CHAPTER 257. MOTOR VEHICLES

MICHIGAN VEHICLE CODE
Act 300 of 1949

AN ACT to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 281, Eff. Sept. 27, 1957;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 137, Imd. Eff. May 29, 1980;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1991, Act 98, Imd. Eff. Aug. 9, 1991;—Am. 2000, Act 282, Imd. Eff. July 10, 2000;—Am. 2000, Act 408, Eff. Mar. 28, 2001;—Am. 2002, Act 554, Eff. Oct. 1, 2002.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

The People of the State of Michigan enact:

CHAPTER I
WORDS AND PHRASES DEFINED

257.1 Michigan vehicle code; words and phrases defined.

Sec. 1. The following words and phrases as defined in this chapter and as herein enumerated when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949.

Transfer of powers: See MCL 16.338.

257.1a "Accessory" defined.

Sec. 1a. "Accessory" means any accessory, equipment, additional part or replacement part for a vehicle for which a certificate of title is required to be issued under this act.

History: Add. 1964, Act 248, Eff. Jan. 1, 1965.

257.1b "Ambulance" defined.

Sec. 1b. "Ambulance" means a privately or publicly owned motor vehicle for highway use that is specially designed or constructed and equipped, and is intended to be used for and is maintained or operated for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to section 7 of Act No. 258 of the Public Acts of 1968, as amended, being section 257.1207 of the Michigan Compiled Laws.

History: Add. 1975, Act 100, Eff. July 1, 1976.

257.1c "Articulated bus" defined.

Sec. 1c. "Articulated bus" means a vehicle designed for carrying passengers and comprised of 2 sections permanently joined by a hinge mechanism or articulated joint allowing vertical and horizontal relative movement as well as a weathertight passage for riders moving from 1 section of the bus to the other.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988.

Compiler's note: Section 2 of Act 346 of 1988 provides:
"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.
"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

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"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.1d "Alcoholic liquor" defined.

Sec. 1d. "Alcoholic liquor" means any liquid or compound, whether or not medicated, proprietary, patented, and by whatever name called, containing any amount of alcohol including any liquid or compound described in section 105(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

History: Add. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004.

257.2 "Authorized emergency vehicle" defined.

Sec. 2. "Authorized emergency vehicle" means any 1 of the following:

(a) Vehicles of the fire department, police vehicles, ambulances, or privately owned motor vehicles of volunteer or paid fire fighters if authorized by the chief of an organized fire department, or privately owned motor vehicles of volunteer or paid members of a life support agency licensed by the department of consumer and industry services if authorized by the life support agency.

(b) For purposes of section 698(5)(c) during an emergency, a vehicle owned and operated by a federally recognized nonprofit charitable organization that is used exclusively for assistance during that emergency.

(c) For purposes of section 653a, a road service vehicle giving a visual signal by means of a flashing, rotating, or oscillating red or amber light. As used in this subdivision, "road service vehicle" means a vehicle that is clearly marked and readily recognizable as a vehicle used to assist disabled vehicles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 11, Imd. Eff. Mar. 9, 1956;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976;—Am. 1997, Act 8, Imd. Eff. May 16, 1997;—Am. 2004, Act 19, Eff. June 2, 2004.

257.2a "Automotive recycler" defined.

Sec. 2a. "Automotive recycler" means a person who engages in business primarily for the purpose of selling at retail salvage vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

History: Add. 1993, Act 300, Eff. Jan. 1, 1994.

257.3 "Axle" defined.

Sec. 3. "Axle" means the common axis of rotation of 1 or more wheels whether power driven or freely rotating, and whether in 1 or more segments and regardless of the number of wheels carried thereon.

History: 1949, Act 300, Eff. Sept. 23, 1949.

****** 257.3a.added THIS ADDED SECTION IS EFFECTIVE DECEMBER 31, 2010 ******

257.3a.added "Basic driver improvement course" defined.

Sec. 3a. "Basic driver improvement course" means a course of study that satisfies all of the following conditions:

(a) It meets or exceeds the curriculum standards set forth in the defensive driving course instructor manual, eighth edition, published by the national safety council.

(b) It provides documented evidence from a federal, state, or local agency of course effectiveness in reducing collisions, moving violations, or both.

(c) It contains such other information as is approved by the secretary of state and that is offered over the internet or through classroom instruction.

History: Add. 2008, Act 568, Eff. Dec. 31, 2008.

257.4 "Bicycle" defined.

Sec. 4. "Bicycle" means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1971, Act 151, Imd. Eff. Nov. 22, 1971;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.4a "Birthday" defined.

Sec. 4a. "Birthday" shall mean any anniversary of the original date of birth, and all persons born on

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February 29 shall be deemed, for the purposes of this act, to have been born on March 1.

History: Add. 1953, Act 215, Eff. Oct. 2, 1953.

257.4b "Bus" defined.

Sec. 4b. "Bus" means a motor vehicle designed for carrying 16 or more passengers, including the driver. Bus does not include a school bus.

History: Add. 1964, Act 89, Eff. Aug. 28, 1964;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988.

257.4c "Buy back vehicle" defined.

Sec. 4c. "Buy back vehicle" means a motor vehicle reacquired by a manufacturer as the result of an arbitration proceeding, pursuant to a customer satisfaction policy adopted by the manufacturer, or under 1986 PA 87, MCL 257.1401 to 257.1410, or a similar law of another state.

History: Add. 2002, Act 652, Eff. Jan. 1, 2003.

257.5 "Business district" and "commercial business" defined.

Sec. 5. (1) "Business district" means an area contiguous to a highway where the total widths of the adjacent buildings in use for commercial business open to the general public on both sides occupy 50% or more of the total frontage on both sides for a distance of 600 feet or more.

(2) As used in this section, "commercial business" does not include a home-based business conducted from a residence or domicile, but does include a multi-use building in which a commercial business open to the general public is operated on the ground floor and residential apartments exist on upper floors.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

257.5a "Cancellation" defined.

Sec. 5a. "Cancellation" means that a license or registration is annulled and terminated because of some error or defect or because the licensee or registrant is no longer entitled to such license or registration, but the cancellation of a license or registration is without prejudice and application for a new license or registration may be made at any time after such cancellation.

History: Add. 1951, Act 270, Eff. Sept. 28, 1951.

257.6 "Chauffeur" defined.

Sec. 6. (1) Except as otherwise provided in subsection (3), "chauffeur" means any of the following:

(a) A person who operates a motor vehicle as a motor common carrier of property or a motor contract carrier of property as defined in section 1(f) and (h) of the motor carrier act, 1933 PA 254, MCL 475.1, or a motor carrier of passengers as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

(b) A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more.

(c) A person who operates a bus or school bus.

(d) A person who operates a taxi.

(e) A person who operates a limousine as defined by section 3 of the limousine transportation act, 1990 PA 271, MCL 257.1903.

(2) For purposes of subsection (1)(b), a person shall be considered to be employed for the principal purpose of operating a motor vehicle when the person's employment customarily involves the necessary use of a motor vehicle for hire or for transporting passengers for hire, or for transporting for gain or hire any merchandise for display, sale, or delivery.

(3) "Chauffeur" does not include any of the following:

(a) A farmer or an employee of a farmer operating a vehicle exclusively in connection with the farming operations of the farmer.

(b) A fire fighter or a member of a fire department operating an ambulance.

(c) Emergency medical services personnel operating an ambulance. As used in this subdivision, "emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(d) State transportation department employees whose work consists of operating vehicles with a gross vehicle weight rating of 10,000 pounds or more for the purpose of transporting highway and bridge maintenance materials and supplies for all aspects of state trunkline maintenance, including winter maintenance and facilities maintenance.

(e) County road commission employees and other employees of local units of government who do not

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drive their own vehicles and whose work consists of hauling road building materials and supplies for the road commission or for other municipal purposes.

(f) A person operating a motor vehicle for a volunteer program who only receives reimbursement for the costs of operating the motor vehicle.

(g) A person who operates a motor home for personal pleasure.

(h) A parent or parent's designee for the purpose of transporting pupils to or from school and school related events.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 154, Imd. Eff. June 12, 1980;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1992, Act 134, Eff. Oct. 1, 1992;—Am. 1992, Act 297, Imd. Eff. Dec. 18, 1992;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.6a "Civil infraction" defined.

Sec. 6a. "Civil infraction" means an act or omission prohibited by law which is not a crime as defined in section 5 of Act No. 328 of the Public Acts of 1931, as amended, being section 750.5 of the Michigan Compiled Laws, and for which civil sanctions may be ordered.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979.

257.6b "Civil infraction determination" defined.

Sec. 6b. "Civil infraction determination" means a determination that a person is responsible for a civil infraction by 1 of the following:

(a) An admission of responsibility for the civil infraction.

(b) An admission of responsibility for the civil infraction, "with explanation".

(c) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 746 or 747.

(d) A default judgment, for failing to appear as directed by a citation or other notice, at a scheduled appearance under section 745(3) (b) or (4), at a scheduled informal hearing under section 746, or at a scheduled formal hearing under section 747.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.6c "Civic event" defined.

Sec. 6c. "Civic event" means a convention, conference, pageant, parade, special athletic contest, commemoration, gathering, assemblage, or similar function.

History: Add. 1987, Act 151, Imd. Eff. Oct. 29, 1987.

257.6d "Collector plate" defined.

Sec. 6d. "Collector plate" means a plate that contains a reproduction of every characteristic of a specific registration plate except for the number and letter characters, which shall be determined by the secretary of state, and that is sold as described in section 811g. A collector plate is not a registration plate.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000.

257.7 "Commercial vehicle" defined.

Sec. 7. "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.7a "Commercial motor vehicle" defined.

Sec. 7a. "Commercial motor vehicle" means a motor vehicle designed to transport 16 or more passengers, including the driver; a motor vehicle, having a gross vehicle weight rating of 26,001 or more pounds; a motor vehicle with a gross combination weight rating of 26,001 pounds or more including a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.F.R. parts 100 to 199. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

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"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.8 "Commissioner" defined.

Sec. 8. "Commissioner" means the commissioner of Michigan state police of this state, acting directly or through his duly authorized officers, agents and employees.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.8a "Conviction" defined.

Sec. 8a. "Conviction" means any of the following:

(a) A final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt for a criminal law violation or a juvenile adjudication, probate court disposition, or juvenile disposition for a violation that if committed by an adult would be a crime, regardless of whether the penalty is rebated or suspended.

(b) A conviction defined in federal law under 49 CFR 383.5, regarding the operation of a commercial motor vehicle or the operation of a noncommercial motor vehicle operated by a person licensed to operate a commercial motor vehicle.

History: Add. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1998, Act 356, Eff. Oct. 1, 1999;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.8b "Controlled substance" defined.

Sec. 8b. "Controlled substance" means a controlled substance or controlled substance analogue as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws.

History: Add. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1993, Act 359, Eff. Sept. 1, 1994.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.9 "County jail" defined.

Sec. 9. "County jail" as referred to in this act shall be construed to mean the county jail of any county where the violation of any of the provisions of this act occur.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1985, Act 53, Imd. Eff. June 14, 1985.

257.10 "Cross-walk" defined.

