of record as kept by the
13 secretary of state, if any, of that action in writing. Proof of
14 payment of the claim is satisfied only by 1 of the following:

15 (a) In the case of payment by check, either of the following:

16 (i) A copy of the front and back of the endorsed check.

17 (ii) Evidence that the check has cleared the account of the
18 payer.

19 (b) In the case of payment by electronic transfer, evidence
20 that the payment was charged to the account of the payer.

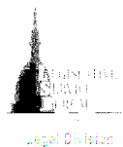
21 (4) Except as provided in subsection (3), if an insurance
22 company acquires ownership of a vehicle other than a late model
23 vehicle through payment of damages due to an accident, the company
24 shall surrender a properly assigned title to the buyer upon
25 delivery.

26 (5) If a dealer acquires ownership of a late model vehicle
27 that is a distressed vehicle from an owner, the dealer shall
28 receive an assigned certificate of title. If the assigned
29 certificate of title is not a salvage or scrap certificate of



1 title, the dealer, other than a vehicle scrap metal processor,
2 shall surrender the assigned certificate of title to the secretary
3 of state, and if the estimated cost of repair, including parts and
4 labor, is equal to or greater than 75% but less than 91% of the
5 predamaged actual cash value of the vehicle, apply for a salvage
6 certificate of title, or if the estimated cost of repair, including
7 parts and labor, is equal to or greater than 91% of the predamaged
8 actual cash value of the vehicle, apply for a scrap certificate of
9 title within 5 days after the dealer receives the assigned
10 certificate of title. The dealer may sell a salvage vehicle to
11 another automotive recycler, used or secondhand vehicle parts
12 dealer, foreign salvage vehicle dealer, or vehicle scrap metal
13 processor by assigning the salvage certificate of title to the
14 buyer. Unless the vehicle is rebuilt, inspected, and recertified
15 under this section, if the vehicle is sold to a buyer other than a
16 dealer, application ~~shall~~**must** be made for a salvage certificate in
17 the name of the buyer in the manner provided in this act. The
18 dealer may sell a scrap vehicle only to a vehicle scrap metal
19 processor. A vehicle scrap metal processor shall surrender an
20 assigned certificate of title to the secretary of state within 30
21 days after acquiring a vehicle for which a certificate of title was
22 received. A vehicle scrap metal processor shall surrender an
23 assigned salvage or scrap certificate of title to the secretary of
24 state within 30 days after acquiring a vehicle for which a salvage
25 or scrap certificate of title was received and report that the
26 vehicle was destroyed or scrapped.

27 (6) An application for a scrap certificate of title ~~shall~~**must**
28 be made on a form prescribed by the secretary of state accompanied
29 by a fee of \$15.00. The application ~~shall~~**must** contain all of the



1 following:

2 (a) The complete name and current address of the owner.

3 (b) A description of the vehicle, including its make, style of
4 body, model year, fee category or weight, color, and vehicle
5 identification number.

6 (c) If the vehicle is a late model vehicle, a listing of each
7 major component part that was not salvageable.

8 (d) Further information as may reasonably be required by the
9 secretary of state.

10 (7) The scrap certificate of title ~~shall~~**must** authorize the
11 holder of the document to transport but not drive upon a highway
12 the vehicle or parts of a vehicle, and assign ownership to a
13 vehicle scrap metal processor, automotive recycler, used or
14 secondhand vehicle parts dealer, or foreign salvage vehicle dealer.
15 A certificate of title ~~shall~~**must** not again be issued for this
16 vehicle. A person shall not rebuild or repair a scrap vehicle and
17 allow it to retain the original vehicle identification number.

18 (8) If a person, other than a dealer or insurance company that
19 is subject to subsection (2) or (5), acquires ownership of a
20 distressed, late model vehicle, the person must surrender the title
21 or assigned certificate of title to the secretary of state, and if
22 the estimated cost of repair, including parts and labor, is equal
23 to or greater than 75% but less than 91% of the predamaged actual
24 cash value of the vehicle, apply for a salvage certificate of
25 title, or if the estimated cost of repair, including parts and
26 labor, is equal to or greater than 91% of the predamaged actual
27 cash value of the vehicle, apply for a scrap certificate of title
28 before the vehicle may be transported.

29 (9) An owner of a vehicle may determine that a vehicle is a



1 scrap vehicle or a salvage vehicle without making any determination
2 as to the actual cash value of the vehicle.

3 (10) If a leasing company, vehicle manufacturer, insurance
4 company not licensed to do business in this state, association,
5 repossession company, self-insured owner, financial institution,
6 governmental entity, or other company, institution, or entity, owns
7 a distressed, late model vehicle, the titleholder shall surrender
8 the title or assigned certificate of title to the secretary of
9 state and apply for a salvage certificate of title if the retail
10 cost of repair, including parts and labor, is equal to or greater
11 than 75% but less than 91% of the predamaged actual cash value of
12 the vehicle, or if the retail cost of repair, including parts and
13 labor, is equal to or greater than 91% of the predamaged actual
14 cash value of the vehicle, apply for a scrap certificate of title,
15 before the vehicle may be transported or sold. If ownership is
16 transferred, the owner must sell the vehicle only to a dealer who
17 is eligible to buy a salvage or scrap vehicle in this state unless
18 the owner complies with subsection (13). When a leasing company,
19 vehicle manufacturer, insurance company not licensed to do business
20 in this state, association, repossession company, self-insured
21 owner, financial institution, governmental entity, or other
22 company, institution, or entity, estimates the repair of a
23 distressed, late model vehicle for the purpose of determining
24 whether to apply for a salvage or scrap certificate of title, a
25 complete record of the estimate and, if the vehicle is repaired
26 before a transfer of ownership, a complete record of the actual
27 cost of the repairs performed and by whom ~~shall~~**must** be maintained
28 for a minimum of 5 years by the leasing company, vehicle
29 manufacturer, insurance company not licensed to do business in this

1 state, association, repossession company, self-insured owner,
2 financial institution, governmental entity, or other company,
3 institution, or entity. The estimates and repair records required
4 by this subsection ~~shall~~**must** be available for unannounced
5 inspections by a law enforcement agency or a representative of the
6 secretary of state. The secretary of state may request a leasing
7 company, vehicle manufacturer, insurance company not licensed to do
8 business in this state, association, repossession company, self-
9 insured owner, financial institution, governmental entity, or other
10 company, institution, or entity to provide copies of title
11 documents, repair estimates, claims reports involving major
12 component parts, and actual cash value determination documents to
13 assist the secretary of state in monitoring compliance with this
14 act.

15 (11) An application for a salvage certificate of title shall
16 be made on a form prescribed by the secretary of state accompanied
17 by a fee of \$10.00. The application ~~shall~~**must** contain all of the
18 following:

19 (a) The complete name and current address of the owner.

20 (b) A description of the vehicle, including its make, style of
21 body, model year, fee category or weight, color, and vehicle
22 identification number.

23 (c) An estimate of the cost repair, including parts and labor,
24 and an estimate of the predamaged actual cash value of the vehicle.

25 (d) If the vehicle is a late model vehicle, a listing of each
26 major component part that was not salvageable.

27 (e) Further information as may reasonably be required by the
28 secretary of state.

29 (12) The secretary of state shall issue and mail the salvage



1 certificate within 5 business days after the time the application
2 is received at the secretary of state's office in Lansing. Each
3 salvage certificate of title ~~shall~~**must** include a listing of each
4 major component part that was not salvageable.

5 (13) A salvage certificate of title authorizes the holder of
6 the title to possess, transport, but not drive upon a highway, and
7 transfer ownership in, a vehicle. The secretary of state shall not
8 issue a certificate of title or registration plates for a vehicle
9 for which a salvage certificate of title was issued unless a
10 specially trained officer described in subsection (15) certifies
11 all of the following:

12 (a) That the vehicle identification numbers and parts
13 identification numbers are correct.

14 (b) That the applicant has proof of ownership of repair parts
15 used.

16 (c) That the vehicle complies with the equipment standards of
17 this act.

18 (d) That any repairs performed on the vehicle were done in a
19 workmanlike manner, as certified on a form provided by the
20 department by a properly licensed mechanic in the appropriate
21 specialty. A properly licensed mechanic described in this
22 subdivision shall not be the same individual as the specially
23 trained officer making the certification of the vehicle as required
24 under this subsection.

25 (14) The certification required by subsection (13) ~~shall~~**must**
26 be made on a form prescribed and furnished by the secretary of
27 state in conjunction with the department of state police and ~~shall~~
28 **must** accompany the application that is submitted to the secretary
29 of state for a certificate of title. An application for a



1 certificate of title ~~shall~~**must** contain a description of each
2 salvageable part used to repair the vehicle and any identification
3 number affixed to or inscribed upon the part as required by state
4 or federal law. Upon satisfactory completion of the inspection as
5 required by the secretary of state and other requirements for
6 application, the secretary of state shall issue a certificate of
7 title for the vehicle bearing the legend "rebuilt salvage".

8 (15) An officer specially trained as provided by the secretary
9 of state and authorized by the secretary of state to conduct a
10 salvage vehicle inspection is any of the following:

11 (a) An employee of the department of state.

12 (b) An on-duty or off-duty police officer.

13 (c) A previously certified police officer who is appointed by
14 the local police agency as a limited enforcement officer to conduct
15 salvage vehicle inspections. The local police agency shall give
16 this officer access to the agency's law enforcement information
17 network system and the authority to confiscate any stolen vehicle
18 or vehicle parts discovered during an inspection. The local police
19 agency may give the officer the authority to arrest a person
20 suspected of having unlawful possession of a stolen vehicle or
21 vehicle parts. The local police agency shall not appoint a
22 previously certified police officer whose certificate has been
23 suspended, revoked, or denied under subsection (16).

24 (16) The secretary of state shall issue a certificate to an
25 officer who is specially trained as provided by the secretary of
26 state to conduct salvage vehicle inspections. Only a person who has
27 a valid certification from the secretary of state may perform
28 salvage inspections. The secretary of state on his or her own
29 initiative or in response to complaints shall make reasonable and

1 necessary public or private investigations within or outside of
2 this state and gather evidence against an officer who was issued a
3 certificate and who violated or is about to violate this act or a
4 rule promulgated under this act. Subject to subsection (17), the
5 secretary of state may suspend, revoke, or deny a certificate after
6 an investigation if the secretary of state determines that the
7 officer committed 1 or more of the following:

8 (a) Violated this act or a rule promulgated under this act.

9 (b) Was, after an investigation, found responsible for a
10 fraudulent act in connection with the inspection, purchase, sale,
11 lease, or transfer of a salvage vehicle.

12 (c) Was found guilty of the theft, embezzlement, or
13 misappropriation of salvage vehicle inspection fees.

14 (d) Performed improper, careless, or negligent salvage vehicle
15 inspections.

16 (e) Ceased to function as a police officer because of
17 suspension, retirement, dismissal, disability, or termination of
18 employment.

19 (f) Was convicted of a violation or attempted violation of
20 1986 PA 119, MCL 257.1351 to 257.1355.

21 (g) Made a false statement of a material fact in his or her
22 certification of a salvage vehicle inspection or any record
23 concerning a salvage vehicle inspection.

24 (h) Charged a fee in excess of the fee described in subsection
25 (26).

26 (17) If the secretary of state revokes, suspends, or denies a
27 certificate under subsection (16) (a), (d), (g), or (h), the
28 secretary of state shall, at the time of revocation, suspension, or
29 denial, notify the officer and the law enforcement agency on behalf



1 of which the officer is performing inspections of the law
2 enforcement agency's right to appeal the revocation, suspension, or
3 denial. The notification ~~shall~~**must** include a statement that a
4 request for an appeal under this subsection ~~shall~~**must** be made no
5 later than 30 days after the revocation, suspension, or denial. An
6 agency making an appeal under this subsection may request a hearing
7 at the time the appeal is made. The secretary of state or any
8 person designated by the secretary of state to act in his or her
9 place shall deny or grant an appeal made under this subsection
10 within a reasonable period, in writing or stated in the record if a
11 hearing is held. If the secretary of state revokes a certificate
12 under subsection (16)(a), (d), (g), or (h) and denies an appeal of
13 the revocation under this subsection, the officer may apply for a
14 new certificate no earlier than 5 years after the revocation.

15 (18) Upon receipt of the appropriate abstract of conviction
16 from a court and without any investigation, the secretary of state
17 shall immediately revoke the certificate of an officer who has been
18 convicted of a violation or attempted violation of section 413,
19 414, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA
20 328, MCL 750.413, 750.414, 750.415, 750.535, 750.535a, and
21 750.536a, or has been convicted in federal court or in another
22 state of a violation or attempted violation of a law substantially
23 corresponding to 1 of those sections.

24 (19) If a dealer acquires ownership of an older model vehicle
25 from an owner, the dealer shall receive an assigned certificate of
26 title and shall retain it as long as he or she retains the vehicle.
27 A vehicle scrap metal processor shall surrender an assigned
28 certificate of title to the secretary of state within 30 days after
29 the vehicle is destroyed or scrapped.



(20) A dealer selling or assigning a vehicle to a vehicle scrap metal processor shall make a record in triplicate on a form to be provided by the secretary of state in substantially the following form:

Scrap Vehicle Inventory:

SELLER: Dealer name _____

Dealer address _____

Dealer license number _____

PURCHASER: Conveyed to: _____ Date _____

(Vehicle scrap metal processor)

Dealer address _____

Dealer license number _____

Vehicles

	Model	Year	Vehicle	Make	VIN	Title	Number	Dealer's Stock Number	Color
1.	_____	_____	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____	_____	_____
etc.									

One copy ~~shall~~**must** be retained as a permanent record by the dealer, 1 copy ~~shall~~**must** be forwarded with the vehicle to be retained by the vehicle scrap metal processor, and 1 copy ~~shall~~**must** be forwarded to the secretary of state.

(21) A person, other than an automotive recycler, used or secondhand vehicle parts dealer, or a foreign salvage dealer, receiving a salvage certificate of title shall not sell the vehicle



1 to anyone other than 1 of the following:

2 (a) The vehicle's former owner.

3 (b) A used or secondhand vehicle parts dealer.

4 (c) A vehicle scrap metal processor.

5 (d) A foreign salvage vehicle dealer licensed under this act.

6 (e) An automotive recycler.

7 (22) A person receiving a scrap certificate of title shall not
8 sell the vehicle to anyone other than 1 of the following:

9 (a) An automotive recycler.

10 (b) A vehicle scrap metal processor.

11 (c) A foreign salvage vehicle dealer licensed under this act.

12 (d) A used or secondhand vehicle parts dealer.

13 (23) The secretary of state may conduct periodic reviews of
14 the records of a dealer to determine whether adequate notice is
15 given to a transferee or lessee of a rebuilt salvage vehicle of
16 that vehicle's prior designation as a salvage vehicle. The
17 secretary of state may request an insurance company to provide
18 copies of salvage title documents and claims reports involving
19 major component parts to assist the secretary of state in
20 monitoring compliance with this act.

21 (24) A licensed automotive recycler, used or secondhand
22 vehicle parts dealer, vehicle scrap metal processor, vehicle
23 salvage pool operator, distressed vehicle transporter, foreign
24 salvage vehicle dealer, or broker who has removed a scrap vehicle
25 from this state for the purpose of rebuilding the vehicle or
26 selling or leasing the vehicle to a person other than a vehicle
27 scrap metal processor, shall receive an automatic suspension of its
28 dealer license and of any salvage vehicle agent's license assigned
29 to that dealer for a period of 30 days. Upon receipt by the



1 secretary of state of a written request from the dealer, the dealer
2 shall have the right to an immediate hearing on the matter within
3 that 30-day period.

4 (25) For the purpose of this section, the estimated costs of
5 the repair parts ~~shall be~~ **are** determined by using the current
6 published retail cost of original manufacturer equipment parts or
7 an estimate of the actual cost of the repair parts. The estimated
8 labor costs ~~shall be~~ **are** computed by using the hourly rate and time
9 allocations which are reasonable and commonly assessed in the
10 repair industry in the community where the repairs are performed.

11 (26) A police agency shall charge a fee for an inspection of a
12 vehicle under subsection (13). Each local authority with a police
13 agency shall determine the amount of the fee for inspections by
14 that police agency, which shall not exceed \$100.00. Except as
15 otherwise provided in this subsection, a fee collected under this
16 subsection ~~shall~~ **must** be deposited with the local authority for
17 that police agency. The records of the local authority regarding
18 the collection and disposition of inspection fees is subject to
19 review or audit by the local unit of government and ~~shall~~ **must** be
20 made available upon request to the department. If an inspection was
21 conducted by an employee of the department of state, the fee ~~shall~~
22 **must** be deposited with the department of state. A fee collected by
23 a local authority ~~shall~~ **must** be used solely for law enforcement
24 purposes related to stolen vehicles, including, but not limited to,
25 equipment and road patrol services that increase the likelihood of
26 recovering stolen vehicles or stolen vehicle parts, and salvage
27 vehicle inspections. A fee collected by the department of state
28 ~~shall~~ **must** be used by the department for the administration of the
29 salvage vehicle inspection program and ~~shall~~ **must** not lapse to the

1 general fund. A local police agency may compensate an off-duty and
2 limited enforcement police officer for a salvage vehicle
3 inspection.

4 **(27) A person who violates this section is responsible for a**
5 **civil infraction and shall be ordered to pay a civil fine of not**
6 **more than \$100.00.**

7 **(28)** ~~(27)~~—For the purpose of this section, "actual cash value"
8 means the retail dollar value of a vehicle as determined by an
9 objective vehicle evaluation using local market resources such as
10 dealers or want ads or by an independent vehicle evaluation or
11 vehicle appraisal service or by a current issue of a nationally
12 recognized used vehicle guide for financial institution appraisal
13 purposes in this state.

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



1 (2) A temporary registration plate or marker ~~shall~~**must** show
 2 in ink the date of issue, a description of the vehicle for which
 3 issued, and any other information required by the secretary of
 4 state. A dealer or person shall immediately notify the secretary of
 5 state of each temporary registration plate or marker issued by the
 6 dealer or person, on a form prescribed by the secretary of state.
 7 ~~Upon the attachment of~~**When** the regular plate **is attached** to a
 8 vehicle for which a temporary registration plate or marker ~~has been~~
 9 **was** issued, the temporary plate ~~shall~~**must** be destroyed.

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

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

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

27 (6) The secretary of state may issue a registration plate upon
 28 application and payment of the proper fee to an individual,
 29 partnership, corporation, or association ~~who~~**that** in the ordinary



1 course of business has occasion to legally pick up or deliver a
 2 vehicle not required to be titled under this act, to legally pick
 3 up or deliver a commercial motor vehicle being driven to a facility
 4 to undergo aftermarket modification, or to repair or service a
 5 vehicle, or to persons defined as dealers under part 801 of the
 6 natural resources and environmental protection act, 1994 PA 451,
 7 MCL 324.80101 to 324.80199, ~~for the purpose of delivering to~~
 8 **deliver** a vessel or trailer to a customer or to and from a boat
 9 show or exposition. A registration plate issued under this
 10 subsection ~~shall~~**must** be used to move the vehicle.

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

22 (8) **A person who violates this section is responsible for a**
 23 **civil infraction and shall be ordered to pay a civil fine of not**
 24 **more than \$100.00.**

25 Sec. 233. (1) If the owner of a registered vehicle transfers
 26 or assigns the title or interest in the vehicle, the registration
 27 plates issued for the vehicle ~~shall~~**must** be removed and transferred
 28 to the owner's spouse, mother, father, sister, brother, or child to
 29 whom title or interest in the vehicle is transferred, or retained



1 and preserved by the owner for transfer to another vehicle upon
2 application and payment of the required fees. A person shall not
3 transfer the plates to a vehicle without applying for a proper
4 certificate of registration describing the vehicle to which the
5 plates are being transferred, except as provided in section 217(4).
6 If the owner of a registered vehicle acquires another vehicle
7 without transferring or assigning the title or interest in the
8 vehicle for which the plates were issued, the owner may have the
9 plates transferred to the subsequently acquired vehicle upon
10 application and payment of the required fees.

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

14 (3) A person shall not transfer or attempt to transfer
15 ownership or right of possession of a vehicle subject to forfeiture
16 or ordered forfeited under this act with the intent to avoid the
17 forfeiture of that vehicle.

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

25 (5) A person who violates subsection (2), (3), or (4) is
26 ~~guilty of a misdemeanor punishable by imprisonment for not more~~
27 ~~than 1 year or a fine of not more than \$1,000.00, or~~
28 **both responsible for a civil infraction and shall be ordered to pay**
29 **a civil fine of not more than \$100.00.**



1 (6) A person whose operator's or chauffeur's license is
2 suspended, revoked, or denied for, or who has never been licensed
3 by this state and was convicted for, a third or subsequent
4 violation of section 625 or 625m, of a local ordinance
5 substantially corresponding to section 625 or 625m, or of a law of
6 another state substantially corresponding to section 625 or 625m,
7 or for a fourth or subsequent suspension or revocation under
8 section 904 shall not purchase, lease, or otherwise acquire a motor
9 vehicle during the suspension, revocation, or denial period. A
10 person who violates this subsection is ~~guilty of a misdemeanor~~
11 ~~punishable by imprisonment for not more than 93 days or a fine of~~
12 ~~not more than \$100.00, or both.~~**responsible for a civil infraction**
13 **and shall be ordered to pay a civil fine of not more than \$100.00.**

14 (7) If the assigned holder of registration plates applies for
15 a new registration certificate, the application ~~shall~~**must** be
16 accompanied either by the old registration certificate or by a
17 certificate of title showing the person to be the assigned holder
18 of the registration plates for which the old registration
19 certificate had been issued. A person who fails or neglects to
20 fulfill the requirements of this subsection is ~~guilty of a~~
21 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~
22 ~~a fine of not more than \$100.00, or both.~~**responsible for a civil**
23 **infraction and shall be ordered to pay a civil fine of not more**
24 **than \$100.00.**

25 (8) The owner shall ~~indorse~~**endorse** on the certificate of
26 title as required by the secretary of state an assignment of the
27 title with warranty of title in the form printed on the certificate
28 with a statement of all security interests in the vehicle or in
29 accessories on the vehicle and deliver or cause the certificate to



1 be mailed or delivered to the purchaser or transferee at the time
2 of the delivery to the purchaser or transferee of the vehicle. The
3 certificate ~~shall~~**must** show the payment or satisfaction of any
4 security interest as shown on the original title. However, as
5 provided under section 238, the secretary of state is not required
6 to issue a title to the owner of a vehicle if the title is subject
7 to a security interest.

8 (9) Upon the delivery of a motor vehicle and the transfer,
9 sale, or assignment of the title or interest in a motor vehicle by
10 a person, including a dealer, the effective date of the transfer of
11 title or interest in the vehicle is the date of signature on either
12 the application for title or the assignment of the certificate of
13 title by the purchaser, transferee, or assignee.

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

19 Sec. 233a. (1) When the owner of a registered motor vehicle
20 transfers his or her title or interest in that vehicle, the
21 transferor shall present to the transferee before delivery of the
22 vehicle, written disclosure of odometer mileage by means of the
23 certificate of title or a written statement signed by the
24 transferor including the transferor's printed name, containing all
25 of the following:

26 (a) The odometer reading at the time of transfer not to
27 include the tenths of a mile or kilometer.

28 (b) The date of transfer.

29 (c) The transferor's name and current address.



1 (d) The transferee's name and current address.

2 (e) The identity of the vehicle, including its make, model,
3 body type, year, and vehicle identification number.

4 (f) A reference to this section and comparable federal law,
5 and a statement that failing to complete the title or form or
6 providing false information may result in civil liability and civil
7 or criminal penalties being imposed on the transferor.

8 (g) One of the following:

9 (i) A statement by the transferor certifying that to the best
10 of his or her knowledge the odometer reading reflects the actual
11 mileage of the vehicle.

12 (ii) If the transferor knows that the odometer reading reflects
13 the amount of mileage in excess of the designed mechanical odometer
14 limit, a statement to that effect.

15 (iii) If the ~~transfer~~**transferor** knows that the odometer reading
16 differs from the mileage and the difference is greater than that
17 caused by odometer calibration error, a statement that the odometer
18 reading does not reflect the actual mileage and should not be
19 relied upon. This notice ~~shall~~**must** include a warning notice to
20 alert the transferee that a discrepancy exists between the odometer
21 and the actual mileage.

22 (h) Space for the signature and printed name of the
23 transferee, and the date of presentation to the transferee.

24 (2) A certificate of title and a dealer reassignment form
25 ~~shall~~**must** contain a place for the information required by
26 subsection (1)(a) to (h). If the vehicle is not titled or the title
27 does not contain a space for the required information, a written
28 statement ~~shall~~**must** be provided as a separate document.

29 (3) A dealer selling or exchanging vehicles required to be



1 titled under this act shall present the certificate of title or
2 written statement and any reassigned titles in his or her
3 possession to the transferee. The transferee or the transferee's
4 agent shall inspect, print his or her name, sign, and date the
5 certificate or statement and return it to the transferor for
6 submission to the secretary of state. If neither the transferee nor
7 transferor is a dealer licensed under this act, completing the
8 odometer information on the certificate of title shall be
9 considered to comply with subsection (1). A person shall not sign
10 an odometer disclosure statement as both the transferor and
11 transferee in the same transaction.

12 (4) A new or used vehicle dealer shall obtain from the
13 transferor a completed odometer mileage statement which meets the
14 requirements of subsection (1) with each motor vehicle acquired by
15 the dealer. The dealer shall not accept nor provide an odometer
16 mileage statement or a title which contains a place for odometer
17 information which has not been completely filled in by the
18 transferor.

