

# HOUSE BILL NO. 4143

February 04, 2021, Introduced by Reps. Clements and Filler and referred to the Committee on Judiciary.

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

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        Sec. 215. ~~It is a misdemeanor for any~~ **A person to** ~~shall not~~  
2        drive or move or ~~for an owner~~ **shall not** knowingly ~~to~~ permit to be

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

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

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

1 ~~Upon the attachment of~~ **When** the regular plate **is attached** to a  
2 vehicle for which a temporary registration plate or marker ~~has been~~  
3 **was** issued, the temporary plate ~~shall~~ **must** be destroyed.

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

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

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

21 (6) The secretary of state may issue a registration plate upon  
22 application and payment of the proper fee to an individual,  
23 partnership, corporation, or association ~~who~~ **that** in the ordinary  
24 course of business has occasion to legally pick up or deliver a  
25 vehicle not required to be titled under this act, to legally pick  
26 up or deliver a commercial motor vehicle being driven to a facility  
27 to undergo aftermarket modification, or to repair or service a  
28 vehicle, or to persons defined as dealers under part 801 of the  
29 natural resources and environmental protection act, 1994 PA 451,

MCL 324.80101 to 324.80199, ~~for the purpose of delivering to~~  
**deliver** a vessel or trailer to a customer or to and from a boat  
 show or exposition. A registration plate issued under this  
 subsection ~~shall~~**must** be used to move the vehicle.

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

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

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

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

(3) Unless the transfer is made and the fee paid within 15 days, the vehicle is considered to be without registration, the secretary of state may repossess the ~~license plates, registration plate,~~ and ~~transfer ownership~~ of the vehicle ~~ownership~~ may be ~~effected-transferred~~ and a valid registration **may be** acquired ~~thereafter~~ only upon payment of a transfer fee of \$15.00 in addition to the fee provided for in section 806.

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

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

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

(2) A nonresident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation ~~shall~~ **must** register the vehicle and pay the same fees

1 for its registration as is required ~~with reference to~~ **for** like  
2 vehicles owned by residents of this state, except that the  
3 department may issue to the nonresident owner a temporary permit  
4 authorizing the operation of the foreign vehicle within this state  
5 for a period of 72 hours, without registering the vehicle, on the  
6 payment of a fee as provided in section 802a. ~~of this act.~~ The  
7 **secretary of state shall prescribe the form and determine the**  
8 **manner of displaying the** temporary permit ~~shall be in a form as~~  
9 ~~prescribed by, and shall be displayed on a foreign vehicle. in a~~  
10 ~~manner determined by the secretary of state.~~ Each request for a  
11 temporary permit under this subsection ~~shall~~ **must** be based on  
12 emergency or infrequent need for the permit. The secretary of state  
13 may refuse to issue a permit if he or she has reason to believe the  
14 applicant has previously forged or misused a permit, has attempted  
15 to circumvent the registration laws of this state, or has not  
16 demonstrated an emergency or infrequent use.

17 (3) The secretary of state may designate an owner or  
18 registrant having a fleet of motor vehicles currently registered  
19 under this act to act as an agent for the secretary of state ~~for~~  
20 ~~the purpose of issuing to~~ **issue** to himself or herself a temporary  
21 registration under this section.

22 (4) A nonresident owner of a pleasure vehicle otherwise  
23 subject to registration under this act shall not operate the  
24 vehicle for a period exceeding 90 days without securing  
25 registration in this state.

26 (5) Every nonresident, including any foreign corporation  
27 carrying on business within this state and owning and operating in  
28 that business any vehicle subject to registration as provided in  
29 this chapter, shall register the vehicle and pay the same fee for

1 the registration as is required ~~with reference to~~**for** like vehicles  
2 owned by residents of this state, except as otherwise provided by  
3 law.

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

6 Enacting section 1. This amendatory act does not take effect  
7 unless Senate Bill No.\_\_\_\_ or House Bill No. 4153 (request no.  
8 01303'21) of the 101st Legislature is enacted into law.