Sec. 10. "Cross-walk" means: (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable highway.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.11 "Dealer" defined.

Sec. 11. (1) Except as otherwise provided in this section, "dealer" means a person who is 1 or more of the following:

(a) A person who in a 12-month period did 1 or more of the following:

(*i*) Engaged in the business of purchasing, selling, exchanging, brokering, leasing, or dealing in vehicles of a type required to be titled under this act.

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(*ii*) Engaged in the business of purchasing, selling, exchanging, brokering, or dealing in salvageable parts of 5 or more vehicles.

(*iii*) Engaged in the business of buying 5 or more vehicles to sell vehicle parts or process into scrap metal.

(b) A person engaged in the actual remanufacturing of engines or transmissions.

(2) There is a rebuttable presumption that a person who in a 12-month period buys and sells, exchanges, brokers, leases, or deals in 5 or more vehicles, or buys and sells, exchanges, brokers, or deals in salvageable parts for 5 or more vehicles, or buys 5 or more vehicles to sell vehicle parts or to process into scrap metal is engaged in a business of being a dealer as described in subsection (1).

(3) Dealer does not include any of the following:

(a) A financial institution, as defined in section 10 of 1909 PA 99, MCL 129.40, or an entity wholly owned by 1 or more financial institutions.

(b) A bank holding company.

(c) A person who buys or sells remanufactured vehicle engine and transmission salvageable vehicle parts or who receives in exchange used engines or transmissions if the primary business of the person is the selling of new vehicle parts and the person is not engaged in any other activity that requires a dealer license under this act.

(d) For purposes of dealer licensing, a person who negotiates the lease of a vehicle of a type required to be titled under this act for a lease term of less than 120 days.

(e) A person whose business is the financing of the purchase, sale, or lease of vehicles of a type required to be titled under this act and that is not otherwise engaged in activities of a dealer as described in subsection (1).

(f) An employee or agent of a dealer acting in the scope of his or her employment or agency.

(g) An insurer, as defined in section 106 of the insurance code of 1956, 1956 PA 218, MCL 500.106.

(h) A person engaged in leasing vehicles solely for commercial or other nonhousehold use.

(i) A lessor selling 1 or more off lease vehicles.

(j) A person who has received a vehicle under section 252g(3)(a) for the purpose of selling that vehicle to a dealer licensed under this act.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1990, Act 154, Imd. Eff. June 28, 1990;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 37, Imd. Eff. July 3, 2003;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.11a "Demonstrator" defined.

Sec. 11a. "Demonstrator" means a motor vehicle used by a prospective customer or a motor vehicle dealer or his agent for testing and demonstration purposes.

History: Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975.

257.11b "Dealer license" defined.

Sec. 11b. "Dealer license" means an authorization from the secretary of state for a person to engage in business as a dealer.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.12 "Department" defined.

Sec. 12. "Department" means the department of state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1978, Act 139, Eff. May 1, 1979.

257.12a "Distressed vehicle" defined.

Sec. 12a. "Distressed vehicle" means a vehicle that has a major component part that has been wrecked, destroyed, damaged, stolen, or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or exceeds 75% of the actual cash value of the vehicle in its predamaged condition. The estimated costs of the repair parts shall be determined by using the current published retail cost of original manufacturer equipment parts or an estimate of the actual cost of the repair parts. The estimated labor costs shall be computed by using the hourly rate and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state.

History: Add. 1978, Act 507, Eff. July 1, 1979;—Am. 1993, Act 300, Eff. July 1, 1994.

257.12b "Distressed vehicle transporter" defined.

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Sec. 12b. “Distressed vehicle transporter” means a person engaged in the business of buying vehicles for sale only to a used vehicle parts dealer or a vehicle scrap metal processing dealer. A distressed vehicle transporter shall not sell major components or other parts for vehicle repair purposes, and shall not dismantle vehicles.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.13 “Driver” defined.

Sec. 13. “Driver” means every person who drives or is in actual physical control of a vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.13a “Elected gross weight” defined.

Sec. 13a. Elected gross weight means the empty weight of a vehicle or combination of vehicles, fully equipped for service, plus the weight of the maximum load which the owner has elected to carry on such vehicle or combination of vehicles.

History: Add. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967.

257.13b “Empty weight” defined.

Sec. 13b. Empty weight means the shipping weight of a vehicle as furnished by the manufacturer or in lieu thereof, the scale weight taken from a weight receipt furnished by the weighmaster operating scales approved and sealed by the state department of agriculture. For commercial vehicles empty weight shall also mean fully equipped for the use for which the vehicle is intended.

History: Add. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967.

257.13c “Electric personal assistive mobility device” defined.

Sec. 13c. “Electric personal assistive mobility device” means a self-balancing nontandem 2-wheeled device, designed to transport only 1 person at a time, having an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour.

History: Add. 2002, Act 494, Imd. Eff. July 3, 2002.

257.14 "Established place of business" defined.

Sec. 14. (1) Except as provided in subsection (2), "established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his or her books and records are kept and a large share of his or her business transacted.

(2) Established place of business for a class (a) or class (b) dealer means premises that meet all of the following requirements:

(a) The premises contain, except as otherwise provided in this act, a permanently enclosed building or structure either owned, leased, or rented by a dealer, which is not a residence, tent, temporary stand, or any temporary quarters; the building or structure is continuously occupied in good faith for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles; all books, records, and files necessary to conduct the business of a class (a) or class (b) dealer are maintained in the building or structure; and the building or structure houses an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license.

(b) The premises have land space of no less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking. The display and customer parking areas shall be adequately surfaced and well-lit during business hours.

(c) The premises are identified by an exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from a highway.

(d) The premises contain a conspicuous posting of the dealer's regular hours of operation. The posted hours shall be not less than 30 hours per week.

(e) The premises contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location not to exceed 10 miles' distance from the established place of business. If repairs are conducted pursuant to a servicing agreement, the servicing agreement shall be conspicuously posted in the office.

(f) The premises meet all applicable zoning requirements and municipal requirements.

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2004, Act 495, Eff. Jan. 31, 2005.

257.14a "Executive" or "manufacturer's vehicle" defined.

Sec. 14a. "Executive" or "manufacturer's vehicle" means a motor vehicle provided by a manufacturer for the use and possession of an employee of the manufacturer, which is titled to the manufacturer, or which is driven with special manufacturer's plates as provided in section 244.

History: Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975.

257.15 "Explosives" defined.

Sec. 15. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.16 "Farm tractor" defined.

Sec. 16. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.17 "Flammable liquid" defined.

Sec. 17. "Flammable liquid" means any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed-cup test device.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.17a "Foreign salvage vehicle dealer" defined.

Sec. 17a. "Foreign salvage vehicle dealer" means a person who is a licensed dealer in another state and is engaged in this state in the business of purchasing, selling, or otherwise dealing on a wholesale basis in salvageable parts or vehicles of a type required to have a salvage or scrap certificate of title under this act.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.17b "Fund-raising registration plate" and "state-sponsored goal" defined.

Sec. 17b. "Fund-raising registration plate" means a registration plate that contains a design or logo representing a symbol for a Michigan university or state-sponsored goal and is issued by the secretary of state to raise funds for the respective Michigan university or state-sponsored goal. As used in this section, "state-sponsored goal" means the purpose for which a state-sponsored fund-raising registration plate is authorized under section 811e.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000.

257.17c "Flood vehicle" defined.

Sec. 17c. "Flood vehicle" means a vehicle that was submerged in water to the point that water entered the passenger compartment or trunk over the sill of the trunk floor pan or doorsill or a vehicle acquired by an insurance company as part of the settlement of a water damage claim.

History: Add. 2002, Act 485, Eff. Oct. 1, 2002.

257.18 Definitions, F.

Sec. 18. (1) "Foreign vehicle" means a vehicle of a type required to be registered under this act and brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(2) "Former section 625(1) or (2)" means section 625(1) or (2) as amended by Act No. 391 of the Public Acts of 1978, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987.

(3) "Former section 625b" means section 625b as amended by Act No. 285 of the Public Acts of 1976, Act No. 515 of the Public Acts of 1980, Act No. 309 of the Public Acts of 1982, or Act No. 109 of the Public Acts of 1987.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1991, Act 99, Eff. Jan. 1, 1992.

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257.18a "Freeway" defined.

Sec. 18a. "Freeway" means a divided arterial highway for through traffic with full control of access and with all crossroads separated in grade from pavements for through traffic.

History: Add. 1961, Act 164, Eff. Sept. 8, 1961.

257.18b "Gross combination weight rating" or "GCWR" and "gross vehicle weight rating" or "GVWR" defined.

Sec. 18b. (1) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on that unit.

(2) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.19 "Gross weight" defined.

Sec. 19. "Gross weight" means the weight of a vehicle without load plus the weight of any load thereon.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.19a "Disabled person" and "person with disabilities" defined.

Sec. 19a. "Disabled person" or "person with disabilities" means a person who is determined by a physician, a physician assistant, or an optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics:

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

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

(c) Inability to do both of the following:

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

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

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

(e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health.

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

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

History: Add. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1978, Act 64, Imd. Eff. Mar. 14, 1978;—Am. 1989, Act 89, Eff. Sept. 19, 1989 ;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1994, Act 432, Imd. Eff. Jan. 6, 1995;—Am. 1996, Act 198, Imd. Eff. May 17, 1996;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2002, Act 618, Imd. Eff. Dec. 23, 2002.

257.19b "Hazardous material" defined.

Sec. 19b. "Hazardous material" means explosives, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas.

History: Add. 1978, Act 57, Imd. Eff. Mar. 10, 1978.

257.20 "Highway or street" defined.

Sec. 20. "Highway or street" means the entire width between the boundary lines of every way publicly

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maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.20a "Historic vehicle" defined.

Sec. 20a. "Historic vehicle" means a vehicle which is over 25 years old, and which is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation.

History: Add. 1996, Act 404, Eff. Dec. 21, 1996.

****** 257.20d.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.20d.added "Ignition interlock device" defined.

Sec. 20d. "Ignition interlock device" means an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's alcohol level, calibrated so that the motor vehicle cannot be started if the breath alcohol level of the operator, as measured by the test, reaches a level of 0.025 grams per 210 liters of breath, and to which all of the following apply:

(a) The device meets or exceeds the model specifications for breath alcohol ignition interlock devices (BAIID), 57 FR 11772 - 11787 (April 7, 1992).

(b) The device utilizes alcohol-specific electrochemical fuel sensor technology.

(c) As its anticircumvention method, the device installation uses a positive-negative-positive air pressure test requirement, a midtest hum tone requirement, or any other anticircumvention method or technology that first becomes commercially available after July 31, 2007 and that is approved by the department as equally or more effective.

History: Add. 2008, Act 462, Eff. Oct. 31, 2010.

257.21 "Implement of husbandry" defined.

Sec. 21. "Implement of husbandry" means a vehicle which is either a farm tractor, a vehicle designed to be drawn by a farm tractor or an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 13, Imd. Eff. Mar. 25, 1964;—Am. 1967, Act 93, Imd. Eff. June 21, 1967;—Am. 1985, Act 32, Imd. Eff. June 13, 1985.

257.22 "Intersection" defined.