19 (5) The odometer information described in subsection (1) ~~shall~~
20 ~~not be~~ **is not** required for any of the following:

21 (a) Vehicles having a gross vehicle weight rating of more than
22 16,000 pounds.

23 (b) A vehicle that is not self-propelled.

24 (c) A vehicle that is 10 years old, or older.

25 (d) A new vehicle transferred from a manufacturer to a dealer.

26 (e) A vehicle sold directly by the manufacturer to an agency
27 of the United States in conformity with contractual specifications.

28 (f) A low-speed vehicle.

29 (6) A person shall not alter, set back, or disconnect an



1 odometer; cause or allow an odometer to be altered, set back, or
2 disconnected; or advertise for sale, sell, use, install, or cause
3 or allow to be installed a device which causes an odometer to
4 register other than the actual mileage driven. This subsection does
5 not prohibit the service, repair, or replacement of an odometer if
6 the mileage indicated on the odometer remains the same as before
7 the service, repair, or replacement. If the odometer is incapable
8 of registering the same mileage as before the service, repair, or
9 replacement, the odometer ~~shall~~**must** be adjusted to read zero and a
10 notice in writing ~~shall~~**must** be attached to the left door frame of
11 the vehicle by the owner or his or her agent specifying the mileage
12 prior to service, repair, or replacement of the odometer and the
13 date on which it was serviced, repaired, or replaced. A person
14 shall not remove, deface, or alter any notice affixed to a motor
15 vehicle ~~pursuant to~~**under** this subsection.

16 (7) A person who violates subsection (6) is guilty of a
17 felony.

18 (8) Before executing a transfer of ownership document, a
19 lessor of a leased vehicle shall notify the lessee in writing that
20 ownership of the vehicle is being transferred and that the lessee
21 is required to provide a written statement to the lessor regarding
22 the mileage of the vehicle. This notice ~~shall~~**must** inform the
23 lessee of the penalties for failure to comply with the requirement.

24 (9) Upon receiving notification from the lessor of a leased
25 vehicle that ownership of the vehicle is to be transferred, the
26 lessee shall furnish to the lessor a written statement regarding
27 the mileage of the vehicle. This statement ~~shall~~**must** be signed by
28 the lessee and ~~shall~~**must** contain all of the following:

29 (a) The printed name of the person making the statement.



1 (b) The current odometer reading, not including tenths of
2 miles.

3 (c) The date of the statement.

4 (d) The lessee's name and current address.

5 (e) The lessor's name and current address.

6 (f) The identity of the vehicle, including its make, model,
7 year, body type, and vehicle identification number.

8 (g) The date that the lessor notified the lessee of the
9 requirements of this subsection.

10 (h) The date that the completed disclosure statement was
11 received by lessor.

12 (i) The signature of the lessor.

13 (j) One of the following:

14 (i) A statement by the lessee certifying that to the best of
15 his or her knowledge the odometer reading reflects the actual
16 mileage of the vehicle.

17 (ii) If the lessee knows that the odometer reading reflects the
18 amount of mileage in excess of the designed mechanical odometer
19 limit, a statement to that effect.

20 (iii) If the lessee knows that the odometer reading differs from
21 the mileage and that the difference is greater than that caused by
22 odometer calibration error, a statement that the odometer reading
23 is not the actual mileage and should not be relied upon.

24 (10) If the lessor transfers a leased vehicle without
25 obtaining possession of the vehicle, the lessor may indicate on the
26 certificate of title the mileage disclosed by the lessee under
27 subsection (9), unless the lessor has reason to believe that the
28 mileage disclosed by the lessee does not reflect the actual mileage
29 of the vehicle.



1 (11) A dealer who is required by this section to execute an
2 odometer mileage statement shall retain for 5 years a photostatic,
3 carbon, or other facsimile copy of each odometer mileage statement
4 the dealer issues or receives. The dealer shall retain the odometer
5 mileage statements at his or her primary place of business in an
6 order that is appropriate to business requirements and that permits
7 systematic retrieval.

8 (12) A lessor shall retain for 5 years following the date of
9 transfer of ownership of each leased vehicle, the odometer mileage
10 statement received from the lessee. The lessor shall retain the
11 odometer mileage statements at his or her primary place of business
12 in an order that is appropriate to business requirements and that
13 permits systematic retrieval.

14 (13) An auction dealer or vehicle salvage pool operator shall
15 establish and retain at his or her primary place of business in an
16 order that is appropriate to business requirements and that permits
17 systematic retrieval, for 5 years following the date of sale of
18 each motor vehicle, the following records:

19 (a) The name and the most recent owner, other than the auction
20 dealer or salvage pool operator.

21 (b) The name of the buyer.

22 (c) The vehicle identification number.

23 (d) The odometer reading, not including the tenths of a mile,
24 on the date the auction dealer or salvage pool operator took
25 possession of the motor vehicle.

26 (14) A violation of subsection (1) or (6) by any dealer
27 licensed under this act is prima facie evidence of a fraudulent act
28 as provided in section 249.

29 (15) A person who, with intent to defraud, violates any



1 requirement under subsection (1) or (6), or a dealer who fails to
 2 retain for 5 years each odometer mileage statement the dealer
 3 receives and each odometer mileage statement furnished by the
 4 dealer upon the sale of a vehicle, is liable in an amount equal to
 5 3 times the amount of actual damages sustained or \$1,500.00
 6 whichever is greater, and in the case of a successful recovery of
 7 damages, the costs of the action together with reasonable
 8 ~~attorney's~~ **attorney** fees.

9 **(16) Except as otherwise provided, a person who violates this**
 10 **section is responsible for a civil infraction and shall be ordered**
 11 **to pay a civil fine of not more than \$100.00.**

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

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

29 (3) Unless the transfer is made and the fee paid within 15



1 days, the vehicle is considered to be without registration, the
 2 secretary of state may repossess the ~~license plates, and transfer~~
 3 **registration plate, ownership** of the vehicle ~~ownership may be~~
 4 ~~effected-transferred,~~ and a valid registration **may be** acquired
 5 ~~thereafter~~ only upon payment of a transfer fee of \$15.00 in
 6 addition to the fee provided for in section 806.

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

10 (5) **A person who violates this section is responsible for a**
 11 **civil infraction and shall be ordered to pay a civil fine of not**
 12 **more than \$100.00.**

13 Sec. 239. ~~It is a misdemeanor for any~~ **A person to** ~~shall not~~
 14 fail or neglect to properly endorse and deliver a certificate of
 15 title to a transferee or owner lawfully entitled ~~thereto to the~~
 16 **title. A person who violates this section is responsible for a**
 17 **civil infraction and shall be ordered to pay a civil fine of not**
 18 **more than \$100.00.**

19 Sec. 244. (1) A manufacturer owning a vehicle ~~of a type~~
 20 otherwise required to be registered under this act may operate or
 21 move the vehicle upon a street or highway primarily ~~for the~~
 22 ~~purposes of transporting to transport~~ or ~~testing test~~ or in
 23 connection with a golf tournament or a public civic event, if the
 24 vehicle displays, ~~in the manner as~~ prescribed in section 225, 1
 25 special plate approved by the secretary of state.

26 (2) A producer of a vehicle subcomponent system essential to
 27 the operation of the vehicle or the safety of an occupant may
 28 operate or move a motor vehicle upon a street or highway solely to
 29 transport or test the subcomponent system if the motor vehicle



1 displays, ~~in the manner as~~ prescribed in section 225, 1 special
2 plate approved by the secretary of state. To be eligible for the
3 special plate, the subcomponent system producer must be either a
4 recognized subcomponent system producer or must be a subcomponent
5 system producer under contract with a vehicle manufacturer.

6 (3) Subject to section 665, a manufacturer of automated
7 technology may operate or otherwise move a motor vehicle or an
8 automated motor vehicle upon a street or highway solely to
9 transport or test automated technology if the motor vehicle or
10 automated motor vehicle displays, ~~in the manner as~~ prescribed in
11 section 225, a special plate approved by the secretary of state.

12 (4) A dealer owning a vehicle ~~of a type~~ otherwise required to
13 be registered under this act may operate or move the vehicle upon a
14 street or highway without registering the vehicle if the vehicle
15 displays, ~~in the manner as~~ prescribed in section 225, 1 special
16 plate issued to the owner by the secretary of state. As used in
17 this subsection, "dealer" includes an employee, servant, or agent
18 of the dealer.

19 (5) ~~Solely to deliver the vehicle, a~~ **A** transporter may operate
20 or move a vehicle ~~of a type~~ otherwise required to be registered
21 under this act upon a street or highway **solely to deliver the**
22 **vehicle** if the vehicle displays, ~~in the manner as~~ prescribed in
23 section 225, a special plate issued to the transporter under this
24 chapter.

25 (6) A licensee shall not use a special plate described in this
26 section on service cars or wreckers operated as an adjunct of a
27 licensee's business. A manufacturer, transporter, or dealer making
28 or permitting any unauthorized use of a special plate under this
29 chapter forfeits the right to use special plates and the secretary



1 of state, after notice and a hearing, may suspend or cancel the
 2 right to use special plates and require that the special plates be
 3 surrendered to or repossessed by ~~the~~**this** state.

4 (7) A transporter shall furnish a sufficient surety bond or
 5 policy of insurance as protection for public liability and property
 6 damage as may be required by the secretary of state.

7 (8) The secretary of state shall determine the number of
 8 plates a manufacturer, dealer, or transporter reasonably needs in
 9 ~~his or her~~**its** business.

10 (9) If a vehicle that is required to be registered under this
 11 act is leased or sold, the vendee or lessee ~~is permitted to~~**may**
 12 operate the vehicle upon a street or highway for not more than 72
 13 hours after taking possession if the vehicle has a dealer plate
 14 attached as provided in this section. The application for
 15 registration ~~shall~~**must** be made in the name of the vendee or lessee
 16 before the vehicle is used. The dealer and the vendee or lessee are
 17 jointly responsible for the return of the dealer plate to the
 18 dealer within 72 hours. ~~, and the failure of the~~**The** vendee or
 19 lessee **shall not fail** to return or the vendor or lessor **shall not**
 20 **fail** to use due diligence to procure the dealer plate. ~~is a~~
 21 ~~misdemeanor, and in addition the license of the dealer may be~~
 22 ~~revoked.~~ While using a dealer's plate, a vendee or lessee shall
 23 have in his or her possession proof that clearly indicates the date
 24 of sale or lease of the motor vehicle.

25 (10) A vehicle owned by a dealer and bearing the dealer's
 26 plate may be driven upon a street or highway for demonstration
 27 purposes by a prospective buyer or lessee for a period of 72 hours.

28 (11) The secretary of state may issue a registration plate
 29 upon application and payment of the proper fee to an individual,



1 partnership, corporation, or association that in the ordinary
 2 course of business has occasion to legally pick up or deliver a
 3 commercial motor vehicle being driven to a facility to undergo
 4 aftermarket modification, or to repair or service a vehicle, or to
 5 persons defined as watercraft dealers under part 801 of the natural
 6 resources and environmental protection act, 1994 PA 451, MCL
 7 324.80101 to 324.80199, or to the owner of a marina ~~for the purpose~~
 8 ~~of delivering to deliver~~ a vessel or trailer to a purchaser, to
 9 transport a vessel between a body of water and a place of storage,
 10 to transport a vessel or trailer to and from a boat show or
 11 exposition, to repair, service, or store a vessel or trailer, or to
 12 return a vessel or trailer to the customer after repair, service,
 13 or storage. A registration plate issued under this subsection ~~shall~~
 14 **must** be used to move the vehicle or trailer.

15 **(12) Except as otherwise provided, a person who violates this**
 16 **section is responsible for a civil infraction and shall be ordered**
 17 **to pay a civil fine of not more than \$100.00.**

18 Sec. 248. (1) The secretary of state shall not grant a dealer
 19 license under this section until the secretary conducts an
 20 investigation of the applicant's qualifications under this act,
 21 except that this subsection does not apply to a license renewal.
 22 The secretary of state shall conduct the investigation within 15
 23 days after receiving the application and prepare a report on the
 24 investigation.

25 (2) An applicant for a new vehicle dealer or a used or
 26 secondhand vehicle dealer or broker license shall include a
 27 properly executed bond or a bond renewal certificate, approved by
 28 the secretary of state, with the license application. If a renewal
 29 certificate is used, the bond is considered renewed for each



1 succeeding year in the same amount and with the same effect as an
2 original bond. The bond ~~shall~~**must** be in the amount of \$10,000.00.
3 The bond ~~shall~~**must** indemnify or reimburse a purchaser, seller,
4 lessee, financing agency, or governmental agency for monetary loss
5 caused through fraud, cheating, or misrepresentation in the conduct
6 of the vehicle business whether the fraud, cheating, or
7 misrepresentation was made by the dealer or by an employee, agent,
8 or salesperson of the dealer. The surety shall make indemnification
9 or reimbursement for a monetary loss only after a judgment based on
10 fraud, cheating, or misrepresentation is entered in a court of
11 record against the licensee or a final order that the licensee has
12 engaged in fraud, cheating, or misrepresentation is issued by the
13 secretary of state after an administrative hearing. The bond ~~shall~~
14 **must** also indemnify or reimburse the state for any sales tax
15 deficiency as provided in the general sales tax act, 1933 PA 167,
16 MCL 205.51 to 205.78, or use tax deficiency as provided in the use
17 tax act, 1937 PA 94, MCL 205.91 to 205.111, for the year in which
18 the bond is in force. The surety shall make indemnification or
19 reimbursement only after a final judgment is entered in a court of
20 record against the licensee or a final order is issued by the
21 secretary of state after an administrative hearing. A dealer or
22 applicant that provides proof that is satisfactory to the secretary
23 of state that a bond similar to the bond required by this
24 subsection is executed and in force is exempt from the bond
25 requirements of this subsection. The aggregate liability of the
26 surety ~~shall~~**must** not exceed the sum of the bond. The surety on the
27 bond may cancel the bond by giving notice in writing to the
28 secretary of state of the cancellation at least 30 days before the
29 effective date of the cancellation and is not liable for a breach

1 of condition occurring after the effective date of the
2 cancellation.

3 (3) An applicant for a new vehicle dealer or a used or
4 secondhand vehicle dealer license shall apply for not less than 2
5 dealer plates under section 245 and shall include with the
6 application the proper fee for those plates under section 803.

7 (4) As a condition precedent to the granting of a license, a
8 dealer ~~shall~~**must** file with the secretary of state an irrevocable
9 written stipulation, authenticated by the applicant, stipulating
10 and agreeing that legal process affecting the dealer, served on the
11 secretary of state or a deputy of the secretary of state, has the
12 same effect as if personally served on the dealer. This appointment
13 remains in force as long as the dealer has any outstanding
14 liability within this state.

15 (5) A person shall not carry on or conduct the business of
16 buying, selling, brokering, leasing, negotiating a lease, or
17 dealing in 5 or more vehicles of a type required to be titled under
18 this act in a 12-month period unless the person obtains a dealer
19 license from the secretary of state authorizing the carrying on or
20 conducting of that business. A person shall not carry on or conduct
21 the business of buying, selling, brokering, leasing, negotiating a
22 lease, or dealing in 5 or more distressed, late model vehicles or
23 salvageable parts to 5 or more of those vehicles in a 12-month
24 period unless the person obtains a used or secondhand vehicle parts
25 dealer, an automotive recycler, or a salvage pool license from the
26 secretary of state or is an insurance company admitted to conduct
27 business in this state. A person shall not carry on or conduct the
28 business of buying 5 or more vehicles in a 12-month period to
29 process into scrap metal or store or display 5 or more vehicles in



1 a 12-month period as an agent or escrow agent of an insurance
2 company unless the person obtains a dealer license from the
3 secretary of state. A vehicle scrap metal processor that does not
4 purchase vehicles or salvageable parts from unlicensed persons is
5 not required to obtain a dealer license. A person from another
6 state shall not purchase, sell, or otherwise deal in distressed,
7 late model vehicles or salvageable parts unless the person obtains
8 a foreign salvage vehicle dealer license from the secretary of
9 state under section 248b. A person, including a dealer, shall not
10 purchase or acquire a distressed, late model vehicle or a
11 salvageable part through a salvage pool, auction, or broker without
12 a license as a salvage vehicle agent. The secretary of state shall
13 investigate and seek prosecution, if necessary, of persons
14 allegedly conducting a business without a license.

15 (6) The application for a dealer license ~~shall~~**must** be in the
16 form prescribed by the secretary of state and ~~shall~~**must** be signed
17 by the applicant. In addition to **any** other information ~~as may be~~
18 required by the secretary of state, the application ~~shall~~**must**
19 include all of the following:

20 (a) The name of the applicant.

21 (b) The location of the applicant's established place of
22 business in this state, together with written verification from the
23 appropriate governing or zoning authority that the established
24 place of business meets all applicable municipal and zoning
25 requirements.

26 (c) The name under which the dealer will conduct business.

27 (d) If the business is a corporation, the state of
28 incorporation.

29 (e) If the business is a sole proprietorship or partnership,



1 the name, address, and date of birth of each owner or partner; if
2 the business is a corporation, the name, address, and date of birth
3 of each of the principal officers.

4 (f) The county in which the applicant will conduct business
5 and the address of each place of business in that county.

6 (g) If the dealer's business is the sale of new vehicles, the
7 make or makes of those vehicles. Each new vehicle dealer shall send
8 with the application for license a certification that the dealer
9 holds a bona fide contract to act as factory representative,
10 factory distributor, or distributor representative to sell at
11 retail (the make of vehicle to be sold) and that the
12 contract meets the requirements for a dealer agreement under 1981
13 PA 118, MCL 445.1561 to 445.1583.

14 (h) A statement of the previous history, record, and
15 associations of the applicant and of each owner, partner, officer,
16 or director of the applicant. The statement ~~shall~~**must** be
17 sufficient to establish to the satisfaction of the secretary of
18 state the business reputation and character of the applicant.

19 (i) A statement showing whether the applicant has previously
20 applied for a license, the result of the application, and whether
21 the applicant has ever been the holder of a dealer license that was
22 revoked or suspended.

23 (j) If the applicant is a corporation or partnership, a
24 statement showing whether a partner, employee, officer, or director
25 has been refused a license or has been the holder of a license that
26 was revoked or suspended.

27 (k) If the application is for a used or secondhand vehicle
28 parts dealer or an automotive recycler, all of the following:

29 (i) Evidence that the applicant maintains or will maintain an



1 established place of business.

2 (ii) Evidence that the applicant maintains or will maintain a
3 police book and vehicle parts purchase and sales and lease records
4 as required under this act.

5 (iii) Evidence of worker's compensation insurance coverage for
6 employees classified under the North American ~~industry~~
7 ~~classification system~~ **Industry Classification System** number 42114,
8 entitled "motor vehicle parts (used) merchant wholesalers" or under
9 the National Council on Compensation Insurance classification code
10 number 3821, entitled "automobile dismantling", if applicable.

11 (l) A certification that neither the applicant nor another
12 person named on the application is acting as the alter ego of any
13 other person or persons in seeking the license. For the purpose of
14 this subdivision, "alter ego" means a person that acts for and on
15 behalf of, or in the place of, another person for purposes of
16 obtaining a vehicle dealer license.

17 (m) A certification that the applicant if the applicant is an
18 individual or sole proprietorship, the partners of the applicant if
19 the applicant is a partnership, the principal officers of the
20 applicant if the applicant is a corporation, or any other
21 individual who is responsible for the daily operations of the
22 dealership, as applicable, has reviewed and understands the
23 requirements of this act, the rules promulgated under this act, the
24 dealer manual published by the secretary of state, and any other
25 applicable material provided by the department.

26 (n) For an application submitted by or on behalf of an
27 eligible used vehicle dealer for an original license, a
28 certification that within the 6-month period preceding the date of
29 the application, the applicant, the partners of the applicant, or



1 the principal officers of the applicant, as applicable, completed
2 the dealer training program described in section 248/(2). This
3 subdivision does not apply to an application to renew the license
4 of an eligible used vehicle dealer and does not apply to any
5 original license that was granted to an eligible used vehicle
6 dealer before, and that is valid on, the effective date of section
7 248/. As used in this subdivision and subdivision (o), "eligible
8 used vehicle dealer" means that term as defined in section 248/.

9 (o) For an application submitted by or on behalf of an
10 eligible used vehicle dealer for an original or renewal license, a
11 certification that each retail sales location of that dealer has an
12 employee that has completed the dealer training program required
13 under section 248/(3) or (5), as applicable.

14 (7) A person shall apply separately for a dealer license for
15 each county in which business is to be conducted. Before moving 1
16 or more places of business or opening an additional place of
17 business, a dealer shall apply to the secretary of state for and
18 obtain a supplemental dealer license. The secretary of state shall
19 not charge a fee for a supplemental dealer license and shall issue
20 a supplemental dealer license only for a location, including a
21 tent, temporary stand, or any temporary quarters, that does not
22 meet the definition of an established place of business, within the
23 county in which the dealer's established place of business is
24 located. A dealer license entitles the dealer to conduct the
25 business of buying, selling, leasing, and dealing in vehicles or
26 salvageable parts in the county covered by the license. The dealer
27 license ~~shall also entitle~~ **entitles** the dealer to conduct at any
28 other licensed dealer's established place of business in this state
29 only the business of buying, selling, leasing, or dealing in

1 vehicles at wholesale.

2 (8) The secretary of state shall classify and differentiate
3 vehicle dealers according to the type of activity they perform. A
4 dealer shall not engage in activities of a particular
5 classification as provided in this act unless the dealer is
6 licensed in that classification. An applicant may apply for a
7 dealer license in 1 or more of the following classifications:

8 (a) New vehicle dealer.

9 (b) Used or secondhand vehicle dealer. A used or secondhand
10 vehicle dealer may be eligible for a mobility dealer endorsement
11 under section 248k.

12 (c) Used or secondhand vehicle parts dealer.

13 (d) Vehicle scrap metal processor.

14 (e) Vehicle salvage pool operator.

15 (f) Distressed vehicle transporter.

16 (g) Broker.

17 (h) Foreign salvage vehicle dealer.

18 (i) Automotive recycler.

19 (j) ~~Beginning April 1, 2005, wholesaler.~~ **Wholesaler.**

20 (9) All of the following apply to the issuance, renewal, and
21 expiration of a dealer license under this section:

22 (a) A dealer license expires on December 31 of the last year
23 ~~for which~~ **that** the license is valid.

24 (b) A dealer shall renew its dealer license annually. The
25 secretary of state may renew a dealer license for a period of not
26 more than 4 years if the secretary receives a renewal application
27 and payment of the fee required under section 807.

28 (c) To renew a dealer license, the dealer shall file an
29 application for renewal with the secretary of state at least 30



1 days before the expiration of its current license.

2 (d) If a dealer has not renewed its dealer license on or
3 before the expiration date of its current license, the secretary of
4 state within 10 business days after that expiration date must
5 notify the dealer that the secretary of state has not received its
6 renewal application. The notice ~~shall~~**must** include the amount of
7 the late renewal fee.

8 (e) A dealer may continue to operate its dealer business after
9 the expiration of its dealer license, pending approval of the
10 renewal application, if the renewal application is delivered in
11 person or mailed to the secretary of state on or before the
12 expiration date of the license. If requested by the department, a
13 dealer that mails an application under this subdivision must
14 provide proof of mailing of the renewal application that is
15 satisfactory to the department.

16 (f) If an application to renew a dealer license is filed with
17 the secretary of state after the expiration of that license, the
18 dealer may operate its dealer business beginning on the date on
19 which the application is delivered or mailed to the secretary of
20 state, pending approval of the renewal application. If requested by
21 the department, a dealer that mails an application under this
22 subdivision must provide proof of mailing of the renewal
23 application that is satisfactory to the department. A dealer shall
24 pay a renewal fee equal to 150% of the normal renewal fee for a
25 renewal described in this subdivision.

26 (g) If a dealer files an application to renew a dealer license
27 more than 30 days after the expiration of that license, the dealer
28 is considered a new applicant for a dealer license under this
29 section.



1 (h) The secretary of state shall deposit the late renewal fees
2 collected under subdivisions (d) and (f) in the transportation
3 administration collection fund created in section 810b.

4 (10) A dealer may conduct the business of buying, selling, or
5 dealing in motor homes, trailer coaches, trailers, or pickup
6 campers at a recreational vehicle show conducted at a location in
7 this state without obtaining a separate or supplemental license
8 under subsection (7) if all of the following apply:

9 (a) The dealer is licensed as a new vehicle dealer or used or
10 secondhand vehicle dealer.

11 (b) The duration of the recreational vehicle show is not more
12 than 14 days.

13 (c) Not less than 14 days before the beginning date of the
14 recreational vehicle show, the show producer notifies the secretary
15 of state, in a manner and form prescribed by the secretary of
16 state, that the recreational vehicle show is scheduled, the
17 location, dates, and times of the recreational vehicle show, and
18 the name, address, and dealer license number of each dealer
19 participating in the recreational vehicle show.

20 **(11) A person who violates this section is responsible for a**
21 **civil infraction and shall be ordered to pay a civil fine of not**
22 **more than \$100.00.**

23 Sec. 248f. (1) The secretary of state shall not license a
24 person as a vehicle dealer or salvage vehicle agent before
25 requesting a criminal history check of the person and receiving a
26 criminal history report of the person from both the department of
27 state police and ~~federal bureau of investigation.~~ **the Federal Bureau**
28 **of Investigation.**

29 (2) Each criminal history check required under this section



1 ~~shall-must~~ be requested, and a criminal history report ~~shall-must~~
2 be obtained, from both the department of state police and the
3 ~~federal bureau of investigation.~~ **Federal Bureau of Investigation.**

4 (3) Each person required to be named on an application shall
5 submit his or her fingerprints for a criminal history check to the
6 department of state police in a format as prescribed by the
7 department of state police. The fees required by the department of
8 state police or the ~~federal bureau of investigation,~~ **Federal Bureau**
9 **of Investigation,** as applicable, to conduct the criminal history
10 check ~~shall-must~~ accompany a request for a criminal history check.

11 (4) The department of state police shall conduct a criminal
12 history check not more than 45 days after receiving a proper
13 request and the required fee for a criminal history check under
14 this section. After conducting the criminal history check and
15 within the same 45-day period, the department of state police shall
16 provide the secretary of state with a report of the criminal
17 history check. The report ~~shall-must~~ contain public criminal
18 history record information concerning the person who is the subject
19 of the request that is maintained by the department of state
20 police.

21 (5) If a criminal arrest fingerprint card is subsequently
22 submitted to the department of state police and matches against a
23 fingerprint that was submitted under this section and stored in its
24 automated fingerprint identification system (AFIS) database, the
25 department of state police shall notify the department.

26 (6) Except as otherwise provided in this act, the secretary of
27 state shall not approve an original vehicle dealer or salvage
28 vehicle agent license before receiving and reviewing the applicable
29 criminal history reports from the department of state police and



1 the ~~federal bureau of investigation.~~**Federal Bureau of**
2 **Investigation.**

3 (7) The secretary of state shall use criminal history record
4 information received under this section to evaluate an applicant's
5 qualifications to receive a vehicle dealer or salvage vehicle agent
6 license under this act. The secretary of state may only discuss a
7 criminal history report or its contents with the following people:

8 (a) Staff of the secretary of state ~~who are~~ involved in
9 determining ~~whether~~ **if** an applicant's vehicle dealer license or
10 salvage vehicle agent license should be denied, suspended, or
11 revoked.

12 (b) Staff of the department of state police.

13 (c) A person who was involved in the prosecution or defense of
14 a criminal matter noted in a criminal history report.

15 (d) The applicant or his or her attorney.

16 (8) A person who violates subsection (7) is ~~guilty of a~~
17 ~~misdemeanor punishable by a fine of not more than~~
18 ~~\$10,000.00.~~**responsible for a civil infraction and shall be ordered**
19 **to pay a civil fine of not more than \$500.00.**

20 (9) **Except as otherwise provided in subsection (8), a person**
21 **who violates this section is responsible for a civil infraction and**
22 **shall be ordered to pay a civil fine of not more than \$100.00.**

23 (10) ~~(9)~~As used in this section, "criminal history record
24 information" means that term as defined in section 1a of 1925 PA
25 289, MCL 28.241a.

26 (11) ~~(10)~~**Except for as provided in** subsection (5), this
27 section does not apply to a person whose criminal history has
28 previously been investigated by the secretary of state and who is
29 applying for the renewal of a vehicle dealer license or salvage



1 vehicle agent license.

2 Sec. 251. (1) Each new vehicle dealer, used vehicle dealer,
3 broker, and wholesaler shall maintain a record in a manner
4 prescribed by the secretary of state of each vehicle of a type
5 subject to titling under this act that is bought, sold, leased, or
6 exchanged by the dealer or received or accepted by the dealer for
7 sale, lease, or exchange.

8 (2) Each record ~~shall~~**must** contain the date of the purchase,
9 sale, lease, or exchange or receipt for the purpose of sale, lease,
10 or exchange, a description of the vehicle, the name and address of
11 the seller, the purchaser or lessee, and the alleged owner or other
12 persons from whom the vehicle was purchased or received, or to whom
13 it was sold, leased, or delivered. The record ~~shall~~**must** contain a
14 copy of any odometer mileage statement received by the dealer when
15 the dealer purchased or acquired a vehicle and a copy of the
16 odometer mileage statement furnished by the dealer when the dealer
17 sold, leased, or exchanged the vehicle as prescribed in section
18 233a. If the vehicle is purchased, sold, leased, or exchanged
19 through a broker, the record ~~shall~~**must** include the broker's name
20 and dealer license number and the amount of the broker's fee,
21 commission, compensation, or other valuable consideration paid by
22 the purchaser or lessee or paid by the dealer, or both. The records
23 of all vehicles purchased, sold, leased, or exchanged through a
24 broker maintained by the secretary of state ~~shall~~**must** be in an
25 electronic format determined by the secretary of state. A dealer
26 shall retain for not less than 5 years each odometer mileage
27 statement the dealer receives and each odometer mileage statement
28 furnished by the dealer upon the sale, lease, or exchange of a
29 vehicle. The description of the vehicle, in the case of a motor

1 vehicle, ~~shall~~**must** also include the vehicle identification number
2 and other numbers or identification marks as may be on the vehicle,
3 and ~~shall~~**must** also include a statement that a number has been
4 obliterated, defaced, or changed, if that is the fact. For a
5 trailer or semitrailer, the record ~~shall~~**must** include the vehicle
6 identification number and other numbers or identification marks as
7 may be on the trailer or semitrailer.

8 (3) Not more than 20 days after the delivery of the vehicle,
9 the seller shall deliver to the buyer in person or by mail to the
10 buyer's last known address a duplicate of a written statement, on a
11 form prescribed by the secretary of state in conjunction with the
12 department of treasury, describing clearly the name and address of
13 the seller, the name and address of the buyer, the vehicle sold to
14 the buyer, the cash sale price of the vehicle, the cash paid down
15 by the buyer, the amount credited the buyer for a trade-in, a
16 description of the trade-in, the amount charged for vehicle
17 insurance, stating the types of insurance covered by the insurance
18 policy, the amount charged for a temporary registration plate, the
19 amount of any other charge and specifying its purpose, the net
20 balance due from the buyer, and a summary of insurance coverage to
21 be affected. If the vehicle sold is a new motor home, the written
22 statement ~~shall~~**must** contain a description, including the year of
23 manufacture, of every major component part of the vehicle that has
24 its own manufacturer's certificate of origin. The written statement
25 ~~shall~~**must** disclose if the vehicle sold is a vehicle that the
26 seller had loaned or leased to a political subdivision of this
27 state for use as a driver education vehicle. The written statement
28 ~~shall~~**must** be dated, but not later than the actual date of delivery
29 of the vehicle to the buyer. The original and all copies of the

1 prescribed form ~~shall~~**must** contain identical information. The
2 statement ~~shall~~**must** be furnished by the seller, ~~shall~~ be signed by
3 the seller or the seller's agent and by the buyer, and ~~shall~~ be
4 filed with the application for new title or registration. Failure
5 of the seller to deliver this written statement to the buyer does
6 not invalidate the sale between the seller and the buyer.

7 (4) A retail vehicle sale is void unless both of the following
8 conditions are met:

9 (a) The sale is evidenced by a written memorandum that
10 contains the agreement of the parties and is signed by the buyer
11 and the seller or the seller's agent.

12 (b) The agreement contains a place for acknowledgment by the
13 buyer of the receipt of a copy of the agreement or actual delivery
14 of the vehicle is made to the buyer.

15 (5) Each dealer record and inventory, including the record and
16 inventory of a vehicle scrap metal processor not required to obtain
17 a dealer license, ~~shall~~**must** be open to inspection by a police
18 officer or an authorized officer or investigator of the secretary
19 of state during reasonable or established business hours.

20 (6) A dealer licensed as a distressed vehicle transporter
21 shall maintain records in a form as prescribed by the secretary of
22 state. The records ~~shall~~**must** identify each distressed vehicle that
23 is bought, acquired, and sold by the dealer. The record ~~shall~~**must**
24 identify the person from whom a distressed vehicle was bought or
25 acquired and the dealer to whom the vehicle was sold. The record
26 ~~shall~~**must** indicate ~~whether~~**if** a certificate of title or salvage
27 certificate of title was obtained by the dealer for each vehicle.

28 (7) A dealer licensed under this act shall maintain records
29 for a period of 5 years. The records ~~shall~~**must** be made available



1 for inspection by the secretary of state or other law enforcement
2 officials. To determine or enforce compliance with this chapter or
3 other applicable law, the secretary of state or any law enforcement
4 official may inspect a dealer whenever he or she determines it is
5 necessary. The secretary of state may issue an order summarily
6 suspending the license of a dealer under section 92 of the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.292,
8 based on an affidavit by a person familiar with the facts set forth
9 in the affidavit that the dealer has failed to maintain the records
10 required by this act or failed to provide the records for
11 inspection as requested by the secretary of state, or has otherwise
12 hindered, obstructed, or prevented the inspection of records
13 authorized under this section. The dealer to whom the order is
14 directed shall comply immediately, but on application to the
15 department shall be afforded a hearing within 30 days under the
16 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
17 24.328. On the basis of the hearing, the summary order ~~shall~~**must**
18 be continued, modified, or held in abeyance not later than 30 days
19 after the hearing.

20 (8) A dealer licensed as a vehicle salvage pool operator or
21 broker shall maintain records in a form as prescribed by the
22 secretary of state. The records ~~shall~~**must** contain a description of
23 each vehicle or salvageable part stored by the dealer, the name and
24 address of the insurance company or person storing the vehicle or
25 salvageable part, the period of time the vehicle or salvageable
26 part was stored, and the person acquiring the vehicle or
27 salvageable part. In the case of a late model vehicle, a record of
28 the purchase or sale of a major component part of the vehicle ~~shall~~
29 **must** be maintained identifying the part purchased or sold, the name

1 and address of the seller or purchaser, the date of the purchase or
2 sale, and the identification number assigned to the part by the
3 dealer. The record of the purchase or sale of a part ~~shall~~**must** be
4 maintained in or attached to the dealer's police book or hard copy
5 of computerized data entries and reference codes and ~~shall~~**must** be
6 accessible at the dealer's location. In addition, a dealer licensed
7 as a broker shall maintain a record of the odometer mileage reading
8 of each vehicle sold pursuant to an agreement between the broker
9 and the buyer or the broker and the seller. The record of odometer
10 mileage ~~shall~~**must** be maintained for 5 years and ~~shall~~**must** contain
11 all of the information required by section 233a.

12 (9) A dealer licensed as a used vehicle parts dealer or an
13 automotive recycler shall maintain records in a form prescribed by
14 the secretary of state. The records ~~shall~~**must** contain the date of
15 purchase or acquisition of the vehicle, a description of the
16 vehicle including the color, and the name and address of the person
17 from whom the vehicle was acquired. If the vehicle is sold, the
18 record ~~shall~~**must** contain the date of sale and the name and address
19 of the purchaser. The record ~~shall~~**must** indicate if the certificate
20 of title or salvage or scrap certificate of title was obtained by
21 the dealer. In the case of a late model vehicle, a record of the
22 purchase or sale of a major component of the vehicle ~~shall~~**must** be
23 maintained identifying the part purchased or sold, the name and
24 address of the seller or purchaser, the date of the purchase or
25 sale, and the identification number assigned to the part by the
26 dealer, except that a bumper remanufacturer is not required to
27 maintain a record of the purchase of a bumper. However, a bumper
28 remanufacturer shall assign and attach an identification number to
29 a remanufactured bumper and maintain a record of the sale of the

1 bumper. The record of the purchase or sale of a part ~~shall~~**must** be
2 maintained in or attached to the dealer's police book or hard copy
3 of computerized data entries and reference codes and ~~shall~~**must** be
4 accessible at the dealer's location.

5 (10) A dealer licensed as a vehicle scrap metal processor
6 shall maintain records as prescribed by the secretary of state. As
7 provided in section 217c, the records ~~shall~~**must** contain for a
8 vehicle purchased from a dealer a copy of the scrap vehicle
9 inventory, including the name and address of the dealer, a
10 description of the vehicle acquired, and the date of acquisition.
11 If a vehicle is purchased or acquired from a person other than a
12 dealer, the record ~~shall~~**must** contain the date of acquisition, a
13 description of the vehicle, including the color, the name and
14 address of the person from whom the vehicle was acquired, and
15 ~~whether~~**if** a certificate of title or salvage or scrap certificate
16 of title was obtained by the dealer.

17 (11) A dealer licensed as a foreign salvage vehicle dealer
18 shall maintain records in a form prescribed by the secretary of
19 state. The records ~~shall~~**must** contain the date of purchase or
20 acquisition of each distressed vehicle, a description of the
21 vehicle including the color, and the name and address of the person
22 from whom the vehicle was acquired. If the vehicle is sold, the
23 record ~~shall~~**must** contain the date of sale and the name and address
24 of the purchaser. The record ~~shall~~**must** indicate if the certificate
25 of title or salvage or scrap certificate of title was obtained by
26 the dealer. In the case of a late model vehicle, a record of the
27 purchase or sale of each salvageable part purchased or acquired in
28 this state ~~shall~~**must** be maintained and the record ~~shall~~**must**
29 contain the date of purchase or acquisition of the part, a



1 description of the part, the identification number assigned to the
2 part, and the name and address of the person to or from whom the
3 part was purchased, acquired, or sold. The record of the sale,
4 purchase, or acquisition of a part ~~shall~~**must** be maintained in the
5 dealer's police book. The police book ~~shall~~**must** only contain
6 vehicles and salvageable parts purchased in this state or used in
7 the repair of a vehicle purchased in this state. The police book
8 and the records of vehicle part sales, purchases, or acquisitions
9 ~~shall~~**must** be made available at a location within the state for
10 inspection by the secretary of state within 48 hours after a
11 request by the secretary of state.

12 (12) The secretary of state shall make periodic unannounced
13 inspections of the records, facilities, and inventories of
14 automotive recyclers and used or secondhand vehicle parts dealers.

15 (13) The secretary of state may promulgate rules to implement
16 this section under the administrative procedures act of 1969, 1969
17 PA 306, MCL 24.201 to 24.328.

18 **(14) A person who violates this section is responsible for a**
19 **civil infraction and shall be ordered to pay a civil fine of not**
20 **more than \$100.00.**

21 Sec. 252a. (1) A person shall not abandon a vehicle in this
22 state. It is presumed that the last titled owner of the vehicle is
23 responsible for abandoning the vehicle unless the person provides a
24 record of the sale as that term is defined in section 240. A person
25 who violates this subsection and who fails to redeem the vehicle
26 before disposition of the vehicle under section 252g is responsible
27 for a civil infraction and shall be ordered to pay a civil fine of
28 \$50.00.

29 (2) As used in this section and sections 252b through 252l,



1 "abandoned vehicle" means any of the following:

2 (a) A vehicle that has remained on private property without
3 the consent of the owner.

4 (b) A vehicle that has remained on public property for a
5 period of not less than 48 hours, or on a state trunk line highway
6 as described in section 1 of 1951 PA 51, MCL 247.651, as follows:

7 (i) If a valid registration plate is affixed to the vehicle,
8 for a period of not less than 18 hours.

9 (ii) If a valid registration plate is not affixed to the
10 vehicle.

11 (c) A vehicle, other than a late-model vehicle, to which all
12 of the following apply:

13 (i) An insurance company has not acquired ownership of the
14 vehicle under section 217c.

15 (ii) The vehicle cannot be disposed of under section 248c.

16 (iii) The vehicle has remained in the custody of a vehicle
17 salvage pool or broker site without the consent of the vehicle
18 salvage pool operator or the broker for a period of not less than
19 60 days.

20 (3) If a vehicle has remained on public property for the
21 period of time described in subsection (2)(b) so that it qualifies
22 as abandoned, a police agency having jurisdiction over the vehicle
23 or the agency's designee shall determine whether the vehicle has
24 been reported stolen and may affix a written notice to the vehicle.
25 The written notice ~~shall~~**must** contain the following information:

26 (a) The date and time the notice was affixed.

27 (b) The name and address of the police agency taking the
28 action.

29 (c) The name and badge number of the police officer affixing



1 the notice.

2 (d) The date and time the vehicle may be taken into custody
3 and stored at the owner's expense or scrapped if the vehicle is not
4 removed.

5 (e) The year, make, and vehicle identification number of the
6 vehicle, if available.

7 (4) If the vehicle is an abandoned vehicle, the police agency
8 or the agency's designee may have the towing agency take the
9 vehicle into custody.

10 (5) A police agency that has received a vehicle taken into
11 custody as abandoned shall do all of the following:

12 (a) Recheck to determine if the vehicle has been reported
13 stolen.

14 (b) Within 24 hours after the vehicle is taken into custody,
15 enter the vehicle as abandoned into the law enforcement information
16 network, and notify the secretary of state through the law
17 enforcement information network that the vehicle has been taken
18 into custody as abandoned. Each notification ~~shall~~**must** contain the
19 following information:

20 (i) The year, make, and vehicle identification number of the
21 vehicle, if available.

22 (ii) The address or approximate location from which the vehicle
23 was taken into custody.

24 (iii) The date on which the vehicle was taken into custody.

25 (iv) The date the vehicle is being entered into the law
26 enforcement information network and whether the information is
27 being entered within 24 hours after the vehicle was taken into
28 custody.

29 (v) The name and address of the police agency that had the



1 vehicle taken into custody.

2 (vi) The name and business address of the custodian of the
3 vehicle.

4 (vii) The name of the court that has jurisdiction over the
5 case.

6 (c) Within 7 days after receiving notice under subdivision (b)
7 that the vehicle has been taken into custody, the secretary of
8 state shall do both of the following:

9 (i) Send to the last titled owner and secured party, as shown
10 by the records of the secretary of state as described in section
11 221 or 237, by first-class mail or personal service, notice that
12 the vehicle is considered abandoned. The form for the notice ~~shall~~
13 **must** be furnished by the secretary of state. Each notice form ~~shall~~
14 **must** contain the following information:

15 (A) The year, make, and vehicle identification number of the
16 vehicle if available.

17 (B) The address or approximate location from which the vehicle
18 was taken into custody.

19 (C) The date on which the vehicle was taken into custody.

20 (D) The name and address of the police agency that had the
21 vehicle taken into custody.

22 (E) The name and business address of the custodian of the
23 vehicle.

24 (F) The procedure to redeem the vehicle.

25 (G) The procedure to contest the fact that the vehicle is
26 considered abandoned or the reasonableness of the towing fees and
27 daily storage fees.

28 (H) A form petition that the owner may file in person or by
29 mail with the specified court that requests a hearing on the police



1 agency's action.

2 (I) A warning that the failure to redeem the vehicle or to
3 request a hearing within 20 days after the date of the notice may
4 result in the sale of the vehicle and the termination of all rights
5 of the owner and the secured party to the vehicle or the proceeds
6 of the sale.

7 (ii) Enter the information described in subparagraph (i) on a
8 website maintained by the department for public use in locating
9 vehicles that are removed under this section as abandoned. The
10 department shall maintain the data on the website for 1 year or
11 until the vehicle is disposed of under this act, whichever occurs
12 first.

13 (6) The owner may contest the fact that the vehicle is
14 considered abandoned or the reasonableness of the towing fees and
15 daily storage fees by requesting a hearing and posting a bond equal
16 to \$40.00 plus the amount of the accrued towing and storage fees. A
17 request for a hearing ~~shall be~~ **is** made by filing a petition with
18 the court specified in the notice described in subsection (5) (c)
19 within 20 days after the date of the notice. Subject to subsection
20 (8), if the owner requests a hearing, the matter ~~shall~~ **must** be
21 resolved after a hearing conducted under sections 252e and 252f. An
22 owner who requests a hearing may obtain release of the vehicle by
23 posting a towing and storage bond in an amount equal to the \$40.00
24 plus the accrued towing and storage fees with the court. The owner
25 of a vehicle who requests a hearing may obtain release of the
26 vehicle by paying a fee of \$40.00 to the court and the accrued
27 towing and storage fees instead of posting the towing and storage
28 bond.

29 (7) Subject to subsection (9), if the owner does not request a

1 hearing under subsection (6), he or she may obtain the release of
2 the vehicle by paying a fee of \$40.00 and the accrued towing and
3 storage fees to the custodian of the vehicle. The custodian of the
4 vehicle shall forward \$25.00 of the fee to the secretary of state
5 within 30 days after receipt ~~in a manner~~ **as** prescribed by the
6 secretary of state, who shall deposit the fee into the abandoned
7 vehicle fund created in section 252h.

8 (8) The secured party may contest the reasonableness of the
9 towing fees and daily storage fees and request a hearing in the
10 same manner and subject to the same requirements as the owner of
11 the vehicle under subsection (6). If both the owner and the secured
12 party request a hearing to contest the reasonableness of the towing
13 fees and daily storage fees within 20 days after the date of the
14 notice, the court shall dismiss the secured party's petition and
15 proceed with the owner's petition as provided in subsection (6),
16 unless the owner is in default on a contract or agreement with the
17 secured party regarding that vehicle. If the owner is in default on
18 a contract or agreement with the secured party regarding that
19 vehicle, the court shall dismiss the owner's petition and proceed
20 with the secured party's petition in the same manner as provided in
21 subsection (6). If the secured party redeems the vehicle, the owner
22 may only seek damages related to the reasonableness of the towing
23 fees and daily storage fees from the secured party. If the court
24 finds, after a hearing on the reasonableness of the towing fees and
25 daily storage fees, that the owner's or the secured party's
26 challenge was frivolous, the court may award reasonable attorney
27 fees to the custodian of the vehicle.

28 (9) If the owner does not redeem the vehicle or request a
29 hearing within 10 days after the date of the notice described in



1 subsection (5)(c), the secured party may obtain the release of the
2 vehicle by paying a \$40.00 fee plus the accrued charges to the
3 custodian of the vehicle. The custodian of the vehicle shall
4 forward \$25.00 of the fee to the secretary of state, who shall
5 deposit the fee into the abandoned vehicle fund created in section
6 252h.

7 (10) If a vehicle has remained on private property without the
8 consent of the property owner, the owner of the private property
9 may have the vehicle taken into custody as an abandoned vehicle by
10 contacting a local towing agency. A local towing agency is
11 considered a towing agency whose storage lot is located within 15
12 miles from the border of the local unit of government having
13 jurisdiction over the abandoned vehicle.

14 (11) Before removing the vehicle from private property, the
15 towing agency shall provide notice by telephone, or otherwise, to a
16 police agency having jurisdiction over the vehicle that the vehicle
17 is being removed. Within 24 hours after receipt of the notice from
18 the towing agency, the police agency shall determine if the vehicle
19 has been reported stolen and enter the vehicle into the law
20 enforcement information network as an abandoned vehicle.
21 Verification by the police agency of compliance with this section
22 is not necessary and is not a predicate to the entrance of the
23 vehicle into the law enforcement information network.

24 (12) Within 24 hours after taking the abandoned vehicle into
25 custody, the police agency shall notify the secretary of state
26 through the law enforcement information network that the vehicle
27 has been taken into custody as abandoned. Each notification ~~shall~~
28 **must** contain the following information:

29 (a) The year, make, and vehicle identification number of the



1 vehicle if available.

2 (b) The address or approximate location from which the vehicle
3 was taken into custody.

4 (c) The date on which the vehicle was taken into custody.

5 (d) The date the vehicle is being entered into the law
6 enforcement information network and whether the information is
7 being entered within 24 hours after the vehicle was taken into
8 custody.

9 (e) The name and address of the police agency that had the
10 vehicle taken into custody.

11 (f) The name and business address of the custodian of the
12 vehicle.

13 (g) The name of the court that has jurisdiction over the case.

14 (13) Within 7 days after being notified under subsection (12),
15 the secretary of state shall do both of the following:

16 (a) Send to the owner and secured party, as shown by the
17 records of the secretary of state, by first-class mail or personal
18 service, notice that the vehicle is considered abandoned. The form
19 for the notice ~~shall~~**must** be furnished by the secretary of state.
20 Each notice form ~~shall~~**must** contain the following information:

21 (i) The year, make, and vehicle identification number of the
22 vehicle if available.

23 (ii) The location from which the vehicle was taken into
24 custody.

25 (iii) The date on which the vehicle was taken into custody.

26 (iv) The name of the towing agency that had the vehicle taken
27 into custody.

28 (v) The business address of the custodian of the vehicle.

29 (vi) The procedure to redeem the vehicle.



1 (vii) The procedure to contest the fact that the vehicle is
2 considered abandoned or the reasonableness of the towing fees and
3 daily storage fees.

4 (viii) A form petition that the owner may file in person or by
5 mail with the specified court that requests a hearing on the
6 custodian's action.

7 (ix) A warning that the failure to redeem the vehicle or to
8 request a hearing within 20 days after the date of the notice may
9 result in the sale of the vehicle and the termination of all rights
10 of the owner and the secured party to the vehicle or the proceeds
11 of the sale.

12 (b) Enter the information described in subdivision (a) on a
13 website maintained by the department for public use in locating
14 vehicles that are removed under this section as abandoned.

15 (14) The owner may contest the fact that the vehicle is
16 abandoned or, unless the towing fees and daily storage fees are
17 established by contract with the local governmental unit or local
18 law enforcement agency and comply with section 252i, the
19 reasonableness of the towing fees and daily storage fees by
20 requesting a hearing. A request for a hearing ~~shall~~**must** be made by
21 filing a petition with the court specified in the notice within 20
22 days after the date of the notice. Subject to subsection (16), if
23 the owner requests a hearing, the matter ~~shall~~**must** be resolved
24 after a hearing conducted under section 252f. An owner who requests
25 a hearing may obtain release of the vehicle by posting with the
26 court a towing and storage bond in an amount equal to \$40.00 plus
27 the accrued towing and storage fees. The owner of a vehicle who
28 requests a hearing may obtain release of the vehicle by paying a
29 fee of \$40.00 to the court plus the towing and storage fees instead



1 of posting the towing and storage bond. An owner requesting a
2 hearing but not taking possession of the vehicle shall post with
3 the court a towing and storage bond in an amount equal to \$40.00
4 plus the accrued towing and storage fees.