Sec. 22. "Intersection" means: (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of such highways shall be regarded as a separate intersection.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.23 "Judgment" defined.

Sec. 23. "Judgment" means any judgment which shall become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.23a "Juvenile adjudication" defined.

Sec. 23a. "Juvenile adjudication" means either of the following:

(a) A finding of juvenile delinquency under chapter 403 of title 18 of the United States code, 18 U.S.C. 5031 to 5040 and 5042.

(b) The entry of a judgment or order of disposition by a court of another state that states or is based upon a

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finding that a juvenile has violated a law of another state, which violation would have been a criminal offense if committed by an adult in that state.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994.

257.23b "Juvenile disposition" defined.

Sec. 23b. "Juvenile disposition" means the entry of an order of disposition for a juvenile found to be within the court's jurisdiction under chapter XIIA of 1939 PA 288, MCL 712A.1 to 712A.32.

History: Add. 1998, Act 356, Eff. Oct. 1, 1999.

257.24 "Laned roadway" defined.

Sec. 24. "Laned roadway" means a roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.24a "Leased vehicle" defined.

Sec. 24a. "Leased vehicle" means a motor vehicle for which a person is granted possession for a contracted period of time and in return for a contracted sum.

History: Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975.

257.24b "Late model vehicle" defined.

Sec. 24b. "Late model vehicle" means a vehicle weighing 8,000 pounds or less, manufactured in the current model year or the 5 model years immediately preceding the current model year, or, if over 8,000 pounds, a vehicle manufactured in the current model year or the 15 model years immediately preceding the current model year.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.24c "Law of another state" defined.

Sec. 24c. "Law of another state" means a law or ordinance enacted by another state or by a local unit of government in another state.

History: Add. 1991, Act 99, Eff. Jan. 1, 1992.

257.25 "License" defined.

Sec. 25. "License" means any driving privileges, license, temporary instruction permit, or temporary license issued under the laws of this state pertaining to the licensing of persons to operate motor vehicles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 247, Eff. Mar. 10, 1967.

257.25a "Autocycle" defined.

Sec. 25a. "Autocycle" means an enclosed motorcycle that is equipped with safety belts, rollbar, windshield, wipers, steering wheel, and equipment otherwise required on a motorcycle, and which has not more than 3 wheels in contact with the roadway at any 1 time.

History: Add. 1984, Act 328, Imd. Eff. Dec. 26, 1984.

257.25b "Low-speed vehicle" defined.

Sec. 25b. "Low-speed vehicle" means a self-propelled motor vehicle to which both of the following apply:

(a) The vehicle conforms to the definition of low-speed vehicle under 49 CFR 571.3(b).

(b) The vehicle meets the standard for low-speed vehicles under 49 CFR 571.500.

History: Add. 2000, Act 82, Eff. July 1, 2000;—Am. 2006, Act 377, Imd. Eff. Sept. 27, 2006.

257.26 "Limited access highway" defined.

Sec. 26. "Limited access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only, and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.27 "Local authorities" defined.

Sec. 27. "Local authorities" means every municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

History: 1949, Act 300, Eff. Sept. 23, 1949.

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257.27a "Major component part" defined.

Sec. 27a. "Major component part" means 1 of the following parts of a vehicle:

(a) The engine.

(b) The transmission.

(c) The right or left front fender.

(d) The hood.

(e) A door allowing entrance to or egress from the vehicle's passenger compartment of the vehicle.

(f) The front or rear bumper.

(g) The right or left rear quarter panel.

(h) The deck lid, tailgate, or hatchback.

(i) The trunk floor pan.

(j) The cargo box of a pickup.

(k) The frame, or if the vehicle has a unitized body, the supporting structure or structures that serve as the frame.

(*l*) The cab of a truck.

(m) The body of a passenger vehicle.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.28 "Manufacturer" defined.

Sec. 28. "Manufacturer" means a person, firm, corporation or association engaged in the manufacture of new motor vehicles, trailers or trailer coaches or semi-trailers, as a regular business.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.29 "Maximum axle load" defined.

Sec. 29. "Maximum axle load" means the gross weight over the axle which includes vehicles and load.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.30 "Metal tire" defined.

Sec. 30. "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.30a Repealed. 1978, Act 568, Eff. Jan. 6, 1979.

Compiler's note: The repealed section defined "mobile home".

257.30b "Michigan university" defined.

Sec. 30b. "Michigan university" means any of the following institutions of higher education:

(a) Central Michigan University.

(b) Eastern Michigan University.

(c) Ferris State University.

(d) Grand Valley State University.

(e) Lake Superior State University.

(f) Michigan State University.

(g) Michigan Technological University.

(h) Northern Michigan University.

(i) Oakland University.

(j) Saginaw Valley State University.

(k) University of Michigan - Ann Arbor.

(*l*) University of Michigan - Dearborn.

(m) University of Michigan - Flint.

(n) Wayne State University.

(o) Western Michigan University.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000.

257.31 "Motorcycle" defined.

Sec. 31. "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground but excluding a tractor.

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History: 1949, Act 300, Eff. Sept. 23, 1949.

257.32 Repealed. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

Compiler's note: The repealed section defined "motor driven cycle".

257.32a "Motor home" defined.

Sec. 32a. "Motor home" means a motor vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities, and is used for recreation, camping, or other noncommercial use.

History: Add. 1976, Act 26, Imd. Eff. Feb. 27, 1976.

257.32b "Moped" defined.

Sec. 32b. "Moped" means a 2- or 3-wheeled vehicle which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 2.0 brake horsepower or less, and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The power drive system shall not require the operator to shift gears.

History: Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 91, Imd. Eff. June 16, 1983.

257.33 "Motor vehicle" defined.

Sec. 33. "Motor vehicle" means every vehicle that is self-propelled, but for purposes of chapter 4 of this act motor vehicle does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under this act. Motor vehicle does not include an electric patrol vehicle being operated in compliance with the electric patrol vehicle act. Motor vehicle does not include an electric personal assistive mobility device.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 1995, Act 140, Imd. Eff. July 10, 1995;—Am. 1997, Act 56, Imd. Eff. July 1, 1997;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

257.33a "New motor vehicle" defined.

Sec. 33a. "New motor vehicle" means a motor vehicle which is not and has not been a demonstrator, executive or manufacturer's vehicle, leased vehicle, or a used or second hand vehicle.

History: Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975.

257.33b "Nonprofit recycling center" defined.

Sec. 33b. "Nonprofit recycling center" means a nonprofit facility designed and operated solely for receiving, storing, processing, and transferring source-separated recyclable materials such as paper, metal, glass, food waste, office paper, and plastic that are kept separate and apart from residential, commercial, and institutional solid waste by the generator of the waste for the purposes of collection, disposition, and recycling.

History: Add. 1995, Act 129, Imd. Eff. June 30, 1995.

257.34 "Nonresident" defined.

Sec. 34. "Nonresident" means every person who is not a resident of this state.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.35 "Nonresident operating privilege" defined.

Sec. 35. "Nonresident operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.35a "Operate" or "operating" defined.

Sec. 35a. "Operate" or "operating" means being in actual physical control of a vehicle regardless of whether or not the person is licensed under this act as an operator or chauffeur.

History: Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981.

257.35b "Older model vehicle" defined.

Sec. 35b. "Older model vehicle" means a vehicle weighing 8,000 pounds or less, manufactured in the sixth model year immediately preceding the current model year, or manufactured in any model year before that model year; or, if more than 8,000 pounds, a vehicle manufactured in a model year preceding the fifteenth model year before the current model year.

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History: Add. 1978, Act 507, Eff. July 1, 1979.

257.35c "Off lease vehicle" defined.

Sec. 35c. "Off lease vehicle" means a motor vehicle leased for a term of more than 30 days that the lessee elects to purchase.

History: Add. 2002, Act 652, Eff. Jan. 1, 2003.

257.36 "Operator" defined.

Sec. 36. "Operator" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.36a "Owner-operator" defined.

Sec. 36a. "Owner-operator" means an individual who holds the legal title of a commercial vehicle and who leases the commercial vehicle under a lease or arrangement whereby the individual is employed by the lessee to operate the leased vehicle.

History: Add. 1969, Act 309, Imd. Eff. Aug. 14, 1969.

257.37 "Owner" defined.

Sec. 37. "Owner" means any of the following:

(a) Any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period that is greater than 30 days.

(b) Except as otherwise provided in section 401a, a person who holds the legal title of a vehicle.

(c) A person who has the immediate right of possession of a vehicle under an installment sale contract.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1988, Act 125, Imd. Eff. May 23, 1988.

257.38 "Parking" defined.

Sec. 38. "Parking" means standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading except when making necessary repairs.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.38a "Park model trailer" defined.

Sec. 38a. "Park model trailer" means a vehicle that meets all of the following:

(a) Is built on a single chassis, mounted on wheels, and designed to be towed by a motor vehicle from time to time.

(b) Depending on its size, may require a special highway movement permit under section 719a to be towed on a street or highway.

(c) Is designed to provide recreational, seasonal, or temporary living quarters.

(d) When used as recreational, seasonal, or temporary living quarters, may be connected to utilities necessary for the operation of installed fixtures and appliances.

(e) Is not a mobile home as that term is defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

History: Add. 2009, Act 32, Eff. Dec. 1, 2009.

257.39 "Pedestrian" defined.

Sec. 39. "Pedestrian" means any person afoot.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.39a "Permanent disability" defined.

Sec. 39a. "Permanent disability" means a physical characteristic categorized as a disability that significantly limits ambulation or necessitates the use of a wheelchair for mobility, or blindness, for which there is a present medical expectation that the disability will always persist and never significantly improve.

History: Add. 1987, Act 257, Eff. Apr. 1, 1988;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.40 "Person" defined.

Sec. 40. "Person" means every natural person, firm, copartnership, association, or corporation and their legal successors.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.40a "Pickup camper" defined.

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Sec. 40a. “Pickup camper” means a nonself-propelled recreational vehicle, without wheels for road use, that is designed to rest all of its weight upon, and be attached to, a motor vehicle, and is primarily intended for use as temporary living quarters in connection with recreational, camping, or travel purposes. A pickup camper does not include truck covers or caps consisting of walls and a roof but that do not have floors and facilities for using the camper as a dwelling.

History: Add. 1990, Act 98, Eff. Jan. 1, 1991.

257.40b “Personal information” and “highly restricted personal information” defined.

Sec. 40b. (1) "Personal information" means information that identifies an individual, including the individual's photograph or image, name, address (but not the zip code), driver license number, social security number, telephone number, digitized signature, and medical and disability information. Personal information does not include information on driving and equipment-related violations or civil infractions, driver or vehicle registration status, vehicular accidents, or other behaviorally-related information.

(2) "Highly restricted personal information" means an individual's photograph or image, social security number, digitized signature, medical and disability information, and source documents presented by an applicant to obtain an operator's or chauffeur's license under section 307(1).

History: Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.41 “Pole-trailer” defined.

Sec. 41. “Pole-trailer” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.41a “Police book” defined.

Sec. 41a. “Police book” means a hardcover, bound volume or a record in a form prescribed by the secretary of state that provides a bought and sold record for each vehicle handled by a dealer, contains the information required by section 251, and includes any other information required by law or the secretary of state.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 1998, Act 384, Eff. Jan. 1, 1999.