5 (15) Subject to subsection (17), if the owner does not request
6 a hearing, he or she may obtain the release of the vehicle by
7 paying a fee of \$40.00 plus the accrued charges to the custodian of
8 the vehicle. The custodian shall forward \$25.00 of the fee
9 collected under this subsection to the secretary of state within 30
10 days after receipt in a manner prescribed by the secretary of
11 state, who shall deposit the fee into the abandoned vehicle fund
12 created in section 252h.

13 (16) The secured party may contest the reasonableness of the
14 towing fees and daily storage fees and request a hearing in the
15 same manner and subject to the same requirements as the owner under
16 subsection (14). If both the owner and the secured party request a
17 hearing to contest the reasonableness of the towing fees and daily
18 storage fees within 20 days after the date of the notice, the court
19 shall dismiss the secured party's petition and proceed with the
20 owner's petition as provided in subsection (14), unless the owner
21 is in default on a contract or agreement with the secured party
22 regarding that vehicle. If the owner is in default on a contract or
23 agreement with the secured party regarding that vehicle, the court
24 shall dismiss the owner's petition and proceed with the secured
25 party's petition in the same manner as provided in subsection (14).
26 If the secured party redeems the vehicle, the owner may only seek
27 damages related to the reasonableness of the towing fees and daily
28 storage fees from the secured party. If the court finds, after a
29 hearing on the reasonableness of the towing fees and daily storage

1 fees, that the owner's or the secured party's challenge was
2 frivolous, the court shall award to the custodian costs, including
3 reasonable attorney fees, against the owner or secured party.

4 (17) If the owner does not redeem the vehicle or request a
5 hearing within 10 days after the date of the notice, the secured
6 party may obtain the release of the vehicle by paying a fee of
7 \$40.00 and the accrued towing and storage fees to the custodian of
8 the vehicle. The custodian shall forward \$25.00 of the fee
9 collected under this subsection to the secretary of state within 30
10 days after receipt in a manner prescribed by the secretary of
11 state, who shall deposit the fee into the abandoned vehicle fund
12 created in section 252h.

13 (18) Not less than 20 days after the disposition of the
14 hearing described in subsection (6) or, if a hearing is not
15 requested, not less than 20 days after the date of the notice, the
16 police agency if the abandoned vehicle is found on public property,
17 or the custodian of the vehicle if the vehicle is found on private
18 property, shall offer the vehicle for sale at a public sale under
19 section 252g.

20 (19) The custodian of a vehicle described in this section
21 shall allow the owner of the vehicle or a secured party to inspect
22 the vehicle during regular business hours at the location where the
23 vehicle is being held. The custodian of the vehicle may charge the
24 secured party a fee of not more than \$75.00 to inspect the vehicle
25 or, if the actual cost necessary to allow the inspection is greater
26 than \$75.00, the actual cost necessary to allow the inspection. If
27 the custodian of the vehicle charges the secured party more than
28 \$75.00 as provided in this subsection, the custodian shall provide
29 the secured party with an itemized invoice for the actual costs



1 assessed. The custodian of the vehicle shall allow the owner of the
2 vehicle to inspect the vehicle and retrieve personal property from
3 the vehicle without paying a fee for the first visit. After the
4 first visit by the owner to inspect the vehicle or retrieve
5 personal property from the vehicle as provided in this subsection,
6 the custodian may charge the owner of the vehicle a fee of not more
7 than \$25.00 for each subsequent visit.

8 (20) If the ownership of a vehicle that is considered
9 abandoned under this section cannot be determined either because of
10 the condition of the vehicle identification numbers or because a
11 check with the records of the secretary of state as described in
12 section 221 or 237 does not reveal ownership, the police agency may
13 sell the vehicle at public sale as provided in section 252g not
14 less than 30 days after public notice of the sale has been
15 published.

16 (21) The secretary of state shall release a vehicle for
17 disposition under section 252b or 252g within 45 days after the
18 vehicle is entered into the law enforcement information network as
19 an abandoned vehicle.

20 **(22) Except as otherwise provided, a person who violates this**
21 **section is responsible for a civil infraction and shall be ordered**
22 **to pay a civil fine of not more than \$100.00.**

23 Sec. 255. (1) Except as otherwise provided in this chapter, a
24 person shall not operate, nor shall an owner knowingly permit to be
25 operated, upon any highway, a vehicle required to be registered
26 under this act unless, except as otherwise provided in this
27 subsection, no later than 30 days after the vehicle is registered
28 or the vehicle's registration is renewed, a valid registration
29 plate issued for the vehicle by the department for the current



1 registration year is attached to and displayed on the vehicle as
 2 required by this chapter. For purposes of this subsection, a
 3 printed or electronic copy of a valid registration or verification
 4 of a valid registration through the ~~L.E.I.N.~~ **law enforcement**
 5 **information network** is proof that the vehicle is registered or that
 6 the vehicle's registration has been renewed. A registration plate
 7 is not required upon any wrecked or disabled vehicle, or vehicle
 8 destined for repair or junking, ~~which~~ **that** is being transported or
 9 drawn upon a highway by a wrecker or a registered motor vehicle.
 10 The 30-day period described in this subsection does not apply to
 11 the first registration of a vehicle after a transfer of ownership
 12 or to a transfer registration under section 809.

13 (2) ~~Except as otherwise provided in this section, a~~ **A** person
 14 who violates subsection (1) is responsible for a civil infraction ~~or~~
 15 ~~However, if the vehicle is a commercial vehicle which is required~~
 16 ~~to be registered according to the schedule of elected gross vehicle~~
 17 ~~weights under section 801(1)(k), the person is guilty of a~~
 18 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
 19 ~~a fine of not more than \$500.00, or both.~~ **and shall be ordered to**
 20 **pay a civil fine of not more than \$100.00.**

21 (3) A person who operates a vehicle licensed under the
 22 international registration plan and does not have a valid
 23 registration due to nonpayment of the apportioned fee is ~~guilty of~~
 24 ~~a misdemeanor, punishable by imprisonment for not more than 90~~
 25 ~~days, or by a~~ **responsible for a civil infraction and shall be**
 26 **ordered to pay a civil** fine of not more than \$100.00. ~~, or both.~~ In
 27 addition, a police officer may impound the vehicle until a valid
 28 registration is obtained. If the vehicle is impounded, the towing
 29 and storage costs of the vehicle, and the care or preservation of



1 the load in the vehicle are the owner's responsibility. Vehicles
2 impounded are subject to a lien in the amount of the apportioned
3 fee and any fine and costs incurred under this subsection, subject
4 to a valid lien of prior record. If the apportioned fee, fine, and
5 costs are not paid within 90 days after impoundment, then following
6 a hearing before the judge or magistrate who imposed the fine and
7 costs, the judge or magistrate shall certify the unpaid judgment to
8 the prosecuting attorney of the county in which the violation
9 occurred. The prosecuting attorney shall enforce the lien by
10 foreclosure sale in accordance with the procedure authorized by law
11 for chattel mortgage foreclosures.

12 Sec. 256. (1) A person shall not lend to another person, or
13 knowingly permit the use of, any certificate of title, registration
14 certificate, registration plate, special plate, or permit issued to
15 him or her if the person receiving or using the certificate of
16 title, registration certificate, registration plate, special plate,
17 or permit would not be entitled to the use thereof. A person shall
18 not carry or display upon a vehicle any registration certificate or
19 registration plate not issued for the vehicle or not otherwise
20 lawfully used under this act.

21 (2) Except as otherwise provided in this section, ~~a person who~~
22 ~~violates this section is guilty of a misdemeanor, punishable by~~
23 ~~imprisonment for not more than 90 days, or by a fine of not more~~
24 ~~than \$100.00, or both.~~ **a person who violates this section is**
25 **responsible for a civil infraction and shall be ordered to pay a**
26 **civil fine of not more than \$100.00.**

27 (3) A person who displays upon a commercial vehicle which is
28 required to be registered according to the schedule of elected
29 gross vehicle weights under section 801(1)(k) any registration



1 plate not issued for the vehicle or not otherwise lawfully used
2 under this act is ~~guilty of a misdemeanor, punishable by~~
3 ~~imprisonment for not more than 90 days, or by a fine of not more~~
4 ~~than \$500.00, or both.~~ **responsible for a civil infraction and shall**
5 **be ordered to pay a civil fine of not more than \$150.00.**

6 Sec. 301. (1) Except as provided in this act, a person shall
7 not drive a motor vehicle upon a highway in this state unless that
8 person has a valid operator's or chauffeur's license with the
9 appropriate group designation and indorsements for the type or
10 class of vehicle being driven or towed. A resident of this state
11 holding a commercial ~~driver's~~ **driver** license group indorsement
12 issued by another state shall apply for a license transfer within
13 30 days after establishing domicile in this state.

14 (2) A person shall not receive a license to operate a motor
15 vehicle until that person surrenders to the secretary of state all
16 valid licenses to operate a motor vehicle issued to that person by
17 this or any state or certifies that he or she does not possess a
18 valid license. The secretary of state shall notify the issuing
19 state that the licensee is now licensed in this state.

20 (3) A person shall not have more than 1 valid ~~driver's~~ **driver**
21 license.

22 (4) A person shall not drive a motor vehicle as a chauffeur
23 unless that person holds a valid chauffeur's license. A person
24 shall not receive a chauffeur's license until that person
25 surrenders to the secretary of state a valid operator's or
26 chauffeur's license issued to that person by this or any state or
27 certifies that he or she does not possess a valid license.

28 (5) A person holding a valid chauffeur's license need not
29 procure an operator's license.



1 (6) A person who violates this section is responsible for a
2 civil infraction and shall be ordered to pay a civil fine of not
3 more than \$100.00.

4 Sec. 306. (1) The secretary of state, upon receiving an
5 application for a temporary instruction permit from ~~a person~~ **an**
6 **individual** who is 18 years of age or older, may issue that permit
7 ~~entitling that~~ **entitles** the applicant, while carrying the permit,
8 to drive a motor vehicle other than a motor vehicle ~~requiring that~~
9 **requires** an indorsement under section 312a or a vehicle group
10 designation under section 312e upon the highways for a period of
11 180 days when accompanied by a licensed adult operator or chauffeur
12 who ~~is actually occupying~~ **occupies** a seat beside the driver.

13 (2) The secretary of state may issue an original operator's
14 license and designate level 1, 2, or 3 graduated licensing
15 provisions to ~~a person~~ **an individual** who is less than 18 years of
16 age, has been licensed in another state or country, and has
17 satisfied the applicable requirements of section 310e.

18 (3) A student enrolled in a driver education course as **that**
19 **term is** defined in section 3 of the driver education provider and
20 instructor act, 2006 PA 384, MCL 256.623, or a motorcycle safety
21 course approved by the department of state may operate a motor
22 vehicle that does not require a group designation under section
23 312e without holding an operator's license or permit while under
24 the direct supervision of the program instructor.

25 (4) A student enrolled in a driver education course as **that**
26 **term is** defined in section 3 of the driver education provider and
27 instructor act, 2006 PA 384, MCL 256.623, and who has successfully
28 completed 10 hours of classroom instruction and the equivalent of 2
29 hours of behind-the-wheel training may be issued a temporary driver



1 education certificate furnished by the department of state that
2 authorizes a student to drive a motor vehicle, other than a motor
3 vehicle ~~requiring that~~ **requires** an indorsement under section 312a
4 or a vehicle group designation under section 312e, when accompanied
5 by a licensed parent or guardian, or when accompanied by a
6 nonlicensed parent or guardian and a licensed adult for the purpose
7 of receiving additional instruction until the end of the student's
8 driver education course.

9 (5) Beginning January 1, 2015, the secretary of state, upon
10 receiving proper application from ~~a person~~ **an individual** 16 or 17
11 years of age who is enrolled in or has successfully completed an
12 approved motorcycle safety course under section 811a, or ~~a person~~
13 **an individual** who is 18 years of age or older and who holds a valid
14 operator's or chauffeur's license, may issue a motorcycle temporary
15 instruction permit ~~entitling that~~ **entitles** the applicant, while
16 carrying the permit, to operate a motorcycle upon the public
17 streets and highways for a period of 180 days under the following
18 conditions:

19 (a) The applicant shall operate the motorcycle under the
20 constant visual supervision of a licensed motorcycle operator who
21 is at least 18 years of age.

22 (b) The applicant shall not operate the motorcycle at night.

23 (c) The applicant shall not operate the motorcycle with a
24 passenger.

25 (d) The applicant shall not be eligible for more than 2
26 motorcycle temporary instruction permits in a 10-year period.

27 **(6) An individual who violates this section is responsible for**
28 **a civil infraction and shall be ordered to pay a civil fine of not**
29 **more than \$100.00.**



1 Sec. 310. (1) The secretary of state shall issue an operator's
2 license to each ~~person~~**individual** licensed as an operator and a
3 chauffeur's license to each ~~person~~**individual** licensed as a
4 chauffeur. An applicant for a motorcycle indorsement under section
5 312a or a vehicle group designation or indorsement shall ~~first~~
6 qualify for an operator's or chauffeur's license before the
7 indorsement or vehicle group designation application is accepted
8 and processed. An original license or the first renewal of an
9 existing license issued to a ~~person~~**an individual** less than 21
10 years of age ~~shall~~**must** be portrait or vertical in form and a
11 license issued to a ~~person~~**an individual** 21 years of age or over
12 ~~shall~~**must** be landscape or horizontal in form.

13 (2) The license issued under subsection (1) ~~shall~~**must** contain
14 all of the following:

15 (a) The distinguishing number permanently assigned to the
16 licensee.

17 (b) The full legal name, date of birth, address of residence,
18 height, eye color, sex, digital photographic image, expiration
19 date, and signature of the licensee.

20 (c) In the case of a licensee who has indicated his or her
21 wish to participate in the anatomical gift donor registry under
22 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
23 333.10123, a heart insignia on the front of the license.

24 (d) Physical security features designed to prevent tampering,
25 counterfeiting, or duplication of the license for fraudulent
26 purposes.

27 (e) If requested by an individual who is a veteran of the
28 armed forces of this state, another state, or the United States, a
29 designation that the individual is a veteran. The designation ~~shall~~



1 **must** be in a style and format considered appropriate by the
2 secretary of state. The secretary of state shall require proof of
3 discharge or separation of service from the armed forces of this
4 state, another state, or the United States, and the nature of that
5 discharge, for the purposes of verifying an individual's status as
6 a veteran under this subdivision. The secretary of state shall
7 consult with the department of military and veterans affairs in
8 determining the proof that ~~shall be~~**is** required to identify an
9 individual's status as a veteran for the purposes of this
10 subsection. The secretary of state may provide the department of
11 military and veterans affairs and agencies of the counties of this
12 state that provide veteran services with information provided by an
13 applicant under this subsection for the purpose of veterans'
14 benefits eligibility referral. As used in this subdivision,
15 "veteran" means that term as defined in section 1 of 1965 PA 190,
16 MCL 35.61.

17 (3) Except as otherwise required under this chapter, other
18 information required on the license ~~pursuant to~~**under** this chapter
19 may appear on the license in a form prescribed by the secretary of
20 state.

21 (4) The license ~~shall~~**must** not contain a fingerprint or finger
22 image of the licensee.

23 (5) A digitized license may contain an identifier for voter
24 registration purposes. The digitized license may contain
25 information appearing in electronic or machine readable codes
26 needed to conduct a transaction with the secretary of state. The
27 information ~~shall be~~**is** limited to the information described in
28 subsection (2)(a) and (b) except for the ~~person's~~**individual's**
29 digital photographic image and signature, state of issuance,



1 license expiration date, and other information necessary for use
2 with electronic devices, machine readers, or automatic teller
3 machines and ~~shall~~**must** not contain the driving record or other
4 personal identifier. The license ~~shall~~**must** identify the encoded
5 information.

6 (6) The license ~~shall~~**must** be manufactured in a manner to
7 prohibit as nearly as possible the ability to reproduce, alter,
8 counterfeit, forge, or duplicate the license without ready
9 detection. In addition, a license with a vehicle group designation
10 ~~shall~~**must** contain the information required under 49 CFR part 383.

11 (7) Except as provided in subsection (11), ~~a person~~**an**
12 **individual** who intentionally reproduces, alters, counterfeits,
13 forges, or duplicates a license photograph, the negative of the
14 photograph, image, license, or electronic data contained on a
15 license or a part of a license or who uses a license, image, or
16 photograph that has been reproduced, altered, counterfeited,
17 forged, or duplicated is subject to 1 of the following:

18 (a) If the intent of the reproduction, alteration,
19 counterfeiting, forging, duplication, or use is to commit or aid in
20 the commission of an offense that is a felony punishable by
21 imprisonment for 10 or more years, the ~~person~~**individual** committing
22 the reproduction, alteration, counterfeiting, forging, duplication,
23 or use is guilty of a felony, punishable by imprisonment for not
24 more than 10 years or a fine of not more than \$20,000.00, or both.

25 (b) If the intent of the reproduction, alteration,
26 counterfeiting, forging, duplication, or use is to commit or aid in
27 the commission of an offense that is a felony punishable by
28 imprisonment for less than 10 years or a misdemeanor punishable by
29 imprisonment for 6 months or more, the ~~person~~**individual** committing



1 the reproduction, alteration, counterfeiting, forging, duplication,
2 or use is guilty of a felony, punishable by imprisonment for not
3 more than 5 years, or a fine of not more than \$10,000.00, or both.

4 (c) If the intent of the reproduction, alteration,
5 counterfeiting, forging, duplication, or use is to commit or aid in
6 the commission of an offense that is a misdemeanor punishable by
7 imprisonment for less than 6 months, the ~~person~~**individual**
8 committing the reproduction, alteration, counterfeiting, forging,
9 duplication, or use is ~~guilty of a misdemeanor punishable by~~
10 ~~imprisonment for not more than 1 year or a fine of not more than~~
11 ~~\$2,000.00, or both.~~**responsible for a civil infraction and shall be**
12 **ordered to pay a civil fine of not more than \$200.00.**

13 (8) Except as provided in subsections (11) and (16), ~~a person~~
14 **an individual** who sells, or who possesses with the intent to
15 deliver to another, a reproduced, altered, counterfeited, forged,
16 or duplicated license photograph, negative of the photograph,
17 image, license, or electronic data contained on a license or part
18 of a license is guilty of a felony punishable by imprisonment for
19 not more than 5 years or a fine of not more than \$10,000.00, or
20 both.

21 (9) Except as provided in subsections (11) and (16), ~~a person~~
22 **an individual** who is in possession of 2 or more reproduced,
23 altered, counterfeited, forged, or duplicated license photographs,
24 negatives of the photograph, images, licenses, or electronic data
25 contained on a license or part of a license is guilty of a felony
26 punishable by imprisonment for not more than 5 years or a fine of
27 not more than \$10,000.00, or both.

28 (10) Except as provided in subsection (16), ~~a person~~**an**
29 **individual** who is in possession of a reproduced, altered,



1 counterfeited, forged, or duplicated license photograph, negative
2 of the photograph, image, license, or electronic data contained on
3 a license or part of a license is ~~guilty of a misdemeanor~~
4 ~~punishable by imprisonment for not more than 1 year or a fine of~~
5 ~~not more than \$2,000.00, or both.~~ **responsible for a civil infraction**
6 **and shall be ordered to pay a civil fine of not more than \$100.00.**

7 (11) Subsections (7)(a) and (b), (8), and (9) do not apply to
8 a minor whose intent is to violate section 703 of the Michigan
9 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

10 (12) The secretary of state, upon determining after an
11 examination that an applicant is mentally and physically qualified
12 to receive a license, may issue the applicant a temporary driver's
13 permit. The temporary driver's permit entitles the applicant, while
14 having the permit in his or her immediate possession, to operate a
15 motor vehicle upon the highway for a period not exceeding 60 days
16 before the secretary of state has issued the applicant an
17 operator's or chauffeur's license. The secretary of state may
18 establish a longer duration for the validity of a temporary
19 driver's permit if necessary to accommodate the process of
20 obtaining a background check that is required for an applicant by
21 federal law.

22 (13) An operator or chauffeur may indicate on the license in a
23 place designated by the secretary of state his or her blood type,
24 emergency contact information, immunization data, medication data,
25 or a statement that the licensee is deaf. The secretary of state
26 shall not require an applicant for an original or renewal
27 operator's or chauffeur's license to provide emergency contact
28 information as a condition of obtaining a license. However, the
29 secretary of state may inquire whether an operator or chauffeur



1 would like to provide emergency contact information. Emergency
 2 contact information obtained under this subsection ~~shall~~**must** be
 3 disclosed only to a state or federal law enforcement agency for law
 4 enforcement purposes or to the extent necessary for a medical
 5 emergency. No later than January 1, 2017, the secretary of state
 6 shall develop and shall, in conjunction with the department of
 7 state police, implement a process using the ~~L.E.I.N.~~**law**
 8 **enforcement information network** or any other appropriate system
 9 that limits access to law enforcement that would allow law
 10 enforcement agencies of this state to access emergency contact
 11 information that the holder of an operator's license has
 12 voluntarily provided to the secretary of state. As used in this
 13 subsection, "emergency contact information" means the name,
 14 telephone number, or address of an individual that is used for the
 15 sole purpose of contacting that individual when the holder of an
 16 operator's license has been involved in an emergency.

17 (14) An operator or chauffeur may indicate on the license in a
 18 place designated by the secretary of state that he or she has
 19 designated a patient advocate in accordance with sections 5506 to
 20 5515 of the estates and protected individuals code, 1998 PA 386,
 21 MCL 700.5506 to 700.5515.

22 (15) If the applicant provides proof to the secretary of state
 23 that he or she is a minor who has been emancipated under 1968 PA
 24 293, MCL 722.1 to 722.6, the license ~~shall~~**must** bear the
 25 designation of the individual's emancipated status in a manner
 26 prescribed by the secretary of state.

27 (16) Subsections (8), (9), and (10) do not apply to a person
 28 who is in possession of 1 or more photocopies, reproductions, or
 29 duplications of a license to document the identity of the licensee



1 for a legitimate business purpose.

2 (17) A sticker or decal may be provided by any person,
3 hospital, school, medical group, or association interested in
4 assisting in implementing an emergency medical information card,
5 but ~~shall~~**must** meet the specifications of the secretary of state.
6 An emergency medical information card may contain information
7 concerning the licensee's patient advocate designation, other
8 emergency medical information, or an indication as to where the
9 licensee has stored or registered emergency medical information.

10 (18) The secretary of state shall inquire of each licensee, in
11 person or by mail, whether the licensee agrees to participate in
12 the anatomical gift donor registry under part 101 of the public
13 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

14 (19) A licensee who has agreed to participate in the
15 anatomical gift donor registry under part 101 of the public health
16 code, 1978 PA 368, MCL 333.10101 to 333.10123, ~~shall~~**is** not ~~be~~
17 considered to have revoked that agreement solely because the
18 licensee's license has been revoked or suspended or has expired.
19 Enrollment in the donor registry constitutes a legal agreement that
20 remains binding and in effect after the donor's death regardless of
21 the expressed desires of the deceased donor's next of kin who may
22 oppose the donor's anatomical gift.

23 (20) If an operator's or chauffeur's license is issued to an
24 individual described in section 307(1)(b) who has temporary lawful
25 status, the license shall be issued in compliance with 6 CFR 37.21
26 or in compliance with the process established to comply with 6 CFR
27 37.71 by the secretary of state. As used in this subsection,
28 "temporary lawful status" means that term as defined in 6 CFR 37.3.

29 Sec. 311. The licensee shall have his or her operator's or



1 chauffeur's license, or the receipt described in section 311a, in
 2 his or her immediate possession at all times when operating a motor
 3 vehicle, and shall display ~~the same~~**it** upon demand of any police
 4 officer, who ~~shall identify~~**identifies** himself or herself as ~~such a~~
 5 **police officer. An individual who violates this section is**
 6 **responsible for a civil infraction and shall be ordered to pay a**
 7 **civil fine of not more than \$100.00.**

8 Sec. 312. (1) Upon proper showing of extenuating circumstances
 9 and special reasons, or need by an applicant who meets the age
 10 qualifications and ~~when accompanied by~~**payment of** the fee as
 11 provided in this act, the secretary of state may recommend a
 12 restricted operator's or chauffeur's license ~~containing~~**with**
 13 conditions and restrictions applicable to the licensee, the type of
 14 special mechanical control devices required in a motor vehicle
 15 operated by the licensee, and the area, time, or other condition
 16 that the secretary of state considers necessary to assure the safe
 17 operation of a vehicle by the licensee and under which the licensee
 18 may operate a motor vehicle. A license issued to ~~a person~~**an**
 19 **individual** who is at least 14 years of age and under 16 years of
 20 age ~~shall contain~~**must have** only the conditions determining the
 21 hours during which the licensee may drive a motor vehicle and the
 22 purpose ~~for which~~**that** it is to be driven. A license issued to a
 23 minor who is at least 14 years of age and under 16 years of age
 24 ~~shall~~**must** be revoked by the secretary of state on the written
 25 request of a parent, guardian, or person standing in loco parentis.

26 (2) An operator's license issued to ~~a person~~**an individual** who
 27 is at least 14 years of age and under 16 years of age expires on
 28 the birthday following issuance of the license or if that birthday
 29 is within 6 months after the date of issuance of the license, then



1 1 year after the date of that birthday.

2 (3) Upon receiving satisfactory evidence of a violation of the
3 restrictions of the license, the secretary of state may suspend or
4 revoke the license.

5 (4) ~~A person~~ **An individual** who violates a restriction imposed
6 in a restricted license issued to that ~~person~~ **individual** is ~~guilty~~
7 ~~of a misdemeanor.~~ **responsible for a civil infraction and shall be**
8 **ordered to pay a civil fine of not more than \$100.00.** This
9 subsection does not apply to ~~a person~~ **an individual** who is at least
10 14 years of age and under 16 years of age.

11 (5) If a motor vehicle is being driven by ~~a person~~ **an**
12 **individual** who is at least 14 years of age and under 16 years of
13 age, and that ~~person~~ **individual** is accompanied by a parent,
14 guardian, or person standing in loco parentis, the conditions,
15 limitations, and restrictions set forth in this section do not
16 apply.

17 Sec. 312a. (1) ~~A person,~~ **An individual,** before operating a
18 motorcycle, other than an auticycle, upon a public street or
19 highway in this state, shall procure a motorcycle indorsement on
20 his or her operator's or chauffeur's license. The license ~~shall~~
21 **must** be issued, suspended, revoked, canceled, or renewed in
22 accordance with and governed by this act.

23 (2) ~~A person,~~ **An individual,** before operating a moped upon a
24 highway, shall procure a special restricted license to operate a
25 moped unless the ~~person~~ **individual** has a valid operator's or
26 chauffeur's license. A special restricted license to operate a
27 moped may be issued to ~~a person~~ **an individual** 15 years of age or
28 older if the ~~person~~ **individual** satisfies the secretary of state
29 that he **or she** is competent to operate a moped with safety. The



1 secretary of state shall not require a road test before issuance of
2 a special restricted license to operate a moped.

3 (3) A special restricted license to operate a moped ~~shall~~
4 ~~expire~~ **expires** on the birthday of the ~~person to whom~~ **individual** it
5 is issued **to** in the fourth year following the date of issuance. A
6 license ~~shall~~ **must** not be issued for a period longer than 4 years.
7 ~~A person~~ **An individual** issued a license to operate a moped shall
8 pay \$7.50 for an original license and \$6.00 for a renewal license.
9 The money received and collected under this subsection ~~shall~~ **must**
10 be deposited in the state treasury to the credit of the general
11 fund. The secretary of state shall refund out of the fees collected
12 to each county or municipality, acting as an examining officer,
13 \$2.50 for each applicant examined for an original license and \$1.00
14 for a renewal license.

15 (4) ~~A person~~ **An individual** who violates subsection (1) is
16 ~~guilty of a misdemeanor punishable as follows:~~

17 ~~(a) For a first violation, by imprisonment for not more than~~
18 ~~90 days or a fine of not more than \$500.00, or both.~~

19 ~~(b) For a violation that occurs after a prior conviction, by~~
20 ~~imprisonment for not more than 1 year or a fine of not more than~~
21 ~~\$1,000.00, or both.~~ **responsible for a civil infraction and shall be**
22 **ordered to pay a civil fine as follows:**

23 (a) **For a first violation, not more than \$100.00.**

24 (b) **For a second or subsequent violation, not more than**
25 **\$200.00.**

26 Sec. 315. (1) An operator or chauffeur who changes his or her
27 residence before the expiration of a license granted under this
28 chapter shall immediately notify the secretary of state of his or
29 her new residence address. A change of address notification ~~shall~~



1 **must** be in a manner prescribed by the secretary of state and may
2 include notification by personally appearing at a branch office of
3 the secretary of state or other location designated by the
4 secretary of state, or a notification by mail, telephone,
5 electronically, by submitting a voter registration application
6 unless the person registers to vote in a city, village, or township
7 that prohibits the operation of motor vehicles by law or ordinance,
8 or by any other means prescribed by the secretary of state. The
9 secretary of state shall provide the ~~person~~**individual** changing his
10 or her residence address the notice required by section 307(1)(c)
11 that, under sections 509o and 509r of the Michigan election law,
12 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is
13 required to use the residence address provided on this change of
14 address application as the ~~person's~~**individual's** residence address
15 on the qualified voter file for voter registration and voting.
16 However, ~~a person~~**an individual** may submit to the secretary of
17 state a mailing address that is different than his or her residence
18 address.

19 (2) Upon receiving a change of address notification, the
20 secretary of state shall change the ~~person's~~**individual's** driver
21 license record to indicate the new residence address. The secretary
22 of state shall provide the ~~person~~**individual** with a new license or
23 a label or some other mechanism containing the new residence
24 address. Upon receipt of the label or other mechanism, the ~~person~~
25 **individual** shall affix the label or mechanism to his or her
26 operator's or chauffeur's license as prescribed by the secretary of
27 state. If the secretary of state furnished the ~~person~~**individual**
28 with a new license, the ~~person~~**individual** shall destroy his or her
29 old license and replace it with the new license.

1 (3) If ~~a person~~**an individual** fails to report a change of his
 2 or her residence address as required under this section and
 3 subsequently there is no response to a notice mailed to the
 4 residence address shown by the record of the secretary of state or
 5 if the person has provided the secretary of state a mailing address
 6 different from his or her residence address and there is no
 7 response to a notice mailed to that mailing address, the secretary
 8 of state may immediately suspend or revoke his or her license. ~~A~~
 9 ~~person~~**An individual** who fails to report a change of his or her
 10 residence address is responsible for a civil infraction.

11 (4) ~~A person~~**An individual** shall not knowingly report a change
 12 of address to the secretary of state for himself or herself that is
 13 not his or her residence address. ~~A person~~**An individual** shall not
 14 knowingly report a change of address to the secretary of state for
 15 another person without the consent of the other person. ~~A person~~
 16 ~~who is convicted of a violation of this subsection is guilty of a~~
 17 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~
 18 ~~a fine of \$1,000.00, or both.~~**An individual who violates this**
 19 **subsection is responsible for a civil infraction and shall be**
 20 **ordered to pay a civil fine of not more than \$100.00.** Upon
 21 receiving the abstract of a conviction under this subsection, the
 22 secretary of state may suspend the ~~person's~~**individual's** operator's
 23 or chauffeur's license for 6 months. The secretary of state shall
 24 not issue a restricted license to the ~~person~~**individual** during the
 25 suspension.

26 (5) Upon a second or subsequent conviction under subsection
 27 (4), ~~a person is guilty of a misdemeanor punishable by imprisonment~~
 28 ~~for not more than 93 days or a fine of \$5,000.00, or both.~~**an**
 29 **individual is responsible for a civil infraction and shall be**



1 **ordered to pay a civil fine of not more than \$200.00.** Upon
2 receiving the abstract of a second or subsequent conviction under
3 subsection (4), the secretary of state shall revoke the ~~person's~~
4 **individual's** operator's or chauffeur's license.

5 (6) The suspension or revocation of an operator's or
6 chauffeur's license under subsection (4) or (5) is not appealable
7 under section 323.

8 Sec. 317. (1) The secretary of state may suspend, deny, or
9 revoke the right of a nonresident to operate a motor vehicle in
10 this state for a cause for which the license of a resident driver
11 may be suspended, denied, or revoked. A nonresident who drives a
12 motor vehicle upon a highway when the privilege to drive has been
13 suspended, revoked, or denied by the secretary of state is ~~guilty~~
14 ~~of a misdemeanor punishable~~ **responsible for a civil infraction** as
15 provided in section 904.

16 (2) The secretary of state, upon receiving a record of a
17 violation of section 321a(1) by a nonresident in this state, ~~shall~~
18 **must** notify the motor vehicle administration or other appropriate
19 officer of the state where the nonresident is licensed of that
20 violation. The notification required under this subsection shall be
21 given no later than 6 months after the date the citation was issued
22 to the nonresident. This subsection does not apply unless the
23 governor of this state has entered into an interstate compact
24 requiring the notification described in this subsection. The
25 secretary of state may only share the information described in this
26 subsection to verify driving privileges or licensure status, to
27 report a conviction or withdrawal, or to ensure compliance with 49
28 CFR 384.209.

29 (3) The secretary of state, upon receiving a record of the



1 conviction, civil infraction determination, suspension, revocation,
2 or forfeiture of bail in this state of a nonresident of a violation
3 the record of which is required to be maintained under section
4 204a, shall forward a certified copy of the record to the motor
5 vehicle administrator or other appropriate officer in the state in
6 which the person is a resident.

7 (4) Within 10 days after an appeal is completed or the appeal
8 period has expired if an appeal is not made in a conviction, civil
9 infraction determination, or bond forfeiture entered against a
10 nonresident in this state for a violation committed while operating
11 a commercial motor vehicle or any violation for a commercial driver
12 license holder regardless of vehicle type, except a parking
13 violation, the secretary of state shall notify the motor vehicle
14 administration or other appropriate officer of the state where the
15 nonresident is licensed of that conviction, determination, or
16 forfeiture.

17 (5) If the secretary of state suspends, revokes, cancels, or
18 denies the driving privileges of a nonresident for 60 days or more
19 and that nonresident is licensed by another state to operate a
20 commercial motor vehicle, the secretary of state shall, within 10
21 days after the effective date of the suspension, revocation,
22 cancellation, or denial, forward a notification about that
23 suspension, revocation, cancellation, or denial to the motor
24 vehicle administrator or other appropriate officer of the state
25 where the nonresident is licensed to operate a motor vehicle. A
26 notice given under this subsection must include both the denial, if
27 any, and the violation that caused the suspension, revocation,
28 cancellation, or denial of the nonresident's driving privileges.

29 Sec. 324. (1) ~~A person~~ **An individual** shall not do any of the

1 following:

2 (a) Display, or cause or permit to be displayed, or have in
3 possession an operator's or chauffeur's license knowing the
4 operator's or chauffeur's license to be fictitious or to have been
5 canceled, revoked, suspended, or altered.

6 (b) Lend to or knowingly permit use of, by one not entitled to
7 its use, the operator's or chauffeur's license issued to the ~~person~~
8 **individual** lending or permitting the use of the operator's or
9 chauffeur's license.

10 (c) Display or to represent as one's own any operator's or
11 chauffeur's license not issued to the ~~person~~**individual** displaying
12 the operator's or chauffeur's license.

13 (d) Fail or refuse to surrender to the department upon demand,
14 any operator's or chauffeur's license ~~which~~**that** has been
15 suspended, canceled, or revoked as provided by law.

16 (e) Use a false or fictitious name or give a false or
17 fictitious address in an application for an operator's or
18 chauffeur's license, or any renewal or duplicate of an operator's
19 or chauffeur's license, or knowingly make a false statement or
20 knowingly conceal a material fact or otherwise commit a fraud in
21 making an application.

22 (f) Alter or otherwise cause to be altered any operator's or
23 chauffeur's license so as to knowingly make a false statement or
24 knowingly conceal a material fact in order to misrepresent as one's
25 own the operator's or chauffeur's license.

26 (g) Use or have in possession in committing a crime an
27 operator's or chauffeur's license that has been altered or that is
28 used to knowingly make a false statement or to knowingly conceal a
29 material fact in order to misrepresent as one's own the operator's



1 or chauffeur's license.

2 (h) Furnish to a peace officer false, forged, fictitious, or
3 misleading verbal or written information identifying the ~~person~~
4 **individual** as another ~~person~~, **individual**, if the ~~person~~**individual**
5 is detained for a violation of this act or of a local ordinance
6 substantially corresponding to a provision of this act.

7 (i) Commit fraud related to the testing for or issuance of a
8 commercial driver license or permit.

9 (j) Fail to schedule a retest appointment within 30 days after
10 receiving the secretary of state's retest notification.

11 (2) An operator's or chauffeur's license issued to a ~~person~~**an**
12 **individual** under this chapter upon an application that is untrue,
13 or that contains false statements as to any material matters, or
14 that was obtained by fraud in the testing for or issuance of the
15 license, is void from the date of issuance. The operator or
16 chauffeur who was issued the license is considered unlicensed and
17 the license issued ~~shall~~**must** be returned upon request or order of
18 the department. ~~A person~~**An individual** whose commercial driver
19 license application is voided or canceled under this subsection,
20 including as required under 49 CFR part 383, shall not reapply for
21 a commercial driver license except as follows:

22 (a) Not sooner than 60 days after an application is voided or
23 canceled.

24 (b) If the ~~person~~**individual** obtained the license by fraud in
25 the testing for or issuance of the commercial driver license or
26 commercial learner's permit, not sooner than 365 days after the
27 permit or license is canceled.

28 (c) If the ~~person~~**individual** failed to schedule a retesting
29 for a new commercial learner's permit or commercial driver license



1 within 30 days after receiving the notification by the secretary of
2 state for retesting, until the driver meets the department's
3 requirements for applying for a new commercial learner's permit or
4 commercial driver license.

5 **(3) An individual who violates this section is responsible for**
6 **a civil infraction and shall be ordered to pay a civil fine of not**
7 **more than \$100.00.**

8 Sec. 325. ~~It shall be unlawful for any person to~~ **An individual**
9 **shall not** cause or knowingly permit any minor to drive a motor
10 vehicle upon a highway as an operator, unless the minor has first
11 obtained a license to drive a motor vehicle under the provisions of
12 this chapter. **An individual who violates this section is**
13 **responsible for a civil infraction and shall be ordered to pay a**
14 **civil fine of not more than \$100.00.**

15 Sec. 326. No person shall knowingly authorize or permit a
16 motor vehicle owned by him or under his control to be driven by any
17 person in violation of any of the provisions of this act. **A person**
18 **who violates this section is responsible for a civil infraction and**
19 **shall be ordered to pay a civil fine of not more than \$100.00.**

20 Sec. 328. (1) The owner of a motor vehicle who operates or
21 permits the operation of the motor vehicle upon the highways of
22 this state or the operator of the motor vehicle shall produce,
23 under subsection (2), upon the request of a police officer,
24 evidence that the motor vehicle is insured under chapter 31 of the
25 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
26 Subject to section 907(15), an owner or operator of a motor vehicle
27 who fails to produce evidence of insurance upon request under this
28 subsection or who fails to have motor vehicle insurance for the
29 vehicle as required under chapter 31 of the insurance code of 1956,



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

25 (2) A certificate of insurance, in paper or electronic form
26 and issued by an insurance company, that certifies that the
27 security that meets the requirements of sections 3101 and 3102 of
28 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
29 is in force is prima facie evidence that insurance is in force for

1 the motor vehicle described in the certificate of insurance until
2 the expiration date shown on the certificate. The certificate, in
3 addition to describing the motor vehicles for which insurance is in
4 effect, must, if applicable, state the name of each person named on
5 the policy, policy declaration, or a declaration certificate whose
6 operation of the vehicle would cause the liability coverage of that
7 insurance to become void.

8 (3) If, before the appearance date on a citation issued under
9 subsection (1), the defendant submits proof to the court that the
10 motor vehicle had insurance meeting the requirements of sections
11 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL
12 500.3101 and 500.3102, at the time the violation of subsection (1)
13 occurred, all of the following apply:

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

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

17 (c) The court may assess a fee of not more than \$25.00, which
18 shall be paid to the court funding unit.

19 (4) If an owner or operator of a motor vehicle is determined
20 to be responsible for a violation of subsection (1), the court in
21 which the civil infraction determination is entered may require the
22 ~~person~~**individual** to surrender his or her operator's or chauffeur's
23 license unless proof that the vehicle has insurance meeting the
24 requirements of sections 3101 and 3102 of the insurance code of
25 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
26 court. If the court requires the license to be surrendered, the
27 court shall order the secretary of state to suspend the ~~person's~~
28 **individual's** license. The court shall immediately destroy the
29 license and shall forward an abstract of the court record to the



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

14 (5) If an owner or operator of a motor vehicle is determined
15 to be responsible for a violation of subsection (1), the court ~~in~~
16 ~~which that entered~~ the civil infraction determination ~~is entered~~
17 shall notify the secretary of state of the vehicle registration
18 number and the year and make of the motor vehicle being operated at
19 the time of the violation. A notification under this subsection
20 ~~shall-must~~ be made on the abstract or on a form approved by the
21 supreme court administrator. Upon receipt, the secretary of state
22 shall immediately enter this information in the records of the
23 department. The secretary of state shall not renew, transfer, or
24 replace the registration plate of the vehicle involved in the
25 violation or allow the purchase of a new registration plate for the
26 vehicle involved in the violation until the owner meets the
27 requirements of section 227a or unless the vehicle involved in the
28 violation is transferred or sold to a person other than the owner's
29 spouse, mother, father, sister, brother, or child.

1 (6) An owner or operator of a motor vehicle who knowingly
 2 produces false evidence under this section is ~~guilty of a~~
 3 ~~misdemeanor, punishable by imprisonment for not more than 1 year,~~
 4 ~~or a fine of not more than \$1,000.00, or both.~~ **responsible for a**
 5 **civil infraction and shall be ordered to pay a civil fine of not**
 6 **more than \$100.00.**

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

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

12 Sec. 503. (1) For 30 days after the date a motor vehicle
 13 accident report is filed with a law enforcement agency, a person
 14 may only access the report if the person or organization files a
 15 statement indicating that from the time the person or organization
 16 is granted access to the report until 30 days after the date the
 17 report is filed, the person or organization acknowledges that the
 18 person or organization is prohibited from doing either of the
 19 following:

20 (a) Using the report for any direct solicitation of an
 21 individual, vehicle owner, or property owner listed in the report.

22 (b) Disclosing any personal information contained in the
 23 report to a third party for commercial solicitation of an
 24 individual, vehicle owner, or property owner listed in the report.

25 (2) A person that knowingly violates this section is ~~guilty of~~
 26 ~~a crime punishable~~ **responsible for a civil infraction and shall be**
 27 **ordered to pay a civil fine** as follows:

28 (a) For a first violation, ~~a misdemeanor punishable by a civil~~
 29 ~~fine of not more than \$30,000.00.~~ **\$500.00.**



1 (b) For a second or subsequent violation, ~~a misdemeanor~~
 2 ~~punishable by imprisonment for not more than 1 year or a~~ **by a civil**
 3 fine of not more than ~~\$60,000.00, or both.~~ **\$1,000.00.**

4 (3) As used in this section:

5 (a) "Direct solicitation" means "direct solicitation to
 6 provide a service" as that term is defined in section 410b of the
 7 Michigan penal code, 1931 PA 328, MCL 750.410b.

8 (b) "Law enforcement agency" means any of the following:

9 (i) The department of state police.

10 (ii) The county sheriff's office.

11 (iii) The police department of a local unit of government.

12 (c) "Local unit of government" means a state university or
 13 college or a county, city, village, or township.

14 (d) "Motor vehicle accident" means an occurrence involving a
 15 motor vehicle that results in damage to property or injury to an
 16 individual.

17 (e) "Personal information" means information that identifies
 18 an individual, including the individual's name, address, driver
 19 license number, ~~social security~~ **Social Security** number, and
 20 telephone number.

21 (f) "Report" means a report completed by an officer of a law
 22 enforcement agency that indicates that a motor vehicle accident
 23 occurred.

24 Sec. 624b. (1) ~~A person~~ **An individual** less than 21 years of
 25 age shall not knowingly transport or possess alcoholic liquor in a
 26 motor vehicle as an operator or occupant unless the ~~person~~
 27 **individual** is employed by a licensee under the Michigan liquor
 28 control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a
 29 common carrier designated by the liquor control commission under



1 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101
 2 to 436.2303, the liquor control commission, or an agent of the
 3 liquor control commission and is transporting or having the
 4 alcoholic liquor in a motor vehicle under the ~~person's~~**individual's**
 5 control during regular working hours and in the course of the
 6 ~~person's~~**individual's** employment. This section does not prevent a
 7 ~~person~~**an individual** less than 21 years of age from knowingly
 8 transporting alcoholic liquor in a motor vehicle if ~~a person~~**an**
 9 **individual** at least 21 years of age is present inside the motor
 10 vehicle. ~~A person~~**An individual** who violates this subsection is
 11 guilty of a misdemeanor. As part of the sentence, the ~~person~~
 12 **individual** may be ordered to perform community service and undergo
 13 substance abuse screening and assessment at his or her own expense
 14 as described in section 703(1) of the Michigan liquor control code
 15 of 1998, 1998 PA 58, MCL 436.1703.

16 (2) Within 30 days after the conviction for a violation of
 17 subsection (1) by the operator of a motor vehicle, which conviction
 18 has become final, the arresting law enforcement officer or the
 19 officer's superior may make a complaint before the court from which
 20 the warrant was issued. The complaint ~~shall~~**must** be under oath and
 21 ~~shall~~**must** describe the motor vehicle in which alcoholic liquor was
 22 possessed or transported by the operator, who is less than 21 years
 23 of age, in committing the violation and requesting that the motor
 24 vehicle be impounded as provided in this section. Upon the filing
 25 of the complaint, the court shall issue to the owner of the motor
 26 vehicle an order to show cause why the motor vehicle should not be
 27 impounded. The order to show cause ~~shall~~**must** fix a date and time
 28 for a hearing, ~~which shall~~**that is** not ~~be~~ less than 10 days after
 29 the issuance of the order. The order ~~shall~~**must** be served by

1 delivering a true copy to the owner not less than 3 full days
2 before the date of hearing or, if the owner cannot be located, by
3 sending a true copy by certified mail to the last known address of
4 the owner. If the owner is a nonresident of the state, service may
5 be made upon the secretary of state as provided in section 403.

6 (3) If the court determines upon the hearing of the order to
7 show cause, from competent and relevant evidence, that at the time
8 of the commission of the violation the motor vehicle was being
9 driven by the ~~person~~**individual** less than 21 years of age with the
10 express or implied consent or knowledge of the owner in violation
11 of subsection (1), and that the use of the motor vehicle is not
12 needed by the owner in the direct pursuit of the owner's employment
13 or the actual operation of the owner's business, the court may
14 authorize the impounding of the vehicle for a period of not less
15 than 15 days or more than 30 days. The court's order authorizing
16 the impounding of the vehicle ~~shall~~**must** authorize a law
17 enforcement officer to take possession without other process of the
18 motor vehicle wherever located and to store the vehicle in a public
19 or private garage at the expense and risk of the owner of the
20 vehicle. The owner of the vehicle may appeal the order to the
21 circuit court and the provisions governing the taking of appeals
22 from judgments for damages apply to the appeal. This section does
23 not prevent a bona fide lienholder from exercising rights under a
24 lien.

25 (4) A person who knowingly transfers title to a motor vehicle
26 for the purpose of avoiding this section is ~~guilty of a~~
27 ~~misdemeanor~~**responsible for a civil infraction and shall be ordered**
28 **to pay a civil fine of not more than \$100.00.**

29 (5) A law enforcement agency, upon determining that ~~a person~~

1 **an individual** less than 18 years of age allegedly violated this
2 section, shall notify the parent or parents, custodian, or guardian
3 of the person as to the nature of the violation if the name of a
4 parent, guardian, or custodian is reasonably ascertainable by the
5 law enforcement agency. The notice required by this subsection
6 ~~shall~~**must** be made not later than 48 hours after the law
7 enforcement agency determines that the ~~person~~**individual** who
8 allegedly violated this section is less than 18 years of age and
9 may be made in person, by telephone, or by first-class mail.

10 Sec. 675. (1) Except as otherwise provided in this section and
11 this chapter, a vehicle stopped or parked upon a highway or street
12 ~~shall~~**must** be stopped or parked with the wheels of the vehicle
13 parallel to the roadway and within 12 inches of any curb existing
14 at the right of the vehicle.

15 (2) A local authority may by ordinance permit parking of a
16 vehicle on a 1-way roadway with the vehicle's left wheels adjacent
17 to and within 12 inches of any curb existing at the left of the
18 vehicle.

19 (3) A local authority may by ordinance permit angle parking on
20 a roadway, except that angle parking is not permitted on a state
21 trunk line highway unless authorized by the state transportation
22 department.

23 (4) The state transportation commission with respect to state
24 trunk line highways and a board of county road commissioners with
25 respect to county roads, acting jointly with the director of the
26 department of state police, may place signs prohibiting or
27 restricting the stopping, standing, or parking of vehicles on a
28 highway where, in the opinion of the officials as determined by an
29 engineering survey, the stopping, standing, or parking is dangerous



1 to those using the highway or where the stopping, standing, or
2 parking of vehicles would unduly interfere with the free movement
3 of traffic on the highway or street. The signs ~~shall~~**must** be
4 official signs and a person shall not stop, stand, or park a
5 vehicle in violation of the restrictions stated on the signs. The
6 signs ~~shall~~**must** be installed only after a proper traffic order is
7 filed with the county clerk. Upon the application to the state
8 transportation commission by a home rule city affected by an order,
9 opportunity ~~shall~~**must** be given to the city for a hearing before
10 the state transportation commission, under the administrative
11 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except
12 ~~when-if~~ an ordinance of the home rule city prohibits or restricts
13 the parking of vehicles on a state trunk line highway; ~~when-if~~ the
14 home rule city, by lawfully authorized official action, requests
15 the state transportation department to prohibit or restrict parking
16 on a state trunk line highway; or ~~when-if~~ the home rule city enters
17 into a construction agreement with the state transportation
18 department providing for the prohibition or restriction of parking
19 on a state trunk line highway during or after the period of
20 construction. Traffic control orders, so long as they affect
21 parking upon a state trunk line highway within the corporate limits
22 of a home rule city, are considered "rules" within the meaning of
23 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
24 to 24.328, and upon application for a hearing by a home rule city,
25 the proceedings before the state transportation commission ~~shall~~
26 **must** be considered a "contested case" within the meaning of that
27 act.