257.42 “Police officer” defined.

Sec. 42. “Police officer” means any of the following:

(a) Every sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; any officer of the Michigan state police; or any peace officer who is trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

(b) For purposes of enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726, any duly authorized agent of a county road commission meeting the requirements of section 726c. However, an authorized agent of a county road commission shall only enforce sections 215 and 255 with respect to commercial vehicles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1983, Act 10, Imd. Eff. Mar. 18, 1983;—Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989.

257.43 “Police station” defined.

Sec. 43. “Police station” means every county jail; every police station in any city, village, or township; and the headquarters and every regular subpost of the Michigan state police.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1983, Act 10, Imd. Eff. Mar. 18, 1983.

257.44 “Private driveway” and “private road” defined.

Sec. 44. (1) “Private driveway” means any piece of privately owned and maintained property which is used for vehicular traffic, but is not open or normally used by the public.

(2) “Private road” means a privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel.

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 138, Imd. Eff. June 5, 1974.

257.44a "Probate court disposition" defined.

Sec. 44a. "Probate court disposition" means the entry of an order of disposition for a juvenile found to be within the court's jurisdiction under chapter XIIA of 1939 PA 288, MCL 712A.1 to 712A.32.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1998, Act 356, Eff. Oct. 1, 1999.

257.45 "Proof of financial responsibility" defined.

Sec. 45. "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of $20,000.00 because of bodily injury to or death of 1 person in any one accident, and, subject to said limit for 1 person, in the amount of $40,000.00 because of bodily injury to or death of 2 or more persons in any one accident, and in the amount of $10,000.00 because of injury to or destruction of property of others in any one accident.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 155, Eff. Sept. 13, 1958;—Am. 1971, Act 191, Imd. Eff. Dec. 20, 1971
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257.45a "Prosecuting attorney" defined.

Sec. 45a. "Prosecuting attorney", except as the context otherwise requires, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.

History: Add. 1991, Act 99, Eff. Jan. 1, 1992.

257.46 "Railroad" defined.

Sec. 46. "Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.47 "Railroad sign or signal" defined.

Sec. 47. "Railroad sign or signal" means any sign, signal, or device erected by authority of a statute or public body or official and intended to give notice of the presence of railroad tracks or structures or the approach of a railroad train.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 98, Eff. Sept. 13, 1958.

257.48 "Railroad track" defined.

Sec. 48. "Railroad track" means every pair or group of pairs, as the case may be, of any railroad or traction company, except municipal street car companies.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.49 "Railroad train" defined.

Sec. 49. "Railroad train" means a steam engine, electric or other motor with or without cars coupled thereto, operated upon rails, except street cars.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.49a "Recreational vehicle" defined.

Sec. 49a. "Recreational vehicle" means a new or used vehicle that has its own motive power or is towed by a motor vehicle; is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use; complies with all applicable federal vehicle regulations; and does not require a special highway movement permit under section 719a to be operated or towed on a street or highway. The term includes, but is not limited to, a motor home, travel trailer, park model trailer that does not require a special highway movement permit under section 719a, or pickup camper.

History: Add. 2009, Act 32, Eff. Dec. 1, 2009.

257.50 "Registration" defined.

Sec. 50. "Registration" means a registration certificate, plate, adhesive tab, or other indicator of registration issued under this act for display on a vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978.

257.50a "Residence address" defined.

Sec. 50a. "Residence address" means the place that is the settled home or domicile at which a person legally resides as defined in section 11 of the Michigan election law, 1954 PA 116, MCL 168.11.

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History: Add. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.51 Repealed. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: The repealed section pertained to "residence district" defined.

257.51a "Resident" defined.

Sec. 51a. "Resident" means every person who resides in this state and establishes that he or she is legally present in the United States. This definition applies to the provisions of this act only.

History: Add. 1968, Act 106, Imd. Eff. June 7, 1968;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.52 "Revocation" defined.

Sec. 52. (1) "Revocation" means that the operator's or chauffeur's license and privilege to operate a motor vehicle on the public highways are terminated and shall not be renewed or restored until the later of the following:

(a) The expiration of not less than 1 year after the license was revoked.

(b) The expiration of not less than 5 years after the date of a subsequent revocation occurring within 7 years after the date of a prior revocation.

(2) If a license has been revoked, an application for a new license may be presented and acted upon by the secretary of state as provided in section 303.

(3) When referring to a dealer license, "revocation" means that a person's authorization to engage in business as a dealer is terminated and shall not be restored or renewed, except that an application for a new license may be considered at the discretion of the secretary of state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.53 "Right-of-way" defined.

Sec. 53. "Right-of-way" means the privilege of the immediate use of the highway.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.54 "Road tractor" defined.

Sec. 54. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of the vehicle or load so drawn.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.55 "Roadway" defined.

Sec. 55. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes 2 or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.56 "Safety zone" defined.

Sec. 56. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.56a "Salvage vehicle" defined.

Sec. 56a. "Salvage vehicle" means a vehicle for which a salvage certificate has been issued by the secretary of state.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.56b "Salvageable part" defined.

Sec. 56b. "Salvageable part" means a major component part of a late model vehicle or a vehicle manufactured in the current model year, if the part is serviceable to the extent that it can be reused.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1,

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1994.

257.56c "Salvage vehicle agent" defined.

Sec. 56c. "Salvage vehicle agent" means a person employed by a licensed automotive recycler, used or secondhand vehicle parts dealer, or foreign salvage vehicle dealer and authorized by the secretary of state to buy, sell, acquire, or otherwise deal in distressed, late model vehicles, scrap vehicles, or salvageable parts through a salvage pool.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.57 "School bus" defined.

Sec. 57. "School bus" means every motor vehicle, except station wagons, with a manufacturers' rated seating capacity of 16 or more passengers, including the driver, owned by a public, private, or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school. School bus does not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the state transportation department.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 22, Eff. Aug. 28, 1964;—Am. 1981, Act 112, Imd. Eff. July 17, 1981;—Am. 1988, Act 346, Eff. Jan. 1, 1990.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.57a "School crossing" defined.

Sec. 57a. "School crossing" means a crosswalk designated by the department of state highways and transportation, a county road commission, or a local authority as a place to be used by school children for crossing a street or highway.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.57b "School crossing guard" defined.

Sec. 57b. "School crossing guard" means a person 17 years of age or older authorized to supervise children using a school crossing as provided in section 613c.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978;—Am. 2003, Act 212, Imd. Eff. Nov. 26, 2003.

257.57c Repealed. 2002, Act 534, Eff. Oct. 1, 2002.

Compiler's note: The repealed section pertained to definition of school transportation vehicle.

257.57d "Scrap certificate of title" defined.

Sec. 57d. "Scrap certificate of title" means a document issued by the secretary of state evidencing ownership of a scrap vehicle, which may be assigned only to a scrap metal processor, an automotive recycler, used or secondhand vehicle parts dealer, or a foreign salvage vehicle dealer and reassignable only to a vehicle scrap metal processor.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.57e "Scrap vehicle" defined.

Sec. 57e. "Scrap vehicle" means a vehicle that is wrecked, destroyed, damaged, or that has a major component part stolen or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or greater than 91% of the actual cash value of the vehicle in its predamaged condition or any vehicle that comes into this state with a scrap title or comparable certificate of title. The estimated cost of the repair parts shall be determined by using the current published retail cost of original manufacturer equipment parts or an estimate of the actual cost of the repair parts. The estimated labor costs shall be computed by using the hourly rate and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle

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evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or vehicle appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.58 "Secretary of state" defined.

Sec. 58. "Secretary of state" means the secretary of state of this state, acting directly or through his duly authorized deputy, investigators, agents and employees.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.58b "Security interest,""security agreement,""secured party,""debtor,""financing statement," and "termination statement" defined.

Sec. 58b. "Security interest", "security agreement", "secured party", "debtor", "financing statement", and "termination statement" as used in this act mean those terms as defined in the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102.

History: Add. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 2000, Act 353, Eff. Mar. 28, 2001.

257.58c "Serious impairment of a body function" defined.

Sec. 58c. "Serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or loss of use of a limb.
(b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
(c) Loss of an eye or ear or loss of use of an eye or ear.
(d) Loss or substantial impairment of a bodily function.
(e) Serious visible disfigurement.
(f) A comatose state that lasts for more than 3 days.
(g) Measurable brain or mental impairment.
(h) A skull fracture or other serious bone fracture.
(i) Subdural hemorrhage or subdural hematoma.
(j) Loss of an organ.

History: Add. 2001, Act 134, Eff. Feb. 1, 2002.

257.59 "Semi-trailer" defined.

Sec. 59. "Semi-trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.59a "Shoulder" and "ditch slope" defined.

Sec. 59a. "Shoulder" means that portion of the highway contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

"Ditch slope" is that portion of the highway adjacent to the shoulder if one exists or adjacent to the roadway on roads without shoulders, extending to the bottom of the roadside ditch and is not constructed or maintained for the use of any vehicles except those engaged in construction or maintenance.

History: Add. 1974, Act 152, Imd. Eff. June 12, 1974.

257.60 "Sidewalk" defined.

Sec. 60. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines intended for the use of pedestrians.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.61 "Spacings between axles" defined.

Sec. 61. "Spacings between axles" means the distance from axle center to axle center.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.62 "Special mobile equipment" defined.

Sec. 62. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm

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tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, and well-boring and well-servicing apparatus. The foregoing enumeration shall be considered partial and shall not operate to exclude other vehicles which are within the general terms of this definition. Although not within the general terms of this definition, the combination of a mobile car crusher trailer permanently attached to a truck tractor or road tractor shall be considered special mobile equipment for purposes of this act.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1962, Act 66, Imd. Eff. Apr. 23, 1962;—Am. 1992, Act 119, Imd. Eff. June 26, 1992.

257.63 “Street car” defined.

Sec. 63. “Street car” means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.64 “Street or highway” defined.

Sec. 64. “Street or highway” means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.65 "State" defined.

Sec. 65. "State" means any state, territory, or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, the Dominion of Canada, or any province or territory of the Dominion of Canada.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.66 “Suspension” defined.

Sec. 66. “Suspension” means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of the suspension. When referring to a dealer license, “suspension” means that a person's authorization to engage in business as a dealer is temporarily withdrawn.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 507, Eff. July 1, 1979.

257.67 “Tandem axle” defined.

Sec. 67. “Tandem axle” means 2 axles spaced more than 3 feet 6 inches and less than 9 feet apart.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.67a “Tandem axle assembly” and “tank vehicle” defined.

Sec. 67a. (1) “Tandem axle assembly” means 2 axles spaced more than 3 feet 6 inches and less than 9 feet apart, 1 axle in front of the other and so attached to the vehicle wherein an attempt is made by connecting mechanism to distribute the weight equally between the 2 axles.

(2) “Tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle. Tank vehicle does not include a vehicle attached to a portable tank having a rated capacity less than 1,000 gallons.

History: Add. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1988, Act 346, Eff. Jan. 1, 1990.

Compiler's note: Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

257.67b “Temporary disability” defined.