28 (5) A disabled person may apply, on a form prescribed by the
29 secretary of state, for a serially numbered nontransferable



1 temporary or permanent windshield placard for the personal use of
2 the disabled person. An individual who has a religious objection to
3 having a medical examination may personally apply at a branch
4 office of the secretary of state for a serially numbered
5 nontransferable temporary or permanent windshield placard for the
6 personal use of the disabled individual. If it appears obvious that
7 the individual has a qualifying disability, the individual is not
8 required to present a medical statement attesting to the
9 disability. The application for and the issuance of the serially
10 numbered nontransferable temporary or permanent windshield placard
11 is subject to all of the following:

12 (a) The secretary of state may issue to a disabled person with
13 a temporary disability a temporary windshield placard that is valid
14 for a period of not more than 6 months.

15 (b) The secretary of state may issue to a disabled person with
16 a permanent disability an original or renewal permanent windshield
17 placard that is valid for a period of not more than 4 years.

18 (c) An original or permanent windshield placard expires on the
19 disabled person's fifth birthday after the date of issuance.

20 (d) A renewal permanent windshield placard expires on the
21 disabled person's fourth birthday after the date of renewal.

22 (e) Except as otherwise provided in this subsection, not more
23 than 45 days immediately preceding the expiration of his or her
24 certificate or placard, a person holding a permanent windshield
25 placard may apply for a new or renewal placard as provided in this
26 section. However, if the person will be out of state during the 45
27 days immediately preceding expiration of the placard or for other
28 good cause shown cannot apply for a placard within the 45-day
29 period, the person may apply for a new or renewal placard not more



1 than 6 months before the placard expires. A placard issued or
2 renewed under this subdivision expires as provided in this
3 subsection.

4 (f) Upon application in the manner prescribed by the secretary
5 of state for replacement of a lost, stolen, or destroyed placard
6 described in this section, a disabled person or organization that
7 provides specialized services to disabled persons may be issued a
8 placard that in substance duplicates the original certificate or
9 placard for a fee of \$10.00.

10 (g) A placard described in this section may be used by a
11 person other than the disabled person for the sole purpose of
12 transporting the disabled person. An organization that provides
13 specialized services to disabled persons may apply for and receive
14 a permanent windshield placard to be used in any motor vehicle
15 actually transporting a disabled person. If the organization ceases
16 to transport disabled persons, the placard ~~shall~~**must** be returned
17 to the secretary of state for cancellation and destruction.

18 (h) The secretary of state shall not issue a permanent placard
19 to an individual under this section unless that individual has
20 provided proof of Michigan residency.

21 (6) A disabled person with a certificate of identification,
22 windshield placard, special registration plates issued under
23 section 803d, a special registration plate issued under section
24 803f that has a tab for persons with disabilities attached, a
25 certificate of identification or windshield placard from another
26 state, or special registration plates from another state issued for
27 persons with disabilities is entitled to courtesy in the parking of
28 a vehicle. The courtesy ~~shall relieve~~**relieves** the disabled person
29 or the person transporting the disabled person from liability for a



1 violation with respect to parking, other than in violation of this
2 act. A local authority may by ordinance prohibit parking on a
3 street or highway to create a fire lane or to provide for the
4 accommodation of heavy traffic during morning and afternoon rush
5 hours, and the privileges extending to veterans and physically
6 disabled persons under this subsection do not supersede that
7 ordinance.

8 (7) Except as otherwise provided in subsection ~~(20)~~, **(21)**, an
9 application for an initial free parking sticker ~~shall~~**must** contain
10 a certification by a physician, physician assistant, certified
11 nurse practitioner, or physical therapist licensed to practice in
12 this state attesting to the nature and estimated duration of the
13 applicant's disabling condition and verifying that the applicant
14 qualifies for a free parking sticker. An individual who has a
15 religious objection to having a medical examination may personally
16 apply at a branch office of the secretary of state for an initial
17 free parking sticker. If it appears obvious that the individual is
18 unable to do 1 or more of the acts listed in subdivisions (a) to
19 (d), the individual is not required to present a certification by a
20 physician, a physician assistant, a certified nurse practitioner,
21 or a physical therapist attesting to the nature and estimated
22 duration of the applicant's disabling condition or verifying that
23 the applicant qualifies for a free parking sticker. The applicant
24 qualifies for a free parking sticker if the applicant is a licensed
25 driver and the physician, physician assistant, certified nurse
26 practitioner, or physical therapist certifies or, if an individual
27 is not required to have a certification by a physician, a physician
28 assistant, a certified nurse practitioner, or a physical therapist,
29 it is obvious that the applicant is unable to do 1 or more of the

1 following:

2 (a) Manage, manipulate, or insert coins, or obtain tickets or
3 tokens in parking meters or ticket machines in parking lots or
4 parking structures, due to the lack of fine motor control of both
5 hands.

6 (b) Reach above his or her head to a height of 42 inches from
7 the ground, due to a lack of finger, hand, or upper extremity
8 strength or mobility.

9 (c) Approach a parking meter due to his or her use of a
10 wheelchair or other device.

11 (d) Walk more than 20 feet due to an orthopedic, neurological,
12 cardiovascular, or lung condition in which the degree of
13 debilitation is so severe that it almost completely impedes the
14 ability to walk.

15 (8) To be entitled to free parking in a metered space or in a
16 publicly owned parking structure or area, a vehicle must properly
17 display 1 of the following:

18 (a) A windshield placard bearing a free parking sticker issued
19 under this act.

20 (b) A valid windshield placard issued by another state.

21 (c) A certificate of identification issued by another state.

22 (d) A license plate for persons with disabilities issued by
23 another state.

24 (e) A special registration plate with a tab for persons with
25 disabilities attached issued by another state.

26 (9) A vehicle that does not properly display 1 of the items
27 listed in subsection (8) is not entitled to free parking in a
28 metered parking space or in a publicly owned parking area or
29 structure, and the disabled person or vehicle operator shall pay



1 all parking fees and may be responsible for a civil infraction.

2 (10) Blindness that is not accompanied by an incapacity
3 described in subsection (7) does not entitle a person to a free
4 parking sticker.

5 (11) The secretary of state shall attach a free parking
6 sticker, in contrasting colors, to the windshield placard of a
7 person certified as having an incapacity described in subsection
8 (7).

9 (12) A windshield placard issued under this section ~~shall~~**must**
10 be displayed on the interior rearview mirror of the vehicle or, if
11 there is no interior rearview mirror, on the lower left corner of
12 the dashboard while the vehicle is parked or being parked by or
13 under the direction of a disabled person ~~pursuant to~~**under** this
14 section.

15 (13) Upon conviction of an offense involving a violation of
16 the special privileges conferred upon a holder of a windshield
17 placard or free parking sticker, a magistrate or judge trying the
18 case, as a part of any penalty imposed, may confiscate the
19 windshield placard or free parking sticker and return the
20 confiscated item or items to the secretary of state together with a
21 certified copy of the sentence imposed. Upon receipt of a
22 windshield placard or free parking sticker from a judge or
23 magistrate, the secretary of state shall cancel and destroy the
24 placard or sticker, and the disabled person to whom it was issued
25 shall not receive another placard or sticker until he or she
26 submits a completed application and presents a current medical
27 statement attesting to his or her condition. A law enforcement
28 officer who observes a misuse of a windshield placard or free
29 parking sticker may immediately confiscate the placard or sticker



1 and forward it with a copy of his or her report to the secretary of
2 state.

3 (14) A person who intentionally makes a false statement of
4 material fact or commits or attempts to commit a deception or fraud
5 on a medical statement attesting to a disability, submitted in
6 support of an application for a windshield placard, free parking
7 sticker, special registration plate, or tab for persons with
8 disabilities under this section, section 803d, or section 803f, is
9 guilty of a misdemeanor punishable by a fine of not more than
10 \$500.00 or imprisonment for not more than 30 days, or both.

11 (15) A person who commits or attempts to commit a deception or
12 fraud by 1 or more of the following methods is ~~guilty of a~~
13 ~~misdemeanor punishable by a~~ **responsible for a civil infraction and**
14 **shall be ordered to pay a civil** fine of not more than ~~\$500.00 or~~
15 ~~imprisonment for not more than 30 days, or both:~~ **\$100.00:**

16 (a) Using a windshield placard or free parking sticker issued
17 under this section or by another state to provide transportation to
18 a disabled person, if the person is not providing transportation to
19 a disabled person.

20 (b) Altering, modifying, or selling a windshield placard or
21 free parking sticker issued under this section or by another state.

22 (c) Copying or forging a windshield placard or free parking
23 sticker described in this section or selling a copied or forged
24 placard or sticker described in this section. In the case of a
25 violation of this subdivision, the fine described in this
26 subsection shall be not less than \$250.00.

27 (d) Using a copied or forged windshield placard or free
28 parking sticker described in this section.

29 (e) Making a false statement of material fact to obtain or



1 assist an individual in obtaining a placard or sticker described in
2 this section, a special registration plate under section 803d, or a
3 tab for persons with disabilities under section 803f.

4 (f) Knowingly using or displaying a placard or sticker
5 described in this section that has been canceled by the secretary
6 of state.

7 (16) Except as otherwise provided in this section, a person
8 who violates this section is responsible for a civil infraction.

9 (17) The secretary of state may cancel, revoke, or suspend a
10 windshield placard or free parking sticker under any of the
11 following circumstances:

12 (a) The secretary of state determines that a windshield
13 placard or free parking sticker was fraudulently or erroneously
14 issued.

15 (b) The secretary of state determines that a person has made
16 or is making an unlawful use of his or her windshield placard or
17 free parking sticker.

18 (c) The secretary of state determines that a check or draft
19 used to pay the required fee is not paid on its first presentation
20 and is not paid upon reasonable notice or demand or that the
21 required fee is paid by an invalid credit card.

22 (d) The secretary of state determines that the person is no
23 longer eligible to receive or use a windshield placard or free
24 parking sticker.

25 (e) The secretary of state determines that the owner has
26 committed an offense under this act involving a windshield placard
27 or free parking sticker.

28 (f) A person has violated this act and the secretary of state
29 is authorized under this act to cancel, revoke, or suspend a



1 windshield placard or free parking sticker for that violation.

2 (g) The secretary of state receives notice from another state
3 or foreign country that a windshield placard or free parking
4 sticker issued by the secretary of state has been surrendered by
5 the owner or seized in conformity with the laws of that other state
6 or foreign country or has been improperly used or displayed in
7 violation of the laws of that other state or foreign country.

8 (18) Before a cancellation, revocation, or suspension under
9 subsection (17), the person affected by that action ~~shall~~**must** be
10 given notice and an opportunity to be heard.

11 (19) A windshield placard issued to a disabled person ~~shall~~
12 **must** bear the first letter and the last 3 digits of the disabled
13 person's driver or chauffeur's license number or official state
14 personal identification card number.

15 (20) For purposes of this section only, the secretary of state
16 may accept an application for a windshield placard, special
17 registration plate, or free parking sticker from a disabled person
18 that is signed by a physician, physician assistant, certified nurse
19 practitioner, or physical therapist licensed or certified to
20 practice in another state if the application is accompanied by a
21 copy of that physician's, physician assistant's, certified nurse
22 practitioner's, or physical therapist's current medical license or
23 certification issued by that state.

24 (21) This section does not require new or additional third
25 party reimbursement or worker's compensation benefits for services
26 rendered.

27 (22) As used in this section, "disabled person" means a person
28 who is determined by a physician, a physician assistant, a physical
29 therapist, or an optometrist as specifically provided in this



1 section licensed to practice in this state to have 1 or more of the
2 following physical characteristics:

3 (a) Blindness as determined by an optometrist, a physician, or
4 a physician assistant.

5 (b) Inability to walk more than 200 feet without having to
6 stop and rest.

7 (c) Inability to do both of the following:

8 (i) Use 1 or both legs or feet.

9 (ii) Walk without the use of a wheelchair, walker, crutch,
10 brace, prosthetic, or other device, or without the assistance of
11 another person.

12 (d) A lung disease from which the person's forced expiratory
13 volume for 1 second, when measured by spirometry, is less than 1
14 liter, or from which the person's arterial oxygen tension is less
15 than 60 mm/hg of room air at rest.

16 (e) A cardiovascular condition that causes the person to
17 measure between 3 and 4 on the New York heart classification scale,
18 or that renders the person incapable of meeting a minimum standard
19 for cardiovascular health that is established by the American Heart
20 Association and approved by the department of ~~public health~~ **and**
21 **human services**.

22 (f) An arthritic, neurological, or orthopedic condition that
23 severely limits the person's ability to walk.

24 (g) The persistent reliance upon an oxygen source other than
25 ordinary air.

26 Sec. 677a. (1) As used in this section:

27 (a) "Person" ~~shall~~ **does** not include the state or a political
28 subdivision of the state or an employee of the state or a political
29 subdivision of the state operating within the scope of his duties.



1 (b) "Safety vision" means an unobstructed line of sight
2 enabling a driver to travel upon, enter, or exit a roadway in a
3 safe manner.

4 (2) A person shall not remove, or cause to be removed, snow,
5 ice, or slush onto or across a roadway or the shoulder of the
6 roadway in a manner which obstructs the safety vision of the driver
7 of a motor vehicle other than off-road vehicles.

8 (3) A person shall not deposit, or cause to be deposited,
9 snow, ice, or slush onto or across a roadway or the shoulder of the
10 roadway in a manner which obstructs the safety vision of the driver
11 of a motor vehicle.

12 (4) A person shall not deposit, or cause to be deposited,
13 snow, ice or slush on any roadway or highway.

14 **(5) A person who violates this section is responsible for a**
15 **civil infraction and shall be ordered to pay a civil fine of not**
16 **more than \$100.00.**

17 Sec. 682c. (1) A person shall not operate a commercial snow
18 removal vehicle to remove snow or ice on a public street or highway
19 or in a parking lot accessible for use by the public unless the
20 vehicle is operated with at least 1 flashing, rotating, or
21 oscillating yellow or amber light that is clearly visible in a 360-
22 degree arc from a distance of 500 feet when in use.

23 (2) A person who owns or leases a commercial snow removal
24 vehicle shall not knowingly allow a person to operate that vehicle
25 in violation of subsection (1).

26 (3) A person who violates this section is ~~guilty of a~~
27 ~~misdemeanor punishable by imprisonment for not more than 90 days or~~
28 ~~a fine of not more than \$500.00, or both.~~ **responsible for a civil**
29 **infraction and shall be ordered to pay a civil fine of not more**



1 **than \$100.00.**

2 (4) As used in this section:

3 (a) "Commercial snow removal vehicle" means a vehicle equipped
4 with a plow or other device that is used to remove snow or ice for
5 payment or other remuneration.

6 (b) "Person" means an individual, partnership, corporation,
7 association, governmental entity, or other legal entity.

8 Sec. 698. (1) A motor vehicle may be equipped with not more
9 than 2 side cowl or fender lamps that emit an amber or white light
10 without glare.

11 (2) A motor vehicle may be equipped with not more than 1
12 running board courtesy lamp on each side that emits a white or
13 amber light without glare.

14 (3) Backing lights of red, amber, or white may be mounted on
15 the rear of a motor vehicle if the switch controlling the light is
16 so arranged that the light may be turned on only if the vehicle is
17 in reverse gear. The backing lights when unlighted ~~shall~~**must** be
18 covered or otherwise arranged so as not to reflect objectionable
19 glare in the eyes of an operator of a vehicle approaching from the
20 rear.

21 (4) Unless both covered and unlit, a vehicle operated on the
22 highways of this state ~~shall~~**must** not be equipped with a lamp or a
23 part designed to be a reflector unless expressly required or
24 permitted by this chapter or that meets the standards prescribed in
25 49 CFR 571.108. ~~A~~**Except as otherwise provided, a** lamp or a part
26 designed to be a reflector, if visible from the front, ~~shall~~**must**
27 display or reflect a white or amber light; if visible from either
28 side, ~~shall~~**must** display or reflect an amber or red light; and if
29 visible from the rear, ~~shall~~**must** display or reflect a red light. 7



1 ~~except as otherwise provided by law.~~

2 (5) The use or possession of flashing, oscillating, or
3 rotating lights of any color is prohibited except as otherwise
4 provided by law ~~, or~~ under the following circumstances:

5 (a) A police vehicle ~~shall~~**must** be equipped with flashing,
6 rotating, or oscillating red or blue lights, for use in the
7 performance of police duties.

8 (b) A fire vehicle or ambulance available for public use or
9 for use of the United States, this state, or any unit of this
10 state, whether publicly or privately owned, ~~shall~~**must** be equipped
11 with flashing, rotating, or oscillating red lights and used as
12 required for safety.

13 (c) An authorized emergency vehicle may be equipped with
14 flashing, rotating, or oscillating red lights for use when
15 responding to an emergency call if when in use the flashing,
16 rotating, or oscillating red lights are clearly visible in a 360-
17 degree arc from a distance of 500 feet. ~~when in use. A person~~
18 ~~operating lights under this subdivision at any time other than when~~
19 ~~responding to an emergency call is guilty of a misdemeanor.~~

20 (d) Flashing, rotating, or oscillating amber or green lights,
21 placed in a position as to be visible throughout an arc of 360
22 degrees, ~~shall~~**must** be used by a state, county, or municipal
23 vehicle engaged in the removal of ice, snow, or other material from
24 the highway and in other operations designed to control ice and
25 snow, or engaged in other non-winter operations. This subdivision
26 does not prohibit the use of a flashing, rotating, or oscillating
27 green light by a fire service.

28 (e) A vehicle used for the cleanup of spills or a necessary
29 emergency response action taken ~~pursuant to~~**under** state or federal



1 law or a vehicle operated by an employee of the department of
2 natural resources or the department of ~~environmental quality~~
3 **environment, Great Lakes, and energy** that responds to a spill,
4 emergency response action, complaint, or compliance activity may be
5 equipped with flashing, rotating, or oscillating amber or green
6 lights. The lights described in this subdivision ~~shall~~**must** not be
7 activated unless the vehicle is at the scene of a spill, emergency
8 response action, complaint, or compliance activity. This
9 subdivision does not prohibit the use of a flashing, rotating, or
10 oscillating green light by a fire service.

11 (f) A vehicle to perform public utility service, a vehicle
12 owned or leased by and licensed as a business for use in the
13 collection and hauling of refuse, an automobile service car or
14 wrecker, a vehicle of a peace officer, a vehicle operated by a
15 rural letter carrier or a person under contract to deliver
16 newspapers or other publications by motor route, a vehicle utilized
17 for snow or ice removal under section 682c, a private security
18 guard vehicle as authorized in subsection (7), a motor vehicle
19 while engaged in escorting or transporting an oversize load that
20 has been issued a permit by the state transportation department or
21 a local authority with respect to highways under its jurisdiction,
22 a vehicle owned by the National Guard or a United States military
23 vehicle while traveling under the appropriate recognized military
24 authority, a motor vehicle while towing an implement of husbandry,
25 or an implement of husbandry may be equipped with flashing,
26 rotating, or oscillating amber lights. However, a wrecker may be
27 equipped with flashing, rotating, or oscillating red lights that
28 ~~shall~~**must** be activated only when the wrecker is engaged in
29 removing or assisting a vehicle at the scene of a traffic accident

1 or disablement. The flashing, rotating, or oscillating amber lights
2 ~~shall~~**must** not be activated except when the warning produced by the
3 lights is required for public safety. A vehicle engaged in
4 authorized highway repair or maintenance may be equipped with
5 flashing, rotating, or oscillating amber or green lights. This
6 subdivision does not prohibit the operator of a vehicle utilized
7 for snow or ice removal under section 682c that is equipped with
8 flashing, rotating, or oscillating amber lights from activating the
9 flashing, rotating, or oscillating amber lights when that vehicle
10 is traveling between locations at which it is being utilized for
11 snow or ice removal.

12 (g) A vehicle engaged in leading or escorting a funeral
13 procession or any vehicle that is part of a funeral procession may
14 be equipped with flashing, rotating, or oscillating purple or amber
15 lights that ~~shall~~**must** not be activated except during a funeral
16 procession.

17 (h) An authorized emergency vehicle may display flashing,
18 rotating, or oscillating white lights in conjunction with an
19 authorized emergency light as prescribed in this section.

20 (i) A private motor vehicle of a physician responding to an
21 emergency call may be equipped with and the physician may use
22 flashing, rotating, or oscillating red lights mounted on the roof
23 section of the vehicle either as a permanent installation or by
24 means of magnets or suction cups and clearly visible in a 360-
25 degree arc from a distance of 500 feet when in use. The physician
26 shall first obtain written authorization from the county sheriff.

27 (j) A public transit vehicle may be equipped with a flashing,
28 oscillating, or rotating light mounted on the roof of the vehicle
29 approximately 6 feet from the rear of the vehicle that displays a



1 white light to the front, side, and rear of the vehicle, which
2 light may be actuated by the driver for use only in inclement
3 weather such as fog, rain, or snow, when boarding or discharging
4 passengers, from 1/2 hour before sunset until 1/2 hour after
5 sunrise, or when conditions hinder the visibility of the public
6 transit vehicle. As used in this subdivision, "public transit
7 vehicle" means a motor vehicle, other than a station wagon or
8 passenger van, with a gross vehicle weight rating of more than
9 10,000 pounds.

10 (k) A person engaged in the manufacture, sale, or repair of
11 flashing, rotating, or oscillating lights governed by this
12 subsection may possess the lights for the purpose of employment,
13 but shall not activate the lights upon the highway unless
14 authorized to do so under subsection (6).

15 (l) A vehicle used as part of a neighborhood watch program may
16 be equipped with flashing, rotating, or oscillating amber lights,
17 if the vehicle is clearly identified as a neighborhood watch
18 vehicle and the neighborhood watch program is working in
19 cooperation with local law enforcement. The lights described in
20 this subdivision ~~shall~~**must** not be activated when the vehicle is
21 not being used to perform neighborhood watch program duties.

22 (6) A person shall not sell, loan, or otherwise furnish a
23 flashing, rotating, or oscillating blue or red light designed
24 primarily for installation on an authorized emergency vehicle to a
25 person except a police officer, sheriff, deputy sheriff, authorized
26 physician, volunteer or paid fire fighter, volunteer ambulance
27 driver, licensed ambulance driver or attendant of this state, a
28 county or municipality within this state, a person engaged in the
29 business of operating an ambulance or wrecker service, or a



1 federally recognized nonprofit charitable organization that owns
2 and operates an emergency support vehicle used exclusively for
3 emergencies. This subsection does not prohibit an authorized
4 emergency vehicle, equipped with flashing, rotating, or oscillating
5 blue or red lights, from being operated by a person other than a
6 person described in this section if the person receives
7 authorization to operate the authorized emergency vehicle from a
8 police officer, sheriff, deputy sheriff, authorized physician,
9 volunteer or paid fire fighter, volunteer ambulance driver,
10 licensed ambulance driver or attendant, a person operating an
11 ambulance or wrecker service, or a federally recognized nonprofit
12 charitable organization that owns and operates an emergency support
13 vehicle used exclusively for emergencies, except that the
14 authorization ~~shall~~**must** not permit the person to operate lights as
15 described in subsection (5)(a), (b), (c), (i), or (j), or to
16 exercise the privileges described in section 603. ~~A person who~~
17 ~~operates an authorized emergency vehicle in violation of the terms~~
18 ~~of an authorization is guilty of a misdemeanor punishable by~~
19 ~~imprisonment for not more than 90 days or a fine of not more than~~
20 ~~\$100.00, or both.~~

21 (7) A private motor vehicle of a security guard agency or
22 alarm company licensed under the private security business and
23 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
24 display flashing, rotating, or oscillating amber lights. The
25 flashing, rotating, or oscillating amber lights ~~shall~~**must** not be
26 activated on a public highway when a vehicle is in motion.

27 (8) This section does not prohibit, restrict, or limit the use
28 of lights authorized or required under sections 697, 697a, and
29 698a.



(9) A person who operates a vehicle in violation of subsection (1), (2), (3), ~~or~~ (4), (5), (6), or (7) is responsible for a civil infraction **and shall be ordered to pay a civil fine of not more than \$100.00.**

Sec. 707c. (1) ~~After April 1, 1978, a~~ **A** motor vehicle ~~shall~~ **must** not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b) (iii) and (c) (iii) :

(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with gross weight or gross vehicle weight ratings of 8,500 pounds or more.

(i) Ninety DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-six DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

(i) Eighty-six DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.

(ii) Eighty-two DBA if the maximum lawful speed on the highway or street is not more than 35 miles per hour.

(iii) Ninety-five DBA under stationary run-up test at 75 inches.

(c) A motor vehicle or a combination of vehicles towed by a motor vehicle not covered in subdivision (a) or (b):

(i) Eighty-two DBA if the maximum lawful speed on the highway or street is greater than 35 miles per hour.



1 (ii) Seventy-six DBA if the maximum lawful speed on the highway
2 or street is not more than 35 miles per hour.

3 (iii) Ninety-five DBA under stationary run-up test 20 inches
4 from the end of the tailpipe.

5 (2) A dealer shall not sell or offer for sale for use upon a
6 street or highway in this state a new motor vehicle ~~manufactured~~
7 ~~after April 1, 1978, which~~ **that** produces a maximum noise exceeding
8 the following limits:

9 (a) A motor vehicle with a gross vehicle weight rating of
10 8,500 pounds or more—83 DBA.

11 (b) A motorcycle or a moped—83 DBA.

12 (c) A motor vehicle not covered in subdivision (a) or (b)—80
13 DBA.

14 (3) A person shall not operate a vehicle on a highway or
15 street if the vehicle has a defect in the exhaust system ~~which~~ **that**
16 affects sound reduction, is not equipped with a muffler or other
17 noise dissipative device, or is equipped with a cutout, bypass,
18 amplifier, or a similar device.

19 (4) A person, either acting for himself or herself or as the
20 agent or employee of another, shall not sell, install, or replace a
21 muffler or exhaust part that causes the motor vehicle to which the
22 muffler or exhaust part is attached to exceed the noise limits
23 established by this act or a rule promulgated under this act.

24 (5) A person shall not modify, repair, replace, or remove a
25 part of an exhaust system causing the motor vehicle to which the
26 system is attached to produce noise in excess of the levels
27 established by this act, or operate a motor vehicle so altered on a
28 street or highway.

29 (6) A dealer shall not sell a used or secondhand motor vehicle



1 for use upon a street or highway ~~which~~**that** is not in compliance
2 with this act.

3 **(7) A person who violates subsection (2), (4), or (6) is**
4 **responsible for a civil infraction and shall be ordered to pay a**
5 **civil fine of not more than \$100.00.**

6 Sec. 722. (1) Except as otherwise provided in this section,
7 the maximum axle load ~~shall~~**must** not exceed the number of pounds
8 designated in the following provisions that prescribe the distance
9 between axles:

10 (a) If the axle spacing is 9 feet or more between axles, the
11 maximum axle load ~~shall~~**must** not exceed 18,000 pounds for vehicles
12 equipped with high pressure pneumatic or balloon tires.

13 (b) If the axle spacing is less than 9 feet between 2 axles
14 but more than 3-1/2 feet, the maximum axle load ~~shall~~**must** not
15 exceed 13,000 pounds for high pressure pneumatic or balloon tires.

16 (c) If the axles are spaced less than 3-1/2 feet apart, the
17 maximum axle load ~~shall~~**must** not exceed 9,000 pounds per axle.

18 (d) Subdivisions (a), (b), and (c) shall be known as the
19 normal loading maximum.

20 (2) When normal loading is in effect, the state transportation
21 department, or a local authority with respect to highways under its
22 jurisdiction, may designate certain highways, or sections of those
23 highways, where bridges and road surfaces are adequate for heavier
24 loading, and revise a designation as needed, on which the maximum
25 tandem axle assembly loading ~~shall~~**must** not exceed 16,000 pounds
26 for any axle of the assembly, if there is no other axle within 9
27 feet of any axle of the assembly.

28 (3) A combination of vehicles may operate on designated
29 highways with not more than 1 tandem axle assembly having a gross



1 weight of 16,000 pounds per axle, if there is no other axle within
2 9 feet of the assembly. On a combination of truck tractor and
3 semitrailer having not more than 5 axles, 2 consecutive tandem axle
4 assemblies may operate on designated highways at a gross
5 permissible weight of 16,000 pounds per axle, if there is no other
6 axle within 9 feet of any axle of either assembly.

7 (4) Notwithstanding subsection (3), on a combination of truck
8 tractor and semitrailer having not more than 5 axles, 2 consecutive
9 sets of tandem axles may carry a gross permissible weight of not to
10 exceed 17,000 pounds on any axle of the tandem axles if there is no
11 other axle within 9 feet of any axle of the tandem axles and if the
12 first and last axles of the consecutive sets of tandem axles are
13 not less than 36 feet apart and the gross vehicle weight does not
14 exceed 80,000 pounds to pick up and deliver agricultural
15 commodities between the national truck network or special
16 designated highways and any other highway. This subsection is not
17 subject to the maximum axle loads of subsections (1), (2), and (3).
18 For purposes of this subsection, a "tandem axle" means 2 axles
19 spaced more than 40 inches but not more than 96 inches apart or 2
20 axles spaced more than 3-1/2 feet but less than 9 feet apart. This
21 subsection does not apply during that period when reduced maximum
22 loads are in effect under subsection (8).

23 (5) The seasonal reductions described under subsection (8) to
24 the loading maximums and gross vehicle weight requirement of
25 subsection (12) do not apply to a person hauling agricultural
26 commodities if the person who picks up or delivers the agricultural
27 commodity either from a farm or to a farm notifies the county road
28 commission for roads under its authority not less than 48 hours
29 before the pickup or delivery of the time and location of the



1 pickup or delivery. The county road commission shall issue a permit
2 to the person and charge a fee that does not exceed the
3 administrative costs incurred. The permit ~~shall~~**must** contain all of
4 the following:

5 (a) The designated route or routes of travel for the load.

6 (b) The date and time period requested by the person who picks
7 up or delivers the agricultural commodities during which the load
8 may be delivered or picked up.

9 (c) A maximum speed limit of travel, if necessary.

10 (d) Any other specific conditions agreed to between the
11 parties.

12 (6) The seasonal reductions described under subsection (8) to
13 the loading maximums and gross vehicle weight requirements of
14 subsection (12) do not apply to public utility vehicles under the
15 following circumstances:

16 (a) For emergency public utility work on restricted roads, as
17 follows:

18 (i) If required by the county road commission, the public
19 utility or its subcontractor shall notify the county road
20 commission, as soon as practical, of the location of the emergency
21 public utility work and provide a statement that the vehicles that
22 were used to perform the emergency utility work may have exceeded
23 the loading maximums and gross vehicle weight requirements of
24 subsection (12) as reduced under subsection (8). The notification
25 may be made via facsimile or electronically.

26 (ii) The public utility vehicle travels to and from the site of
27 the emergency public utility work while on a restricted road at a
28 speed not greater than 35 miles per hour.

29 (b) For nonemergency public utility work on restricted roads,



1 as follows:

2 (i) If the county road commission requires, the public utility
3 or its subcontractor shall apply to the county road commission
4 annually for a seasonal truck permit for roads under its authority
5 before seasonal weight restrictions are effective. The county road
6 commission shall issue a seasonal truck permit for each public
7 utility vehicle or vehicle configuration the public utility or
8 subcontractor anticipates will be utilized for nonemergency public
9 utility work. The county road commission may charge a fee for a
10 seasonal truck permit that does not exceed the administrative costs
11 incurred for the permit. The seasonal truck permit ~~shall~~**must**
12 contain all of the following:

13 (A) The seasonal period requested by the public utility or
14 subcontractor during which the permit is valid.

15 (B) A unique identification number for the vehicle and any
16 vehicle configuration ~~to be covered on~~**by** the seasonal truck permit
17 requested by the public utility or subcontractor.

18 (C) A requirement that travel on restricted roads during
19 weight restrictions will be minimized and only utilized when
20 necessary to perform public utility work using the public utility
21 vehicle or vehicle configuration and that nonrestricted roads shall
22 be used for travel when available and for routine travel.

23 (D) A requirement that in the case of a subcontractor the
24 permit is only valid while the subcontractor vehicle is being
25 operated in the performance of public utility work.

26 (E) A requirement that a subcontractor vehicle or vehicle
27 configuration ~~shall~~**must** display signage on the outside of the
28 vehicle to identify the vehicle as operating on behalf of the
29 public utility.



1 (ii) If the county road commission requires notification, the
2 county road commission shall provide a notification application for
3 the public utility or its subcontractor to use when requesting
4 access to operate on restricted roads and the public utility or its
5 subcontractor shall provide notification to the county road
6 commission, via facsimile or electronically, not later than 24
7 hours before the time of the intended travel. A subcontractor using
8 a vehicle on a restricted road shall have a copy of any
9 notification provided to a county road commission in the
10 subcontractor's possession while performing the relevant
11 nonemergency work. Notwithstanding this subsection or an agreement
12 under this subsection, if the county road commission determines
13 that the condition of a particular road under its jurisdiction
14 makes it unusable, the county road commission may deny access to
15 all or any part of that road. The denial ~~shall~~**must** be made and
16 communicated via facsimile or electronically to the public utility
17 or its subcontractor within 24 hours after receiving notification
18 that the public utility or subcontractors intends to perform
19 nonemergency work that requires use of that road. Any notification
20 that is not disapproved within 24 hours after the notice is
21 received by the county road commission is considered approved. The
22 notification application required under this subparagraph may
23 include all of the following information:

- 24 (A) The address or location of the nonemergency work.
25 (B) The date or dates of the nonemergency work.
26 (C) The route to be taken to the nonemergency work site.
27 (D) The restricted road or roads intended to be traveled upon
28 to the nonemergency work site or sites.
29 (E) In the case of a subcontractor, the utility on whose



1 behalf the subcontractor is performing services.

2 (7) The normal size of tires ~~shall~~**must** be the rated size as
3 published by the manufacturers, and the maximum wheel load
4 permissible for any wheel ~~shall~~**must** not exceed 700 pounds per inch
5 of width of tire.

6 (8) Except as provided in this subsection and subsection (9),
7 during the months of March, April, and May in each year, the
8 maximum axle load allowable on concrete pavements or pavements with
9 a concrete base is reduced by 25% from the maximum axle load as
10 specified in this chapter, and the maximum axle loads allowable on
11 all other types of roads during these months are reduced by 35%
12 from the maximum axle loads as specified. The maximum wheel load
13 ~~shall~~**must** not exceed 525 pounds per inch of tire width on concrete
14 and concrete base or 450 pounds per inch of tire width on all other
15 roads during the period the seasonal road restrictions are in
16 effect. Subject to subsection (5), this subsection does not apply
17 to vehicles transporting agricultural commodities or, subject to
18 subsection (6), public utility vehicles on a highway, road, or
19 street under the jurisdiction of a local road agency, or a school
20 bus. In addition, this subsection does not apply to a vehicle
21 delivering propane fuel to a residence if the vehicle's propane
22 tank is filled to not more than 50% of its capacity and the vehicle
23 is traveling at not more than 35 miles per hour. The state
24 transportation department and each local authority with highways
25 and streets under its jurisdiction to which the seasonal
26 restrictions prescribed under this subsection apply shall post all
27 of the following information on the homepage of its website or, if
28 a local authority does not have a website, then on the website of a
29 statewide road association of which it is a member:



1 (a) The dates when the seasonal restrictions are in effect.

2 (b) The names of the highways and streets and portions of
3 highways and streets to which the seasonal restrictions apply.

4 (9) The state transportation department for roads under its
5 jurisdiction and a county road commission for roads under its
6 jurisdiction may grant exemptions from seasonal weight restrictions
7 for milk on specified routes when requested in writing. Approval or
8 denial of a request for an exemption ~~shall~~**must** be given by written
9 notice to the applicant within 30 days after the date of submission
10 of the application. If a request is denied, the written notice
11 ~~shall~~**must** state the reason for denial and alternate routes for
12 which the permit may be issued. The applicant may appeal to the
13 state transportation commission or the county road commission.
14 These exemptions do not apply on county roads in counties that have
15 negotiated agreements with milk haulers or haulers of other
16 commodities during periods of seasonal load limits before April 14,
17 1993. This subsection does not limit the ability of these counties
18 to continue to negotiate such agreements.

19 (10) The state transportation department, or a local authority
20 with respect to highways under its jurisdiction, may suspend the
21 restrictions imposed by this section when and where conditions of
22 the highways or the public health, safety, and welfare warrant
23 suspension, and impose the restricted loading requirements of this
24 section on designated highways at any other time that the
25 conditions of the highway require.

26 (11) For the purpose of enforcing this act, the gross vehicle
27 weight of a single vehicle and load or a combination of vehicles
28 and loads ~~shall~~**must** be determined by weighing individual axles or
29 groups of axles, and the total weight on all the axles ~~shall~~**must**



1 be the gross vehicle weight. In addition, the gross axle weight
 2 ~~shall~~**must** be determined by weighing individual axles or by
 3 weighing a group of axles and dividing the gross weight of the
 4 group of axles by the number of axles in the group. For purposes of
 5 subsection (12), the overall gross weight on a group of 2 or more
 6 axles ~~shall~~**must** be determined by weighing individual axles or
 7 several axles, and the total weight of all the axles in the group
 8 ~~shall~~**must** be the overall gross weight of the group.

9 (12) The loading maximum in this subsection applies to
 10 interstate highways, and the state transportation department, or a
 11 local authority with respect to highways under its jurisdiction,
 12 may designate a highway, or a section of a highway, for the
 13 operation of vehicles having a gross vehicle weight of not more
 14 than 80,000 pounds that are subject to the following load maximums:

15 (a) Twenty thousand pounds on any 1 axle, including all
 16 enforcement tolerances.

17 (b) A tandem axle weight of 34,000 pounds, including all
 18 enforcement tolerances.

19 (c) An overall gross weight on a group of 2 or more
 20 consecutive axles equaling:

$$21 \quad W=500[(LN)/(N-1)+12N+36]$$

22
 23
 24 where W = overall gross weight on a group of 2 or more
 25 consecutive axles to the nearest 500 pounds, L = distance in feet
 26 between the extreme of a group of 2 or more consecutive axles, and
 27 N = number of axles in the group under consideration; except that 2
 28 consecutive sets of tandem axles may carry a gross load of 34,000
 29 pounds each if the first and last axles of the consecutive sets of



1 tandem axles are not less than 36 feet apart. The gross vehicle
2 weight ~~shall~~**must** not exceed 80,000 pounds including all
3 enforcement tolerances. Except for 5 axle truck tractor,
4 semitrailer combinations having 2 consecutive sets of tandem axles,
5 vehicles having a gross weight in excess of 80,000 pounds or in
6 excess of the vehicle gross weight determined by application of the
7 formula in this subsection are subject to the maximum axle loads of
8 subsections (1), (2), and (3). As used in this subsection, "tandem
9 axle weight" means the total weight transmitted to the road by 2 or
10 more consecutive axles, the centers of which may be included
11 between parallel transverse vertical planes spaced more than 40
12 inches but not more than 96 inches apart, extending across the full
13 width of the vehicle. Except as otherwise provided in this section,
14 vehicles transporting agricultural commodities ~~shall~~ have weight
15 load maximums as set forth in this subsection.

16 (13) The axle loading maximums under subsections (1), (2),
17 (3), and (4) are increased by 10% for vehicles transporting
18 agricultural commodities or raw timber, excluding farm equipment
19 and fuel, from the place of harvest or farm storage to the first
20 point of delivery on a road in this state. However, the axle
21 loading maximums as increased under this subsection do not alter
22 the gross vehicle weight restrictions set forth in this act. This
23 subsection does not apply to either of the following:

24 (a) A vehicle utilizing an interstate highway.

25 (b) A vehicle utilizing a road that is subject to seasonal
26 weight restrictions under subsection (8) during the time that the
27 seasonal weight restrictions are in effect.

28 (14) Notwithstanding any other provision of this section, a
29 vehicle that has a gross weight of 80,000 pounds or less and that



1 is operated by an engine that is fueled wholly or partially by
2 compressed or liquefied natural gas may exceed the axle loading
3 maximums under subsections (1), (2), (3), and (4) and the weight
4 load maximums under subsection (12) by an amount equal to the
5 difference between the weight of the vehicle attributable to the
6 natural gas tank and fueling system carried by that vehicle and the
7 weight of a comparable diesel tank and fueling system. The amount
8 ~~by which~~**that** a vehicle described in this subsection may exceed the
9 axle loading maximums under subsections (1), (2), (3), and (4) and
10 the weight load maximums under subsection (12) ~~shall~~**must** not
11 exceed 2,000 pounds.

12 **(15) A person who violates this section is responsible for a**
13 **civil infraction and shall be ordered to pay a civil fine of not**
14 **more than \$100.00.**

15 **(16)** ~~(15)~~As used in this section:

16 (a) "Agricultural commodities" means those plants and animals
17 useful to human beings produced by agriculture and includes, but is
18 not limited to, forages and sod crops, grains and feed crops, field
19 crops, dairy and dairy products, poultry and poultry products,
20 cervidae, livestock, including breeding and grazing, equine, fish,
21 and other aquacultural products, bees and bee products, berries,
22 herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock,
23 mushrooms, fertilizer, livestock bedding, farming equipment, fuel
24 for agricultural use, and maple sap. Agricultural commodities do
25 not include trees or lumber.

26 (b) "Emergency public utility work" means work performed to
27 restore public utility service or to eliminate a danger to the
28 public due to a natural disaster, an act of God, or an emergency
29 situation, whether or not a public official has declared an



1 emergency.

2 (c) "Farm storage" means any of the following:

3 (i) An edifice, silo, tank, bin, crib, interstice, or protected
4 enclosed structure, or more than 1 edifice, silo, tank, bin, crib,
5 interstice, or protected enclosed structure located contiguous to
6 each other.

7 (ii) An open environment used for the purpose of temporarily
8 storing a crop.

9 (d) "Public utility" means a public utility under the
10 jurisdiction of the public service commission or a transmission
11 company.

12 (e) "Public utility vehicle" means a vehicle owned or operated
13 by a public utility or operated by a subcontractor on behalf of a
14 public utility.

15 (f) "Transmission company" means either an affiliated
16 transmission company or an independent transmission company as
17 those terms are defined in section 2 of the electric transmission
18 line certification act, 1995 PA 30, MCL 460.562.

19 Sec. 724. (1) A police officer, a peace officer, or an
20 authorized agent of the state transportation department or a county
21 road commission having reason to believe that the weight of a
22 vehicle and load is unlawful may require the driver to stop and
23 submit to a weighing of the vehicle by either portable or
24 stationary scales approved and sealed as a legal weighing device by
25 a qualified person using testing equipment certified or approved by
26 the department of agriculture and rural development as a legal
27 weighing device and may require that the vehicle be driven to the
28 nearest weigh station of the state transportation department ~~for~~
29 ~~the purpose of allowing to allow~~ a police officer, peace officer,



1 or agent of the state transportation department or county road
2 commission to determine ~~whether~~**-if** the vehicle is loaded in
3 conformity with this chapter.

4 (2) When the officer or agent, upon weighing a vehicle and
5 load, determines that the weight is unlawful, the officer or agent
6 may require the driver to stop the vehicle in a suitable place and
7 remain standing until that portion of the load is shifted or
8 removed as necessary to reduce the gross axle load weight of the
9 vehicle to the limit permitted under this chapter. All material
10 unloaded as provided under this subsection ~~shall~~**-must** be cared for
11 by the owner or operator of the vehicle at the risk of the owner or
12 operator. A judge or magistrate imposing a civil fine and costs
13 under this section that are not paid in full immediately or for
14 which a bond is not immediately posted in the amount of the civil
15 fine and costs shall order the driver or owner to move the vehicle
16 at the driver's own risk to a place of safekeeping within the
17 jurisdiction of the judge or magistrate, inform the judge or
18 magistrate in writing of the place of safekeeping, and keep the
19 vehicle until the fine and costs are paid or sufficient bond is
20 furnished or until the judge or magistrate is satisfied that the
21 fine and costs will be paid. The officer or agent who has
22 determined, after weighing a vehicle and load, that the weight is
23 unlawful, may require the driver to proceed to a judge or
24 magistrate within the county. If the judge or magistrate is
25 satisfied that the probable civil fine and costs will be paid by
26 the owner or lessee, the judge or magistrate may allow the driver
27 to proceed, after the load is made legal. If the judge or
28 magistrate is not satisfied that the owner or lessee, after a
29 notice and a right to be heard on the merits is given, will pay the

1 amount of the probable civil fine and costs, the judge or
2 magistrate may order the vehicle to be impounded until trial on the
3 merits is completed under conditions set forth in this section for
4 the impounding of vehicles after the civil fine and costs have been
5 imposed. Removal of the vehicle, and forwarding, care, or
6 preservation of the load ~~shall be~~ **is** under the control of and at
7 the risk of the owner or driver. Vehicles impounded are subject to
8 a lien, subject to a prior valid bona fide lien of prior record, in
9 the amount of the civil fine and costs and if the civil fine and
10 costs are not paid within 90 days after the seizure, the judge or
11 magistrate must certify the unpaid judgment to the prosecuting
12 attorney of the county in which the violation occurred, who shall
13 proceed to enforce the lien by foreclosure sale in accordance with
14 procedure authorized in the case of chattel mortgage foreclosures.
15 When the duly authorized agent of the state transportation
16 department or county road commission is performing duties under
17 this chapter, the agent has all the powers conferred upon peace
18 officers by the general laws of this state.

19 (3) Subject to subsection (4), an owner of a vehicle or a
20 lessee of the vehicle of an owner-operator, or other person, who
21 causes or allows a vehicle to be loaded and driven or moved on a
22 highway when the weight of that vehicle violates section 722 is
23 responsible for a civil infraction and must pay a civil fine in an
24 amount equal to 3 cents per pound for each pound of excess load
25 over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents
26 per pound of excess load when the excess is over 2,000 pounds but
27 not over 3,000 pounds; 9 cents per pound for each pound of excess
28 load when the excess is over 3,000 pounds but not over 4,000
29 pounds; 12 cents per pound for each pound of excess load when the

1 excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per
2 pound for each pound of excess load when the excess is over 5,000
3 pounds but not over 10,000 pounds; and 20 cents per pound for each
4 pound of excess load when the excess is over 10,000 pounds. If a
5 person operates a vehicle in violation of increased axle loading
6 maximums provided for under section 722(13), the owner or lessee of
7 the vehicle is responsible for a civil infraction and must pay the
8 civil fine under this subsection that applies to the amount of
9 weight by which the vehicle exceeds the original loading maximum.

10 (4) If the court determines that the motor vehicle or the
11 combination of vehicles was operated in violation of this section,
12 the court must impose a fine as follows:

13 (a) If the court determines that the motor vehicle or the
14 combination of vehicles was operated in such a manner that the
15 gross weight of the vehicle or the combination of vehicles would
16 not be lawful by a proper distribution of the load upon all the
17 axles of the vehicle or the combination of vehicles, the court must
18 impose a fine for the violation according to the schedule provided
19 for in subsection (3).

20 (b) If the court determines that the motor vehicle or the
21 combination of vehicles would be lawful by a proper distribution of
22 the load upon all of the axles of the vehicle or the combination of
23 vehicles, but that 1 or more axles of the vehicle exceeded the
24 maximum allowable axle weight by more than 1,000 pounds but less
25 than 4,000 pounds, the court must impose a misload fine of \$200.00
26 per axle. Not more than 3 axles ~~shall be~~ **are** used in calculating
27 the fine to be imposed under this subdivision. This subdivision
28 does not apply to a vehicle subject to the maximum loading
29 provisions of section 722(12) or to a vehicle for which a fine ~~as~~



1 **was** calculated under the schedule in subsection (3) would be less
2 than the fine as calculated under this subsection.

3 (c) If the court determines that the motor vehicle or the
4 combination of vehicles would meet the loading conditions specified
5 in a special permit that was issued under section 725 by a proper
6 distribution of the load upon all of the axles of the vehicle or
7 the combination of vehicles, but that 1 or more axles of the
8 vehicle exceeded the permitted axle weight by 1,000 pounds or less,
9 the court must impose a misload fine of \$200.00 per axle. If the
10 court determines that the motor vehicle or the combination of
11 vehicles would meet the loading conditions specified in a special
12 permit that was issued under section 725 by a proper distribution
13 of the load upon all of the axles of the vehicle or the combination
14 of vehicles, but that 1 or more axles of the vehicle exceeded the
15 permitted axle weight by more than 1,000 pounds, the court must
16 impose a fine for the violation according to the schedule provided
17 in subsection (3) for the amount of pounds exceeding the permitted
18 axle weight. Not more than 3 axles ~~shall be~~ **are** used in calculating
19 the fine to be imposed under this subdivision. If the court
20 determines that the load was misloaded, the conditions of the
21 special permit remain valid. The imposition of a fine does not void
22 the special permit.

23 (d) If the court determines that the motor vehicle or the
24 combination of vehicles would be lawful by a proper distribution of
25 the load upon all of the axles of the vehicle or the combination of
26 vehicles, but that 1 or more axles of the vehicle exceeded the
27 permitted axle weight by at least 4,000 pounds but no more than
28 8,000 pounds, the court must impose a misload fine of \$400.00 per
29 axle. Not more than 3 axles ~~shall be~~ **are** used in calculating the



1 fine to be imposed under this subdivision.

2 (e) If the court determines that the motor vehicle or the
3 combination of vehicles would be lawful by a proper distribution of
4 the load upon all of the axles of the vehicle or the combination of
5 vehicles, but that 1 or more axles of the vehicle exceeded the
6 permitted axle weight by more than 8,000 pounds, the court must
7 impose a fine for the violation according to the schedule provided
8 in subsection (3).

9 (5) A driver or owner of a truck or truck tractor, a truck or
10 truck tractor with other vehicles in combination, or any special
11 mobile equipment who fails to stop at or bypasses any scales or
12 weighing station is responsible for a civil infraction.

13 (6) An agent or authorized representative of the state
14 transportation department or a county road commission shall not
15 stop a truck or vehicle in movement upon a road or highway within
16 the state for any purpose, unless the agent or authorized
17 representative is driving a duly marked vehicle, clearly showing
18 and denoting the branch of government represented.

19 (7) A driver or owner of a vehicle who knowingly fails to stop
20 when requested or ordered to do so and submit to a weighing by a
21 police officer, a peace officer, or an authorized agent of the
22 state transportation department, or a representative or agent of a
23 county road commission, authorized to require the driver to stop
24 and submit to a weighing of the vehicle and load by means of a
25 portable scale, ~~is guilty of a misdemeanor punishable by~~
26 ~~imprisonment for not more than 90 days or a fine of not more than~~
27 ~~\$100.00, or both.~~ **responsible for a civil infraction and shall be**
28 **ordered to pay a civil fine of not more than \$100.00.** A driver or
29 person who dumps his or her load when ordered to submit to a weigh



1 or who otherwise attempts to commit or commits an act to avoid a
2 vehicle weigh is in violation of this section.