Sec. 67b. “Temporary disability” means a physical characteristic categorized as a disability that significantly limits ambulation or necessitates the use of a wheelchair for mobility, or blindness, for which there is a present medical expectation that the disability will improve.

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History: Add. 1987, Act 257, Eff. Apr. 1, 1988;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.68 “Through highway” defined.

Sec. 68. “Through highway” means every state trunk line highway, or, any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.69 “Traffic” defined.

Sec. 69. “Traffic” means pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any highway for purposes of travel.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.70 “Traffic control devices” defined.

Sec. 70. “Traffic control devices” means all signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.71 “Traffic control order” defined.

Sec. 71. “Traffic control order” means an order officially establishing the location of traffic control devices and traffic control signals on the highways of this state by the authority having jurisdiction over such highway and filed with the county clerk of the county traversed by such highway. A certified copy thereof shall be prima facie evidence in all courts of the issuance of such order.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.72 “Traffic control signal” defined.

Sec. 72. “Traffic control signal” means any device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.73 “Trailer” defined.

Sec. 73. “Trailer” means every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.74 “Trailer coach” defined.

Sec. 74. “Trailer coach” means every vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 262, Eff. Sept. 28, 1951;—Am. 1978, Act 568, Eff. Jan. 6, 1979.

257.74a "Travel trailer," "camping trailer," and "fifth wheel trailer" defined.

Sec. 74a. (1) "Travel trailer" means a trailer coach, fifth wheel trailer, camping trailer, or other vehicle that is designed to be towed by a motor vehicle; is designed to provide temporary living quarters for recreational, camping, or travel use; and does not require a special highway movement permit under section 719a to be towed on a street or highway.

(2) As used in this section:

(a) "Camping trailer" means a trailer coach constructed with collapsible side walls that fold for towing and unfold to provide temporary living quarters for recreational, camping, or travel use.

(b) "Fifth wheel trailer" means a trailer coach designed to be towed by a motor vehicle using a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

History: Add. 2009, Act 32, Eff. Dec. 1, 2009.

257.75 “Truck” defined.

Sec. 75. “Truck” means every motor vehicle designed, used, or maintained primarily for the transportation of property.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.76 “Transporter” defined.

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Sec. 76. "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer, and every person certificated by the Michigan public service commission to engage in the business of moving trailer coaches or mobile homes. This section shall not affect duly authorized permit holders.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 4, Imd. Eff. Mar. 27, 1961.

257.77 "Truck tractor" defined.

Sec. 77. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the power unit.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1985, Act 174, Imd. Eff. Dec. 2, 1985.

257.78 "Used or second-hand vehicle" defined.

Sec. 78. "Used or second-hand vehicle" means any motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 238, Eff. Sept. 28, 1951.

257.78a "Used vehicle parts dealer" or "used or secondhand vehicle parts dealer" defined.

Sec. 78a. "Used vehicle parts dealer" or "used or secondhand vehicle parts dealer" means a person engaged in the business of buying or otherwise dealing in vehicles for the purpose of dismantling the vehicles to sell used parts and remaining scrap metal or a person engaged in the business of buying, acquiring, selling, or otherwise dealing in salvageable parts.

History: Add. 1978, Act 507, Eff. July 1, 1979;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.79 "Vehicle" defined.

Sec. 79. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 568, Eff. Jan. 6, 1979;—Am. 1992, Act 134, Eff. Oct. 1, 1992.

257.79a "Vehicle salvage pool" defined.

Sec. 79a. "Vehicle salvage pool" means a person engaged in the business of storing and displaying damaged or distressed vehicles as an agent or escrow agent of an insurance company.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.79b "Vehicle scrap metal processor" defined.

Sec. 79b. "Vehicle scrap metal processor" means a dealer engaged in the business of buying or otherwise acquiring vehicles for the purpose of processing and selling the metal for remelting. A vehicle scrap metal processor shall not sell major components or other parts for vehicle repair purposes, unless the vehicle scrap metal processor first obtains a used or secondhand vehicle parts dealer license.

History: Add. 1978, Act 507, Eff. July 1, 1979.

257.79c "Wrecker" defined.

Sec. 79c. "Wrecker" means a truck with a hoist, towing apparatus, or self-loading flatbed, or any combination of these items, permanently affixed to the truck, used to transport not more than 2 vehicles, except for a motor vehicle equipped with a fifth wheel or a motor vehicle that tows the second vehicle on a trailer.

History: Add. 1994, Act 95, Eff. June 1, 1994.

257.79d "Work zone" defined.

Sec. 79d. "Work zone" means a portion of a street or highway that meets any of the following:

(a) Is between a "work zone begins" sign and an "end road work" sign.

(b) For construction, maintenance, or utility work activities conducted by a work crew and more than 1

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moving vehicle, is between a “begin work convoy” sign and an “end work convoy” sign.

(c) For construction, maintenance, surveying, or utility work activities conducted by a work crew and 1 moving or stationary vehicle exhibiting a rotating beacon or strobe light, is between the following points:

(*i*) A point that is 150 feet behind the rear of the vehicle or that is the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle, whichever is closer to the vehicle.

(*ii*) A point that is 150 feet in front of the front of the vehicle or that is the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle, whichever is closer to the vehicle.

History: Add. 2003, Act 315, Eff. Apr. 8, 2004.

257.79e "Wholesaler" defined.

Sec. 79e. "Wholesaler" means a person who is engaged in the business of selling used vehicles to or purchasing used vehicles from a licensed motor vehicle dealer and who does not sell or offer for sale motor vehicles of any classification to a person other than a licensed motor vehicle dealer.

History: Add. 2004, Act 495, Imd. Eff. Dec. 29, 2004.

Compiler's note: Former MCL 257.79e, which pertained to definition of work zone, was repealed by Act 62 of 2004, Eff. Apr. 8, 2004.

257.79f "Boat lift" defined.

Sec. 79f. "Boat lift" means a vehicle owned and operated by a marina or watercraft dealer in a commercial boat storage operation with a framework designed to surround or straddle a boat and lift the boat from water or a storage space using a sling and hoisting mechanism. A boat lift shall be specifically designed for and used exclusively to transport a boat between a place of storage and a marina or in and around a marina. Boat lift does not include a boat trailer designed for normal or routine transportation of a watercraft.

History: Add. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.80 Tenses; definition.

Sec. 80. The present tense includes the past and future tenses; and the future, the present.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.81 Number and gender; definitions.

Sec. 81. The singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and neuter, as requisite.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.82 “Shall” and “may” defined.

Sec. 82. “Shall” and “may” means shall is mandatory and may is permissive.

History: 1949, Act 300, Eff. Sept. 23, 1949.

CHAPTER II
ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTI-THEFT

257.201 Reference to “division”.

Sec. 201. When a reference is made in this act to “division”, the reference is to the secretary of state or an authorized representative of the secretary of state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1978, Act 139, Eff. May 1, 1979.

257.202 Secretary of state as exclusive state agent.

Sec. 202. Except as provided in this act, the secretary of state is the exclusive state agent for the administration of the driver license provisions of this act.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1978, Act 139, Eff. May 1, 1979.

257.203 Appointment of employees.

Sec. 203. Subject to the civil service laws of this state, the secretary of state shall appoint deputies, subordinate officers, clerks, investigators, and other employees as necessary to administer this act.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1978, Act 139, Eff. May 1, 1979.

257.203a Meaning of “commissioner” in MCL 257.301 to 257.327; effect of MCL 257.201 to 257.203a.

Sec. 203a. (1) As used in sections 301 to 327, “commissioner” means the secretary of state or an

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authorized representative of the secretary of state.

(2) Sections 201 to 203a shall not alter, modify, or amend the functions, duties, and responsibilities of an elected or appointed state or local official under this act.

History: Add. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1978, Act 139, Eff. May 1, 1979.

257.204 Administration and enforcement of act; establishment of highway patrol prohibited; rules; official seal.

Sec. 204. (1) Except as provided in this act, the secretary of state shall observe, enforce, and administer this act. The secretary of state shall not establish a highway patrol.

(2) The secretary of state may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, necessary to administer this act.

(3) The secretary of state may adopt an official seal.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 1978, Act 139, Eff. May 1, 1979.

Administrative rules: R 257.21 et seq.; R 257.31 et seq.; R 257.181 et seq.; R 257.301 et seq.; R 257.351 et seq.; and R 257.801 et seq. of the Michigan Administrative Code.

257.204a Central file of individual driving records; certified copies as evidence; electronic certification; use of computer-generated certified information; persons who may receive information contained in records maintained by secretary of state.

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

(a) A license issued to the person under chapter 3.

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

(c) A failure of the person, including a nonresident, to comply with a suspension issued pursuant to section 321a.

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

(e) An accident in which the person is involved.

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

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

(h) Any notice given by the secretary of state and the information provided in that notice under section 317(3) or (4).

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

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

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

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

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

(a) Another state.

(b) The United States secretary of transportation.

(c) The person who is the subject of the record.

(d) A motor carrier employer or prospective motor carrier employer, but only if the person who is the

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subject of the record is first notified of the request as prescribed by the secretary of state.

(e) An authorized agent of a person or entity listed in subdivisions (a) to (d).

History: Add. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1968, Act 278, Imd. Eff. July 1, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979 ;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1996, Act 102, Imd. Eff. Mar. 5, 1996;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.204b Conviction of attempted violation; effect.

Sec. 204b. (1) When assessing points, taking licensing or registration actions, or imposing other sanctions under this act for a conviction of an attempted violation of a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, the secretary of state or the court shall treat the conviction the same as if it were a conviction for the completed offense.

(2) The court shall impose a criminal penalty for a conviction of an attempted violation of this act or a local ordinance substantially corresponding to a provision of this act in the same manner as if the offense had been completed.

History: Add. 1998, Act 347, Eff. Oct. 1, 1999.

257.205 Secretary of state; office and branch offices; establishment; employees; bond; liability for loss of money; person appointed to conduct branch office; compensation and expenses.

Sec. 205. (1) The secretary of state shall maintain an office in the state capitol complex, and in other places in the state as the secretary of state considers necessary to carry out the powers and duties vested in the secretary of state. At least 1 office shall be established in each county of the state and in each city of the state having a population of 10,000 or more, but not within a radius of 5 miles from a county office location. This subsection does not apply in a county having a population of 300,000 or more, nor to contiguous cities having a combined population of 10,000 or more. A person licensed under section 248, is not eligible for appointment to conduct, manage, or be an employee of a branch or fee office of the secretary of state.

(2) A bond may be required of a person in an office established under subsection (1) in an amount that the secretary of state prescribes to cover the safe handling of money received under this act. The secretary of state shall not be held personally liable for a loss of money because of armed robbery, larceny, embezzlement, riot, act of God, or other act of a person resulting in a loss of money which is within the authority and responsibility of the secretary of state as the administrator of this act.

(3) A person appointed to conduct a branch office shall receive compensation fixed by the secretary of state, and necessary expenses of the office. The compensation and expenses shall be paid out of the Michigan transportation fund and shall be deducted from the fund before the fund is certified to the state treasurer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 210, Eff. Sept. 8, 1961;—Am. 1969, Act 47, Imd. Eff. July 17, 1969;—Am. 1970, Act 177, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 398, Eff. Mar. 31, 1981.