3 Sec. 728d. Whoever knowingly falsifies a citation or copies
4 thereof or a record of the issuance of same, or disposes of such
5 citation, copy or record, in a manner other than as required in
6 this act, or attempts so to falsify or dispose, or attempts to
7 incite or procure another so to falsify or dispose ~~shall be fined~~
8 ~~not more than \$500.00 or imprisoned in the county jail for a term~~
9 ~~not to exceed 1 year, or both.~~ **is responsible for a civil infraction**
10 **and shall be ordered to pay a civil fine of not more than \$100.00.**

11 Sec. 904. (1) A person whose operator's or chauffeur's license
12 or registration certificate has been suspended or revoked, whose
13 application for license has been denied, or who has never applied
14 for a license, shall not operate a motor vehicle upon a highway or
15 other place open to the general public or generally accessible to
16 motor vehicles, including an area designated for the parking of
17 motor vehicles, within this state.

18 (2) A person shall not knowingly permit a motor vehicle owned
19 by the person to be operated upon a highway or other place open to
20 the general public or generally accessible to motor vehicles,
21 including an area designated for the parking of vehicles, within
22 this state by a person whose license or registration certificate is
23 suspended or revoked, whose application for license has been
24 denied, or who has never applied for a license, except as permitted
25 under this act.

26 (3) Except as otherwise provided in this section, a person who
27 violates subsection (1) or (2) is ~~guilty of a misdemeanor~~
28 ~~punishable~~ **responsible for a civil infraction and shall be ordered**
29 **to pay a civil fine** as follows:



1 (a) For a first violation, ~~by imprisonment for not more than~~
2 ~~93 days or a fine of not more than \$500.00, or both. a civil fine~~
3 **of not more than \$100.00.** Unless the vehicle was stolen or used
4 with the permission of a person who did not knowingly permit an
5 unlicensed driver to operate the vehicle, the registration plates
6 of the vehicle ~~shall~~ **must** be canceled by the secretary of state
7 ~~upon notification if notified~~ by a ~~peace~~ **police** officer.

8 (b) For a violation that occurs after a prior conviction, ~~by~~
9 ~~imprisonment for not more than 1 year or a fine of not more than~~
10 ~~\$1,000.00, or both. a civil fine of not more than \$200.00.~~ Unless
11 the vehicle was stolen, the registration plates of the vehicle
12 ~~shall~~ **must** be canceled by the secretary of state ~~upon notification~~
13 **if notified** by a ~~peace~~ **police** officer.

14 (4) A person who operates a motor vehicle in violation of
15 subsection (1) or a person whose operator's or chauffeur's license
16 or registration certificate has been suspended or revoked by
17 another state who operates a motor vehicle during the period of
18 suspension or revocation and who, by operation of that motor
19 vehicle, causes the death of another person is guilty of a felony
20 punishable by imprisonment for not more than 15 years or a fine of
21 not less than \$2,500.00 or more than \$10,000.00, or both. This
22 subsection does not apply to a person whose operator's or
23 chauffeur's license was suspended because that person failed to
24 answer a citation or comply with an order or judgment under section
25 321a.

26 (5) A person who operates a motor vehicle in violation of
27 subsection (1) or a person whose operator's or chauffeur's license
28 or registration certificate has been suspended or revoked by
29 another state who operates a motor vehicle during the period of



1 suspension or revocation and who, by operation of that motor
2 vehicle, causes the serious impairment of a body function of
3 another person is guilty of a felony punishable by imprisonment for
4 not more than 5 years or a fine of not less than \$1,000.00 or more
5 than \$5,000.00, or both. This subsection does not apply to a person
6 whose operator's or chauffeur's license was suspended because that
7 person failed to answer a citation or comply with an order or
8 judgment under section 321a.

9 (6) In addition to being subject to any other penalty provided
10 for in this act, if a person is convicted under subsection (4) or
11 (5), the court may impose the sanction permitted under section
12 625n. If the vehicle is not ordered forfeited under section 625n,
13 the court shall order vehicle immobilization under section 904d in
14 the judgment of sentence.

15 (7) A person shall not knowingly permit a motor vehicle owned
16 by the person to be operated upon a highway or other place open to
17 the general public or generally accessible to motor vehicles,
18 including an area designated for the parking of vehicles, within
19 this state, by a person whose license or registration certificate
20 is suspended or revoked, whose application for license has been
21 denied, or who has never been licensed except as permitted by this
22 act. If a person permitted to operate a motor vehicle in violation
23 of this subsection causes the serious impairment of a body function
24 of another person by operation of that motor vehicle, the person
25 knowingly permitting the operation of that motor vehicle is guilty
26 of a felony punishable by imprisonment for not more than 2 years,
27 or a fine of not less than \$1,000.00 or more than \$5,000.00, or
28 both. If a person permitted to operate a motor vehicle in violation
29 of this subsection causes the death of another person by operation

1 of that motor vehicle, the person knowingly permitting the
2 operation of that motor vehicle is guilty of a felony punishable by
3 imprisonment for not more than 5 years, or a fine of not less than
4 \$1,000.00 or more than \$5,000.00, or both.

5 (8) If the prosecuting attorney intends to seek an enhanced
6 sentence under this section based upon the defendant having 1 or
7 more prior convictions, the prosecuting attorney shall include on
8 the complaint and information, or an amended complaint and
9 information, filed in district court, circuit court, municipal
10 court, or family division of circuit court, a statement listing the
11 defendant's prior convictions.

12 (9) A prior conviction under this section ~~shall~~**must** be
13 established at or before sentencing by 1 or more of the following:

14 (a) A copy of a judgment of conviction.

15 (b) An abstract of conviction.

16 (c) A transcript of a prior trial, plea, or sentencing.

17 (d) A copy of a court register of action.

18 (e) A copy of the defendant's driving record.

19 (f) Information contained in a presentence report.

20 (g) An admission by the defendant.

21 (10) Subject to section 732a(11)(c), upon receiving a record
22 of a person's conviction or civil infraction determination for the
23 unlawful operation of a motor vehicle or a moving violation
24 reportable under section 732 while the person's operator's or
25 chauffeur's license is suspended or revoked, the secretary of state
26 immediately shall impose an additional like period of suspension or
27 revocation. This subsection applies only if the violation occurs
28 during a suspension of definite length or if the violation occurs
29 before the person is approved for a license following a revocation.



1 (11) Upon receiving a record of a person's conviction or civil
2 infraction determination for the unlawful operation of a motor
3 vehicle or a moving violation reportable under section 732 while
4 the person's operator's or chauffeur's license is indefinitely
5 suspended or whose application for a license has been denied, the
6 secretary of state immediately shall impose a 30-day period of
7 suspension or denial.

8 (12) Upon receiving a record of the conviction, bond
9 forfeiture, or a civil infraction determination of a person for
10 unlawful operation of a motor vehicle ~~requiring~~**that requires** a
11 vehicle group designation while the designation is suspended or
12 revoked under section 319b, or while the person is disqualified
13 from operating a commercial motor vehicle by the United States
14 Secretary of Transportation or under 49 USC 31301 to 31317, the
15 secretary of state immediately shall impose an additional like
16 period of suspension or revocation. This subsection applies only if
17 the violation occurs during a suspension of definite length or if
18 the violation occurs before the person is approved for a license
19 following a revocation.

20 **(13) An individual who operates a motor vehicle in violation**
21 **of subsection (1) and whose operator's or chauffeur's license is**
22 **suspended under this act for a violation of section 625 or 626, or**
23 **any driving violation under this act that causes injury, death, or**
24 **serious impairment of a body function of another individual, is**
25 **guilty of a misdemeanor punishable as follows:**

26 **(a) For a first conviction, by imprisonment for not more than**
27 **93 days or a fine of not more than \$500.00, or both. Unless the**
28 **vehicle was stolen or used with the permission of an individual who**
29 **did not knowingly permit an unlicensed driver to operate the**



1 vehicle, the registration plates of the vehicle must be canceled by
2 the secretary of state upon notification if notified by a police
3 officer.

4 (b) For a second or subsequent conviction, by imprisonment for
5 not more than 1 year or a fine of not more than \$1,000.00, or both.
6 Unless the vehicle was stolen, the registration plates of the
7 vehicle must be canceled by the secretary of state upon
8 notification if notified by a police officer.

9 (14) ~~(13)~~ If the secretary of state receives records of more
10 than 1 conviction or civil infraction determination ~~resulting that~~
11 **results** from the same incident, all of the convictions or civil
12 infraction determinations ~~shall~~**must** be treated as a single
13 violation for purposes of imposing an additional period of
14 suspension or revocation under subsection (10), (11), or (12).

15 (15) ~~(14)~~ Before a person is arraigned before a district court
16 magistrate or judge on a charge of violating this section, the
17 arresting officer shall obtain the person's driving record from the
18 secretary of state and shall furnish the record to the court. The
19 driving record of the person may be obtained from the secretary of
20 state's computer information network.

21 (16) ~~(15)~~ This section does not apply to a person who operates
22 a vehicle solely for the purpose of protecting human life or
23 property if the life or property is endangered and summoning prompt
24 aid is essential.

25 (17) ~~(16)~~ **A** Unless otherwise provided in this section, a
26 person whose vehicle group designation is suspended or revoked and
27 who has been notified as provided in section 212 of that suspension
28 or revocation, or whose application for a vehicle group designation
29 has been denied as provided in this act, or who has never applied



1 for a vehicle group designation and who operates a commercial motor
 2 vehicle within this state, except as permitted under this act,
 3 while any of those conditions exist is ~~guilty of a misdemeanor~~
 4 ~~punishable, except as otherwise provided in this section, by~~
 5 ~~imprisonment for not less than 3 days or more than 93 days or~~
 6 **responsible for a civil infraction and shall be ordered to pay a**
 7 **civil** fine of not more than \$100.00. ~~, or both.~~

8 (18) ~~(17)~~—If a person has a second or subsequent suspension or
 9 revocation under this section within 7 years as indicated on the
 10 person's Michigan driving record, the court shall proceed as
 11 provided in section 904d.

12 (19) ~~(18)~~—Any period of suspension or revocation required
 13 under subsection (10), (11), or (12) does not apply to a person who
 14 has only 1 currently effective suspension or denial on his or her
 15 Michigan driving record under section 321a and was convicted of or
 16 received a civil infraction determination for a violation that
 17 occurred during that suspension or denial. This subsection may only
 18 be applied once during the person's lifetime.

19 (20) ~~(19)~~—For purposes of this section, a person who never
 20 applied for a license includes a person who applied for a license,
 21 was denied, and never applied again.

22 Sec. 904a. Any person ~~, who is~~ not exempt from **the** license
 23 **requirements** under this act, who ~~shall operate~~ **operates** a motor
 24 vehicle upon the highways of this state, and who is unable to show
 25 that he or she has been issued a license to operate a motor vehicle
 26 by any state or foreign country valid within the 3 years preceding
 27 is ~~guilty of a misdemeanor, and upon conviction shall be punished~~
 28 ~~by imprisonment for not more than 90 days, or by a fine of not less~~
 29 ~~than \$50.00 nor more than \$100.00, or both.~~ **responsible for a civil**



1 **infraction and shall be ordered to pay a civil fine of not more**
 2 **than \$100.00.** Any person convicted of a second ~~offense-violation~~
 3 under this section ~~shall be punished by imprisonment for not less~~
 4 ~~than 2 nor more than 90 days, or by a fine of \$100.00, or both.~~**is**
 5 **responsible for a civil infraction and shall be ordered to pay a**
 6 **civil fine of not more than \$150.00.**

7 Sec. 904e. (1) A court shall order a vehicle immobilized under
 8 section 904d by the use of any available technology approved by the
 9 court that locks the ignition, wheels, or steering of the vehicle
 10 or otherwise prevents any person from operating the vehicle or that
 11 prevents the defendant from operating the vehicle. If a vehicle is
 12 immobilized under this section, the court may order the vehicle
 13 stored at a location and in a manner considered appropriate by the
 14 court. The court may order the person convicted of violating
 15 section 625 or a suspension, revocation, or denial under section
 16 904 to pay the cost of immobilizing and storing the vehicle.

17 (2) A vehicle subject to immobilization under this section may
 18 be sold during the period of immobilization, but ~~shall~~**must** not be
 19 sold to a person who is exempt from paying a use tax under section
 20 3(3)(a) of the use tax act, 1937 PA 94, MCL 205.93, without a court
 21 order.

22 (3) A defendant who is prohibited from operating a motor
 23 vehicle by vehicle immobilization shall not purchase, lease, or
 24 otherwise obtain a motor vehicle during the immobilization period.

25 (4) A person shall not remove, tamper with, or bypass or
 26 attempt to remove, tamper with, or bypass a device that he or she
 27 knows or has reason to know has been installed on a vehicle by
 28 court order for vehicle immobilization or operate or attempt to
 29 operate a vehicle that he or she knows or has reason to know has



1 been ordered immobilized.

2 (5) A person who violates this section is ~~guilty of a~~
3 ~~misdemeanor punishable by imprisonment for not more than 93 days or~~
4 ~~a fine of not more than \$100.00, or both.~~ **responsible for a civil**
5 **infraction and shall be ordered to pay a civil fine of not more**
6 **than \$100.00.**

7 (6) To the extent that a local ordinance regarding the storage
8 or removal of vehicles conflicts with an order of immobilization
9 issued by the court, the local ordinance is preempted.

10 (7) If a peace officer stops a vehicle that is being operated
11 in violation of an immobilization order, the vehicle ~~shall~~ **must** be
12 impounded pending an order of a court of competent jurisdiction.

13 (8) The court shall require the defendant or a person who
14 provides immobilization services to the court under this section to
15 certify that a vehicle ordered immobilized by the court is
16 immobilized as required.

17 Sec. 905. A person who forges ~~or~~, without authority, signs ~~or~~
18 any evidence of ability to respond in damages as required by the
19 secretary of state in the administration of chapter V, and any
20 person who violates any provision of chapter V for which no penalty
21 is otherwise provided, is ~~guilty of a misdemeanor, punishable by a~~
22 ~~fine of not less than \$100.00 nor more than \$1,000.00, or~~
23 ~~imprisonment for not more than 90 days, or both.~~ **responsible for a**
24 **civil infraction and shall be ordered to pay a civil fine of not**
25 **more than \$100.00.** A person whose operator's or chauffeur's
26 license, registration, or other privilege to operate a motor
27 vehicle has been suspended or revoked, if restoration of the
28 privilege or issuance of a new license or registration is
29 contingent upon the furnishing of proof of financial



1 responsibility, and who, during the suspension or revocation or in
2 the absence of full authorization from the secretary of state,
3 drives any motor vehicle upon any highway or street or knowingly
4 permits any motor vehicle owned by the person to be operated by
5 another person upon any highway or street, except as permitted in
6 this act, is ~~guilty of a misdemeanor, punishable by a fine of not~~
7 ~~more than \$500.00, or by imprisonment for a period of not less than~~
8 ~~2 days nor more than 1 year, or both.~~ **responsible for a civil**
9 **infraction and shall be ordered to pay a civil fine of not more**
10 **than \$100.00.**

11 Sec. 907. (1) A violation of this act, or a local ordinance
12 substantially corresponding to a provision of this act, that is
13 designated a civil infraction shall not be considered a lesser
14 included offense of a criminal offense.

15 (2) ~~If a person is determined under sections 741 to 750 to be~~
16 ~~responsible or responsible "with explanation" for a civil~~
17 ~~infraction under this act or a local ordinance substantially~~
18 ~~corresponding to a provision of this act, the judge or district~~
19 ~~court magistrate may order the person to pay a civil fine of not~~
20 ~~more than \$100.00 and costs as provided in subsection (4). However,~~
21 ~~if the civil infraction was a moving violation that resulted in an~~
22 ~~at fault collision with another vehicle, a person, or any other~~
23 ~~object, the civil fine ordered under this section shall be~~
24 ~~increased by \$25.00 but the total civil fine shall not exceed~~
25 ~~\$100.00. However, for a violation of section 602b, the person shall~~
26 ~~be ordered to pay costs as provided in subsection (4) and a civil~~
27 ~~fine of \$100.00 for a first offense and \$200.00 for a second or~~
28 ~~subsequent offense. For a violation of section 674(1)(s) or a local~~
29 ~~ordinance substantially corresponding to section 674(1)(s), the~~



1 ~~person shall be ordered to pay costs as provided in subsection (4)~~
2 ~~and a civil fine of not less than \$100.00 or more than \$250.00. For~~
3 ~~a violation of section 676c, the person shall be ordered to pay~~
4 ~~costs as provided in subsection (4) and a civil fine of \$1,000.00.~~
5 ~~For a violation of section 328, the civil fine ordered under this~~
6 ~~subsection shall be not more than \$50.00. For a violation of~~
7 ~~section 710d, the civil fine ordered under this subsection shall~~
8 ~~not exceed \$10.00, subject to subsection (12). For a violation of~~
9 ~~section 710e, the civil fine and court costs ordered under this~~
10 ~~subsection shall be \$25.00. For a violation of section 682 or a~~
11 ~~local ordinance substantially corresponding to section 682, the~~
12 ~~person shall be ordered to pay costs as provided in subsection (4)~~
13 ~~and a civil fine of not less than \$100.00 or more than \$500.00. For~~
14 ~~a violation of section 240, the civil fine ordered under this~~
15 ~~subsection shall be \$15.00. For a violation of section 252a(1), the~~
16 ~~civil fine ordered under this subsection shall be \$50.00. For a~~
17 ~~violation of section 676a(3), the civil fine ordered under this~~
18 ~~section shall be not more than \$10.00. For a first violation of~~
19 ~~section 319f(1), the civil fine ordered under this section shall be~~
20 ~~not less than \$2,500.00 or more than \$2,750.00; for a second or~~
21 ~~subsequent violation, the civil fine shall be not less than~~
22 ~~\$5,000.00 or more than \$5,500.00. For a violation of section~~
23 ~~319g(1)(a), the civil fine ordered under this section shall be not~~
24 ~~more than \$10,000.00. For a violation of section 319g(1)(g), the~~
25 ~~civil fine ordered under this section shall be not less than~~
26 ~~\$2,750.00 or more than \$25,000.00. Permission may be granted for~~
27 ~~payment of a civil fine and costs to be made within a specified~~
28 ~~period of time or in specified installments, but unless permission~~
29 ~~is included in the order or judgment, the civil fine and costs~~



1 ~~shall be payable immediately.~~ Permission may be granted for payment
2 of a civil fine and costs to be made within a specified period of
3 time or in specified installments but, unless permission is
4 included in the order or judgment, the civil fine and costs must be
5 payable immediately. Except as otherwise provided, a person found
6 responsible or responsible "with explanation" for a civil
7 infraction must pay costs as provided in subsection (4) and 1 or
8 more of the following civil fines, as applicable:

9 (a) Except as otherwise provided, for a civil infraction under
10 this act or a local ordinance substantially corresponding to a
11 provision of this act, the person shall be ordered to pay a civil
12 fine of not more than \$100.00.

13 (b) If the civil infraction was a moving violation that
14 resulted in an at-fault collision with another vehicle, a person,
15 or any other object, the civil fine ordered under this section is
16 increased by \$25.00 but the total civil fine must not be more than
17 \$100.00.

18 (c) For a violation of section 240, the civil fine ordered
19 under this subsection is \$15.00.

20 (d) For a violation of section 248(f)(8), the civil fine
21 ordered under this subsection must not be more than \$500.00.

22 (e) For a violation of section 252a(1), the civil fine ordered
23 under this subsection is \$50.00.

24 (f) For a violation of section 256(3), the civil fine ordered
25 under this subsection is \$150.00.

26 (g) For a violation of section 310(7)(c), the civil fine
27 ordered under this subsection is \$200.00.

28 (h) For a violation of sections 312a(4), 315(4) and (5), 602b,
29 and 904(3), the civil fine ordered under this section must not be



1 more than \$100.00 for a first offense and \$200.00 for a second or
2 subsequent offense.

3 (i) For a first violation of section 319f(1), the civil fine
4 ordered under this section must not be less than \$2,500.00 or more
5 than \$2,750.00; for a second or subsequent violation, the civil
6 fine must not be less than \$5,000.00 or more than \$5,500.00.

7 (j) For a violation of section 319g(1)(a), the civil fine
8 ordered under this section must not be more than \$10,000.00.

9 (k) For a violation of section 319g(1)(g), the civil fine
10 ordered under this section must not be less than \$2,750.00 or more
11 than \$25,000.00.

12 (l) For a violation of section 503(2), the civil fine ordered
13 under this section must not be more than \$500.00 for a first
14 offense and \$1,000.00 for a second or subsequent offense.

15 (m) For a violation of section 674(1)(s) or a local ordinance
16 substantially corresponding to section 674(1)(s), the civil fine
17 ordered under this section must not be less than \$100.00 or more
18 than \$250.00.

19 (n) For a violation of section 676a(3), the civil fine ordered
20 under this section must not be more than \$10.00.

21 (o) For a violation of section 676c, the civil fine ordered
22 under this section is \$1,000.00.

23 (p) For a violation of section 682 or a local ordinance
24 substantially corresponding to section 682, the civil fine ordered
25 under this section must not be less than \$100.00 or more than
26 \$500.00.

27 (q) For a violation of section 710d, the civil fine ordered
28 under this section must not be more than \$10.00, subject to
29 subsection (12).



1 **(r) For a violation of section 710e, the civil fine and court**
2 **costs ordered under this subsection must be \$25.00.**

3 (3) Except as provided in this ~~subsection,~~**section,** if a
4 person is determined to be responsible or responsible "with
5 explanation" for a civil infraction under this act or a local
6 ordinance substantially corresponding to a provision of this act
7 while driving a commercial motor vehicle, he or she ~~shall~~**must** be
8 ordered to pay costs as provided in subsection (4) and a civil fine
9 of not more than \$250.00.

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

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

26 (6) A district court magistrate shall impose the sanctions
27 permitted under subsections (2), (3), and (5) only to the extent
28 expressly authorized by the chief judge or only judge of the
29 district court district.



1 (7) Each district of the district court and each municipal
2 court may establish a schedule of civil fines, costs, and
3 assessments to be imposed for civil infractions that occur within
4 the respective district or city. If a schedule is established, it
5 ~~shall~~**must** be prominently posted and readily available for public
6 inspection. A schedule need not include all violations that are
7 designated by law or ordinance as civil infractions. A schedule may
8 exclude cases on the basis of a defendant's prior record of civil
9 infractions or traffic offenses, or a combination of civil
10 infractions and traffic offenses.

11 (8) The state court administrator shall annually publish and
12 distribute to each district and court a recommended range of civil
13 fines and costs for first-time civil infractions. This
14 recommendation is not binding upon the courts having jurisdiction
15 over civil infractions but is intended to act as a normative guide
16 for judges and district court magistrates and a basis for public
17 evaluation of disparities in the imposition of civil fines and
18 costs throughout the state.

19 (9) If a person has received a civil infraction citation for
20 defective safety equipment on a vehicle under section 683, the
21 court shall waive a civil fine, costs, and assessments upon receipt
22 of certification by a law enforcement agency that repair of the
23 defective equipment was made before the appearance date on the
24 citation.

25 (10) A default in the payment of a civil fine or costs ordered
26 under subsection (2), (3), or (4) or a justice system assessment
27 ordered under subsection (13), or an installment of the fine,
28 costs, or assessment, may be collected by a means authorized for
29 the enforcement of a judgment under chapter 40 of the revised



1 judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or
2 under chapter 60 of the revised judicature act of 1961, 1961 PA
3 236, MCL 600.6001 to 600.6098.

4 (11) If a person fails to comply with an order or judgment
5 issued under this section within the time prescribed by the court,
6 the ~~driver's~~**driver** license of that person ~~shall~~**must** be suspended
7 under section 321a until full compliance with that order or
8 judgment occurs. In addition to this suspension, the court may also
9 proceed under section 908.

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

16 (13) In addition to any civil fines or costs ordered to be
17 paid under this section, the judge or district court magistrate
18 shall order the defendant to pay a justice system assessment of
19 \$40.00 for each civil infraction determination, except for a
20 parking violation or a violation for which the total fine and costs
21 imposed are \$10.00 or less. Upon payment of the assessment, the
22 clerk of the court shall transmit the assessment collected to the
23 state treasury to be deposited into the justice system fund created
24 in section 181 of the revised judicature act of 1961, 1961 PA 236,
25 MCL 600.181. An assessment levied under this subsection is not a
26 civil fine for purposes of section 909.

27 (14) If a person has received a citation for a violation of
28 section 223, the court shall waive any civil fine, costs, and
29 assessment, upon receipt of certification by a law enforcement



1 agency that the person, before the appearance date on the citation,
2 produced a valid registration certificate that was valid on the
3 date the violation of section 223 occurred.

4 (15) If a person has received a citation for a violation of
5 section 328(1) for failing to produce a certificate of insurance
6 under section 328(2), the court may waive the fee described in
7 section 328(3)(c) and shall waive any fine, costs, and any other
8 fee or assessment otherwise authorized under this act upon receipt
9 of verification by the court that the person, before the appearance
10 date on the citation, produced valid proof of insurance that was in
11 effect at the time the violation of section 328(1) occurred.
12 Insurance obtained subsequent to the time of the violation does not
13 make the person eligible for a waiver under this subsection.

14 (16) If a person is determined to be responsible or
15 responsible "with explanation" for a civil infraction under this
16 act or a local ordinance substantially corresponding to a provision
17 of this act and the civil infraction arises out of the ownership or
18 operation of a commercial quadricycle, he or she shall be ordered
19 to pay costs as provided in subsection (4) and a civil fine of not
20 more than \$500.00.

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

25 Enacting section 1. Section 905 of the Michigan vehicle code,
26 1949 PA 300, MCL 257.905, is repealed.

27 Enacting section 2. This amendatory act takes effect 90 days
28 after the date it is enacted into law.