257.206 Forms.

Sec. 206. The secretary of state may prescribe and provide suitable forms of applications, certificates of title, registration certificates, operators' and chauffeurs' licenses, and all other forms requisite or deemed necessary to carry out the provisions of this act, the enforcement and administration of which are vested in the department.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.207 Administering oaths and acknowledging signatures without fee; certified copy of record; fee; evidence; electronic certification; use of computer-generated certified information.

Sec. 207. (1) An officer or employee designated by the secretary of state for the purpose of administering the motor vehicle laws shall administer oaths and acknowledge signatures without fee.

(2) The secretary of state and the officers designated by the secretary of state may prepare under the seal of the secretary of state and deliver upon request, a certified copy of a record maintained under this act and charge a fee as set forth in this act.

(3) A certified computer-generated or paper copy of a record maintained under this act shall be admissible in a proceeding in a court in the same manner as the original record and shall be prima facie evidence of the contents of and the facts stated on the record.

(4) An order, record, or paper generated by the computerized central file of the secretary of state may be certified electronically by the generating computer. The certification shall be a certification of the order,

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record, or paper as it appeared on a specific date.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1968, Act 278, Imd. Eff. July 1, 1968;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1996, Act 102, Imd. Eff. Mar. 5, 1996.

257.207a Electronic driver license status check; request by approved agency; maintenance of written permission by organization; compliance with safeguards; fee.

Sec. 207a. (1) The secretary of state may provide an electronic driver license status check of a person who transports clients or provides medical or other health, human, or social services for an organization exempt from taxation under section 501(c)(3) of the internal revenue code. The electronic driver license status check provided by the secretary of state shall identify the person's driver license type and status and shall indicate whether the driver has any points on his or her driving record.

(2) The secretary of state shall process an electronic driver license status check under subsection (1) only if the request is submitted by an agency serving an organization described in subsection (1) that is approved by the secretary of state. An organization exempt from taxation under section 501(c)(3) of the internal revenue code shall provide an approved agency with the driver identification information as prescribed by the secretary of state and certify that the organization has the written permission of the driver to obtain his or her driver license status check under section 208c(3)(m). The written permission shall be maintained by the organization for a period of not less than 5 years.

(3) The secretary of state may require both the organization and the agency to comply with any safeguards the secretary of state considers reasonable or necessary to protect the rights of a driver for whom a status check is requested. Safeguards may include a bond requirement and written designation authorizing disclosure executed under section 208c(3)(m).

(4) The secretary of state shall not charge a fee for an electronic driver license status check submitted by an approved agency. An organization that requests an actual copy of a record shall pay the same fee as any other requester of a record copy.

History: Add. 1998, Act 105, Eff. Mar. 23, 1999.

***** *257.208 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.208.amended* *****

257.208 Destruction of certain records; maintaining of records involving operation of commercial motor vehicles.

Sec. 208. (1) Except as otherwise specified in this section, the secretary of state may destroy any department records maintained on file for 7 years, including the information contained in the central file maintained under section 204a.

(2) Except as otherwise provided in this section, records of convictions of any offense for which points are provided under section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be destroyed after being maintained on file for 10 years.

(3) If a person who is a commercial license holder or a noncommercial license holder who operates a commercial motor vehicle is convicted, under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state, of any of the following violations, the record of that conviction shall be maintained for the life of the person or until the person moves to another jurisdiction:

(a) Operating a vehicle in violation of section 625.

(b) Operating a commercial motor vehicle in violation of section 625m.

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

(e) Refusing to take an alcohol or controlled substance test required under this act.

(f) Operating a commercial motor vehicle when the person's operator's or chauffeur's license or vehicle group designation is suspended, revoked, or canceled as a result of prior violations committed while operating a commercial motor vehicle.

(g) Operating a commercial motor vehicle when the person is disqualified from operating a commercial

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motor vehicle.

(h) Causing any fatality through the negligent operation of a commercial motor vehicle.

(4) Records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years.

(5) Except as otherwise specified in this act, records the secretary of state considers obsolete and of no further service in carrying out the department's powers and duties may be destroyed upon that determination.

(6) If a record of suspension under section 321a does not contain a conviction for a violation of section 904 or a local ordinance substantially corresponding to section 904 during the period of suspension, the secretary of state may destroy the record 180 days after the suspension terminates or as provided in subsections (1) to (5).

(7) The secretary of state may destroy a record of receipt of the notice provided for in section 321a(7) after the court involved informs the secretary of state that all outstanding matters regarding section 321a(7) have been resolved.

(8) The secretary of state may destroy a record maintained pursuant to section 204a 180 days after the nonresident driver against whom a civil infraction determination is entered complies with an order or judgment issued pursuant to section 907.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1997, Act 100, Imd. Eff. Aug. 7, 1997;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.208.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.208.amended Destruction of certain records; maintaining of records involving operation of commercial motor vehicles.

Sec. 208. (1) Except as otherwise specified in this section, the secretary of state may destroy any department records maintained on file for 7 years, including the information contained in the central file maintained under section 204a.

(2) Except as otherwise provided in this section, records of convictions of any offense for which points are provided under section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be destroyed after being maintained on file for 10 years. However, if a person is convicted of violating section 625, the record of that conviction shall be maintained for the life of the person.

(3) If a person who is a commercial license holder or a noncommercial license holder who operates a commercial motor vehicle is convicted under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state of any of the following violations, the record of that conviction shall be maintained for the life of the person or until the person moves to another jurisdiction:

(a) Operating a vehicle in violation of section 625.

(b) Operating a commercial motor vehicle in violation of section 625m.

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

(e) Refusing to take an alcohol or controlled substance test required under this act.

(f) Operating a commercial motor vehicle when the person's operator's or chauffeur's license or vehicle group designation is suspended, revoked, or canceled as a result of prior violations committed while operating a commercial motor vehicle.

(g) Operating a commercial motor vehicle when the person is disqualified from operating a commercial motor vehicle.

(h) Causing any fatality through the negligent operation of a commercial motor vehicle.

(4) Records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years.

(5) Except as otherwise specified in this act, records the secretary of state considers obsolete and of no further service in carrying out the department's powers and duties may be destroyed upon that determination.

(6) If a record of suspension under section 321a does not contain a conviction for a violation of section 904 or a local ordinance substantially corresponding to section 904 during the period of suspension, the secretary of state may destroy the record 180 days after the suspension terminates or as provided in subsections (1) to

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(5).

(7) The secretary of state may destroy a record of receipt of the notice provided for in section 321a(7) after the court involved informs the secretary of state that all outstanding matters regarding section 321a(7) have been resolved.

(8) The secretary of state may destroy a record maintained pursuant to section 204a 180 days after the nonresident driver against whom a civil infraction determination is entered complies with an order or judgment issued pursuant to section 907.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1997, Act 100, Imd. Eff. Aug. 7, 1997;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 565, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.208a Availability of records to the public.

Sec. 208a. Records maintained under this act, other than those declared to be confidential by law or which are restricted by law from disclosure to the public, shall be available to the public in accordance with procedures prescribed in this act, the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, or other applicable laws.

History: Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997.

257.208b Commercial look-up service; records and information maintained by driver training school operator or limo carrier of passengers; disposition of fees; providing file to nongovernmental person or entity; failure to provide information; fines; definitions.

Sec. 208b. (1) The secretary of state may provide a commercial look-up service of records maintained under this act. For each individual record looked up, the secretary of state shall charge a fee specified annually by the legislature, or if the legislature does not specify a fee, a market-based price established by the secretary of state. The secretary of state shall process a commercial look-up request only if the request is in a form or format prescribed by the secretary of state. Fees collected under this subsection on and after October 1, 2005 through October 1, 2011 shall be credited to the transportation administration collection fund created in section 810b.

(2) A driver training school operator shall subscribe to the commercial look-up service maintained by the secretary of state.

(3) A driver training school operator shall maintain on the premises of the driver training school the most current copy of all nonpersonal information related to his or her driving record and the driving record of each instructor employed by the driver training school operator for review by any prospective customer or the parent or guardian of a prospective customer.

(4) A prospective customer or the parent or guardian of a prospective customer may review a copy of all nonpersonal information related to the driving record of the driver training school operator or an instructor employed by the driver training school operator.

(5) A driver training school operator shall include in its contract with each client, as prescribed by the secretary of state, a notice that nonpersonal information related to the driving record of each individual instructor is available for review by the general public. A driver training school operator that fails to include the information required by this subsection is subject to a fine of not more than $500.00.

(6) Each limo carrier of passengers shall subscribe to the commercial look-up service maintained by the secretary of state.

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

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

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

(10) A driver training school operator who fails to provide the information required to be maintained by this section is subject to a fine of not more than $500.00. Each failure to provide information constitutes a

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separate offense.

(11) A limo carrier of passengers who fails to provide the information required to be maintained by this section is subject to a fine of not more than $500.00. Each failure to provide information constitutes a separate offense.

(12) The driver of a limousine who fails to provide the information required by this section is subject to a fine of not more than $500.00. Each failure to provide information constitutes a separate offense.

(13) As used in this section:

(a) "Driver training school operator" means a person licensed to operate a driver training school under part 2 of former 1974 PA 369.

(b) "Limo carrier of passengers" and "limousine" mean those terms as defined in section 3 of the limousine transportation act, 1990 PA 271, MCL 257.1903.

History: Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997;—Am. 1998, Act 12, Eff. June 1, 1998;—Am. 1998, Act 329, Eff. Oct. 1, 1998;—Am. 2000, Act 159, Imd. Eff. June 14, 2000;—Am. 2005, Act 173, Imd. Eff. Oct. 12, 2005;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.208c Disclosure of personal information; uses.

Sec. 208c. (1) Except as provided in this section and in section 232, personal information in a record maintained under this act shall not be disclosed, unless the person requesting the information furnishes proof of identity satisfactory to the secretary of state and certifies that the personal information requested will be used for a permissible purpose identified in this section or in section 232. However, highly restricted personal information shall be used and disclosed only as expressly permitted in section 307 or as otherwise expressly provided by law.

(2) Personal information in a record maintained under this act shall be disclosed by the secretary of state if required to carry out the purposes of federal law or federal regulations.

(3) Personal information in a record maintained under this act may be disclosed by the secretary of state as follows:

(a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions.

(b) For use in connection with matters of motor vehicle and driver safety or auto theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles; motor vehicle market research activities, including survey research; and the removal of nonowner records from the original records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business, including the agents, employees, and contractors of the business, but only to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as so submitted is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt against, the individual.

(d) For use in connection with a civil, criminal, administrative, or arbitration proceeding in a federal, state, or local court or governmental agency or before a self-regulatory body, including use for service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body.

(e) For use in legitimate research activities and in preparing statistical reports for commercial, scholarly, or academic purposes by a bona fide research organization, if the personal information is not published, redisclosed, or used to contact individuals.

(f) For use by an insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigating activity, antifraud activity, rating, or underwriting.

(g) For use in providing notice to the owner of an abandoned, towed, or impounded vehicle or for use by the custodian of a vehicle that is considered an abandoned vehicle as defined in sections 252a, 252b, and 252d.

(h) For use either by a private detective or private investigator licensed under the professional investigator licensure act, 1965 PA 285, MCL 338.821 to 338.851, or by a private security guard agency or alarm system contractor licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, only for a purpose permitted under this section.

(i) For use by an employer, or the employer's agent or insurer, to obtain or verify information relating either to the holder of a commercial driver license that is required under federal law or to the holder of a chauffeur's license that is required under chapter 3.

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(j) For use by a car rental business, or its employees, agents, contractors, or service firms, for the purpose of making rental decisions.

(k) For use in connection with the operation of private toll transportation facilities.

(*l*) For use by a news medium in the preparation and dissemination of a report related in part or in whole to the operation of a motor vehicle or public safety. "News medium" includes a newspaper, a magazine or periodical published at regular intervals, a news service, a broadcast network, a television station, a radio station, a cablecaster, or an entity employed by any of the foregoing.

(m) For any use by an individual requesting information pertaining to himself or herself or requesting in writing that the secretary of state provide information pertaining to himself or herself to the individual's designee. A request for disclosure to a designee, however, may be submitted only by the individual.

(4) Medical and disability information in a record maintained under this act may be used and disclosed for purposes of subsection (3)(a), (d), or (m).

History: Add. 1997, Act 100, Imd. Eff. Aug. 7, 1997;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.208d Resale or redisclosure of personal information; duties of recipient.

Sec. 208d. (1) An authorized recipient of personal information disclosed under section 208c may resell or redisclose the information only for a use permitted under section 208c.

(2) An authorized recipient of personal information disclosed under section 208c who resells or redisclosed the information shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted use for which it was obtained.

History: Add. 1997, Act 101, Imd. Eff. Aug. 7, 1997.

257.209 Application for registration; certificate of title; operator's or other license, investigation.

Sec. 209. The department shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, for a certificate of title therefor, and for an operator's or chauffeur's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.210 Title, registration certificate, permit, license or plate; seizure; possession and custody of plate; security interest.

Sec. 210. The department is hereby authorized to take possession of any certificate of title, registration certificate, permit, license or registration plate issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued, and the department or any agent thereof is authorized to take possession and custody of any registration plate found attached to any motor vehicle for which it was not issued, or when any other unlawful use is being made thereof. Expiration, revocation, cancellation or suspension of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1964, Act 248, Eff. Jan. 1, 1965.

257.211 Synopsis, summary, or compilation of laws relating to vehicles; selling price of compilation; disposition and use of money collected.

Sec. 211. (1) The secretary of state may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy without charge as the secretary of state may deem necessary.

(2) The secretary of state may publish a compilation of the laws of this state relating to the ownership and operation of vehicles and other laws relative to the department of state. The secretary of state shall establish a selling price for the compilation and may raise or lower the selling price of the compilation to reflect changes in preparation, printing and distribution costs.

(3) Money collected from the sale of the compilation shall be credited to a revolving fund created by this act, known as the “Michigan department of state publications fund”. Money in the fund shall be used to pay

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preparation, printing and distribution costs incurred by the department in connection with the publication. Money in the fund at the close of a fiscal year shall remain in the fund.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 137, Imd. Eff. May 29, 1980.

257.212 Methods of giving notice; proof.

Sec. 212. If the secretary of state is authorized or required to give notice under this act or other law regulating the operation of a vehicle, unless a different method of giving notice is otherwise expressly prescribed, notice shall be given either by personal delivery to the person to be notified or by first-class United States mail addressed to the person at the address shown by the record of the secretary of state. The giving of notice by mail is complete upon the expiration of 5 days after mailing the notice. Proof of the giving of notice in either manner may be made by the certificate of a person 18 years of age or older, naming the person to whom notice was given and specifying the time, place, and manner of the giving of notice.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.213 Officers and investigators; powers.

Sec. 213. The secretary of state and the officers and investigators of the department whom he or she designates have the following powers:

(a) To inspect any vehicle of a type required to be registered under this act and the salvageable parts of a vehicle of a type required to be registered under this act in any public garage or repair shop or in any place where vehicles are held for sale, lease, dismantling, or wrecking, for the purpose of locating stolen vehicles and parts of stolen vehicles and investigating the title and registration of vehicles. In enforcing the provisions of this subdivision, the secretary of state and the officers and investigators have the powers of peace officers.

(b) To examine the books and records of all persons licensed under this act pertaining to the selling, buying, leasing, dismantling, brokering, or wrecking of vehicles of a type required to be registered under this act, and the payment and collection of tax provided for in this act.

(c) The powers of peace officers for the purpose of enforcing the provisions of chapter 5.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1955, Act 159, Imd. Eff. June 7, 1955;—Am. 2002, Act 642, Eff. Jan. 1, 2003.

257.214 Badge of authority.

Sec. 214. (a) The secretary of state shall issue to each person named under section 213 of this act a proper badge of authority designating the position held by the person to whom issued. Every such badge shall display a distinctive serial number.

(b) Neither the secretary of state nor any other person shall issue any such badge to any person who is not a duly employed and acting officer or investigator of said department.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.215 Vehicle unregistered or without certificate of title; operation; misdemeanor, exception.

Sec. 215. It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which a certificate of title has not been applied for or for which the appropriate fee has not been paid when and as required hereunder, except as provided in subsection (b) of section 217.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 51, Eff. Aug. 28, 1964.

257.216 Vehicles subject to registration and certificate of title provisions; exceptions.

Sec. 216. Every motor vehicle, recreational vehicle, trailer, semitrailer, and pole trailer, when driven or moved on a street or highway, is subject to the registration and certificate of title provisions of this act except the following:

(a) A vehicle driven or moved on a street or highway in conformance with the provisions of this act relating to manufacturers, transporters, dealers, or nonresidents.

(b) A vehicle that is driven or moved on a street or highway only for the purpose of crossing that street or highway from 1 property to another.

(c) An implement of husbandry.

(d) Special mobile equipment. The secretary of state may issue a special registration to an individual, partnership, corporation, or association not licensed as a dealer that pays the required fee, to identify special mobile equipment that is driven or moved on a street or highway.

(e) A vehicle that is propelled exclusively by electric power obtained from overhead trolley wires though

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not operated on rails.

(f) Any vehicle subject to registration, but owned by the government of the United States.

(g) A certificate of title is not required for a trailer, semitrailer, or pole trailer that weighs less than 2,500 pounds.

(h) A vehicle driven or moved on a street or highway, by the most direct route, only for the purpose of securing a scale weight receipt from a weighmaster for purposes of section 801 or obtaining a vehicle inspection by a law enforcement agency before titling or registration of that vehicle.

(i) A certificate of title is not required for a vehicle owned by a manufacturer or dealer and held for sale or lease, even though incidentally moved on a street or highway or used for purposes of testing or demonstration.

(j) A bus or a school bus that is not self-propelled and is used exclusively as a construction shanty.

(k) A certificate of title is not required for a moped.

(*l*) For 3 days immediately following the date of a properly assigned title or signed lease agreement from any person other than a dealer, a registration is not required for a vehicle driven or moved on a street or highway for the sole purpose of transporting the vehicle by the most direct route from the place of purchase or lease to a place of storage if the driver has in his or her possession the assigned title showing the date of sale or a lease agreement showing the date of the lease.

(m) A certificate of registration is not required for a pickup camper, but a certificate of title is required.

(n) A new motor vehicle driven or moved on a street or highway only for the purpose of moving the vehicle from an accident site to a storage location if the vehicle was being transported on a railroad car or semitrailer that was involved in a disabling accident.

(o) A boat lift used for transporting vessels between a marina or a body of water and a place of inland storage.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 69, Eff. Sept. 28, 1951;—Am. 1953, Act 110, Eff. Oct. 2, 1953;—Am. 1957, Act 110, Imd. Eff. May 24, 1957;—Am. 1959, Act 155, Eff. Mar. 19, 1960;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 139, Imd. Eff. June 11, 1968;—Am. 1974, Act 70, Eff. Apr. 1, 1975;—Am. 1976, Act 74, Imd. Eff. Apr. 11, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1981, Act 75, Imd. Eff. June 30, 1981;—Am. 1983, Act 186, Imd. Eff. Oct. 25, 1983;—Am. 1985, Act 32, Imd. Eff. June 13, 1985;—Am. 1988, Act 214, Imd. Eff. June 30, 1988;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 1992, Act 102, Imd. Eff. June 25, 1992;—Am. 1996, Act 141, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2009, Act 32, Eff. Dec. 1, 2009.

257.217 Application for registration and certificate of title; out-of-state vehicle; form; fee; signature of owner; contents; leased pickup truck or vehicle; duties of dealer and person selling or leasing certain vehicles; off lease or buy back vehicle; temporary registration; copy of security agreement; service fee; imprint on back side of check or bank draft; liability for damages; perfection of security interest.

Sec. 217. (1) An owner of a vehicle that is subject to registration under this act shall apply to the secretary of state, upon an appropriate form furnished by the secretary of state, for the registration of the vehicle and issuance of a certificate of title for the vehicle. A vehicle brought into this state from another state or jurisdiction that has a rebuilt, salvage, scrap, flood, or comparable certificate of title issued by that other state or jurisdiction shall be issued a rebuilt, salvage, scrap, or flood certificate of title by the secretary of state. The application shall be accompanied by the required fee. An application for a certificate of title shall bear the signature or verification and certification of the owner. The application shall contain all of the following:

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

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

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

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

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(c) A statement of the applicant's title and the names and addresses of the holders of security interests in the vehicle and in an accessory to the vehicle, in the order of their priority.

(d) Further information that the secretary of state reasonably requires to enable the secretary of state to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title. If the secretary of state is not satisfied as to the ownership of a late model vehicle or other vehicle having a value over $2,500.00, before registering the vehicle and issuing a certificate of title, the secretary of state may require the applicant to file a properly executed surety bond in a form prescribed by the secretary of state and executed by the applicant and a company authorized to conduct a surety business in this state. The bond shall be in an amount equal to twice the value of the vehicle as determined by the secretary of state and shall be conditioned to indemnify or reimburse the secretary of state, any prior owner, and any subsequent purchaser or lessee of the vehicle and their successors in interest against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of a certificate of title for the vehicle or on account of any defect in the right, title, or interest of the applicant in the vehicle. An interested person has a right of action to recover on the bond for a breach of the conditions of the bond, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of 3 years, or before 3 years if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the secretary of state, unless the secretary of state has received notification of the pendency of an action to recover on the bond. If the secretary of state is not satisfied as to the ownership of a vehicle that is valued at $2,500.00 or less and that is not a late model vehicle, the secretary of state shall require the applicant to certify that the applicant is the owner of the vehicle and entitled to register and title the vehicle.

(e) Except as provided in subdivision (f), an application for a commercial vehicle shall also have attached a scale weight receipt of the motor vehicle fully equipped as of the time the application is made. A scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year that shows on its face the empty weight of the motor vehicle as registered with the secretary of state that is accompanied by a statement of the applicant that there has not been structural change in the motor vehicle that has increased the empty weight and that the previous registered weight is the true weight.

(f) An application for registration of a vehicle on the basis of elected gross weight shall include a declaration by the applicant specifying the elected gross weight for which application is being made.

(g) If the application is for a certificate of title of a motor vehicle registered in accordance with section 801(1)(p), the application shall include the manufacturer's suggested base list price for the model year of the vehicle. Annually, the secretary of state shall publish a list of the manufacturer's suggested base list price for each vehicle being manufactured. Once a base list price is published by the secretary of state for a model year for a vehicle, the base list price shall not be affected by subsequent increases in the manufacturer's suggested base list price but shall remain the same throughout the model year unless changed in the annual list published by the secretary of state. If the secretary of state's list has not been published for that vehicle by the time of the application for registration, the base list price shall be the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under 15 USC 1232. If the manufacturer's suggested retail price is unavailable, the application shall list the purchase price of the vehicle as defined in section 801.

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

(a) If the lessee is an individual, the lessee's Michigan driver license number or Michigan personal identification number or, if the lessee does not have a Michigan driver license or Michigan personal identification number, the lessee's mailing address.

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

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

(4) Except as provided in subsection (5), a dealer selling, leasing, or exchanging vehicles required to be titled, within 15 days after delivering a vehicle to the purchaser or lessee, and a person engaged in the sale of vessels required to be numbered by part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, within 15 days after delivering a boat trailer weighing less than 2,500 pounds to the purchaser or lessee, shall apply to the secretary of state for a new title, if required, and transfer or secure registration plates and secure a certificate of registration for the vehicle or boat trailer, in the name of the purchaser or lessee. The dealer's license may be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 15 days required by this section. If the dealer or person fails to apply for a title when required, and to transfer or secure registration plates and secure a certificate of registration and pay

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the required fees within 15 days of delivery of the vehicle or boat trailer, a title and registration for the vehicle or boat trailer may subsequently be acquired only upon the payment of a transfer fee of $15.00 in addition to the fees specified in section 806. The purchaser or lessee of the vehicle or the purchaser of the boat trailer shall sign the application, including, when applicable, the declaration specifying the maximum elected gross weight, as required by subsection (1)(f), and other necessary papers to enable the dealer or person to secure the title, registration plates, and transfers from the secretary of state. If the secretary of state mails or delivers a purchaser's certificate of title to a dealer, the dealer shall mail or deliver the certificate of title to the purchaser not more than 5 days after receiving the certificate of title from the secretary of state.

(5) A dealer selling or exchanging an off lease or buy back vehicle shall apply to the secretary of state for a new title for the vehicle within 15 days after it receives the certificate of title from the lessor or manufacturer under section 235 and transfer or secure registration plates and secure a certificate of registration for the vehicle in the name of the purchaser. The dealer's license may be suspended or revoked in accordance with section 249 for failure to apply for a title when required or for failure to transfer or secure registration plates and certificate of registration within the 15-day period. If the dealer or person fails to apply for a title when required, and to transfer or secure registration plates and secure a certificate of registration and pay the required fees within the 15-day time period, a title and registration for the vehicle may subsequently be acquired only upon the payment of a transfer fee of $15.00 in addition to the fees specified in section 806. The purchaser of the vehicle shall sign the application, including, when applicable, the declaration specifying the maximum elected gross weight, as required by subsection (1)(f), and other necessary papers to enable the dealer or person to secure the title, registration plates, and transfers from the secretary of state. If the secretary of state mails or delivers a purchaser's certificate of title to a dealer, the dealer shall mail or deliver the certificate of title to the purchaser not more than 5 days after receiving the certificate of title from the secretary of state.

(6) If a vehicle is delivered to a purchaser or lessee who has valid Michigan registration plates that are to be transferred to the vehicle, and an application for title, if required, and registration for the vehicle is not made before delivery of the vehicle to the purchaser or lessee, the registration plates shall be affixed to the vehicle immediately, and the dealer shall provide the purchaser or lessee with an instrument in writing, on a form prescribed by the secretary of state, which shall serve as a temporary registration for the vehicle for a period of 15 days from the date the vehicle is delivered.

(7) An application for a certificate of title that indicates the existence of a security interest in the vehicle or in an accessory to the vehicle, if requested by the security interest holder, shall be accompanied by a copy of the security agreement which need not be signed. The request may be made of the seller on an annual basis. The secretary of state shall indicate on the copy the date and place of filing of the application and return the copy to the person submitting the application who shall forward it to the holder of the security interest named in the application.

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

"Under Michigan law, the seller must record a first lien in favor of (name of lender) _____ on the vehicle with vehicle identification number _____ and title the vehicle only in the name(s) shown on the reverse side." On the front of the sales check or draft, the holder, finance company, credit union, or banking institution shall note the name(s) of the prospective owner(s). Failure of the holder, finance company, credit union, or banking institution to comply with these requirements frees the seller from any obligation to record the lien or from any liability that may arise as a result of the failure to record the lien. A service fee shall not be charged to the buyer.

(9) In the absence of actual malice proved independently and not inferred from lack of probable cause, a person who in any manner causes a prosecution for larceny of a motor vehicle; for embezzlement of a motor vehicle; for any crime an element of which is the taking of a motor vehicle without authority; or for buying, receiving, possessing, leasing, or aiding in the concealment of a stolen, embezzled, or converted motor vehicle knowing that the motor vehicle has been stolen, embezzled, or converted, is not liable for damages in a civil action for causing the prosecution. This subsection does not relieve a person from proving any other element necessary to sustain his or her cause of action.

(10) Receipt by the secretary of state of a properly tendered application for a certificate of title on which a security interest in a vehicle is to be indicated is a condition of perfection of a security interest in the vehicle

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and is equivalent to filing a financing statement under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102, with respect to the vehicle. When a security interest in a vehicle is perfected, it has priority over the rights of a lien creditor as lien creditor is defined in section 9102 of the uniform commercial code, 1962 PA 174, MCL 440.9102.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1954, Act 112, Eff. Aug. 13, 1954;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1964, Act 51, Eff. Aug. 28, 1964;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967;—Am. 1968, Act 66, Eff. Aug. 1, 1968;—Am. 1969, Act 256, Eff. Mar. 20, 1970;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1981, Act 75, Imd. Eff. June 30, 1981;—Am. 1983, Act 165, Eff. Oct. 1, 1983;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 1989, Act 136, Imd. Eff. June 29, 1989;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 1992, Act 117, Imd. Eff. June 26, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996;—Am. 1998, Act 247, Imd. Eff. July 8, 1998;—Am. 2000, Act 397, Imd. Eff. Jan. 8, 2001;—Am. 2002, Act 552, Eff. Oct. 1, 2002;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2005, Act 36, Imd. Eff. June 7, 2005.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.217a Special registration plate inscribed with official amateur radio call letters; application; proof; fees; issuance of plate for vehicle bearing registration issued pursuant to MCL 257.801(1)(a) and (q); use on other vehicle as misdemeanor; surrender of plate; submission of application for plate; expiration date.

Sec. 217a. (1) A person who holds an unexpired technician, general, conditional, advanced, or extra class amateur radio license issued by the federal communications commission may make application directly to the secretary of state for a registration plate inscribed with the official amateur radio call letters of the applicant as assigned by the federal communications commission.

(2) The applicant shall prove to the satisfaction of the secretary of state that the applicant holds an unexpired amateur radio license. In addition to the regular registration fee, the applicant shall pay a service fee of $2.00. The $2.00 fee shall be credited to the transportation administration collection fund created under section 810b through October 1, 2011. A plate may be issued for a motor vehicle which bears a registration issued pursuant to section 801(1)(a) and (q).

(3) If a plate issued under this section is used on a vehicle other than the vehicle for which the plate was issued, the owner of the plate is guilty of a misdemeanor and the registration plate shall be surrendered to the secretary of state. A holder of a plate whose amateur radio license is not in full force and effect immediately shall surrender the call letter plate to the secretary of state and obtain a regular registration plate.

(4) An application for a plate issued under this section shall be submitted to the secretary of state pursuant to section 217. The expiration date for plates issued under this section shall be the date determined pursuant to section 226.

History: Add. 1953, Act 142, Eff. Oct. 2, 1953;—Am. 1955, Act 182, Eff. Oct. 14, 1955;—Am. 1960, Act 97, Eff. Aug. 17, 1960;—Am. 1966, Act 171, Eff. Mar. 10, 1967;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1988, Act 419, Eff. Mar. 30, 1989;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.217b Moped; manufacturer's identification number.

Sec. 217b. A moped and a low-speed vehicle shall have permanently affixed to their frame a manufacturer's identification number.

History: Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2000, Act 82, Eff. July 1, 2000.

257.217c Acquisition of salvage, distressed, or older model vehicles; issuance of salvage or scrap certificates of title; salvage vehicle inspections; sale of vehicles; notice of designation as scrap vehicle; removal of scrap vehicle from state; determination of repair and labor costs; vehicle inspection fee; “actual cash value” defined.

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

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

(a) If the insurance company acquires ownership of the vehicle through payment of a claim, the owner of

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the vehicle shall assign the certificate of title to the insurance company which shall do all of the following:

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

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

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

(*i*) If the estimated cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, require each owner of the vehicle to sign an application for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, require each owner of the vehicle to sign an application for a scrap vehicle certificate of title.

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

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

(3) If an insurance company acquires ownership of a vehicle other than a late model vehicle through payment of damages due to an accident, the company shall surrender a properly assigned title to the buyer upon delivery.

(4) If a dealer acquires ownership of a late model vehicle that is a distressed vehicle from an owner, the dealer shall receive an assigned certificate of title. If the assigned certificate of title is not a salvage or scrap certificate of title, the dealer, other than a vehicle scrap metal processor, shall surrender the assigned certificate of title to the secretary of state, and if the estimated cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, apply for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title within 5 days after the dealer receives the assigned certificate of title. The dealer may sell a salvage vehicle to another automotive recycler, used or secondhand vehicle parts dealer, foreign salvage vehicle dealer, or vehicle scrap metal processor by assigning the salvage certificate of title to the buyer. Unless the vehicle is rebuilt, inspected, and recertified pursuant to this section, if the vehicle is sold to a buyer other than a dealer, application shall be made for a salvage certificate in the name of the buyer in the manner provided in this act. The dealer may sell a scrap vehicle only to a vehicle scrap metal processor. A vehicle scrap metal processor shall surrender an assigned certificate of title to the secretary of state within 30 days after acquiring a vehicle for which a certificate of title was received. A vehicle scrap metal processor shall surrender an assigned salvage or scrap certificate of title to the secretary of state within 30 days after acquiring a vehicle for which a salvage or scrap certificate of title was received and report that the vehicle was destroyed or scrapped.

(5) An application for a scrap certificate of title shall be made on a form prescribed by the secretary of state accompanied by a fee of $15.00. The application shall contain all of the following:

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

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

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

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

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

(7) If a person, other than a dealer or insurance company that is subject to subsection (2) or (4), acquires ownership of a distressed, late model vehicle, the person shall surrender the title or assigned certificate of title to the secretary of state, and if the estimated cost of repair, including parts and labor, is equal to or greater

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than 75% but less than 91% of the predamaged actual cash value of the vehicle, apply for a salvage certificate of title, or if the estimated cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title before the vehicle may be transported.

(8) An owner of a vehicle may determine that a vehicle is a scrap vehicle or a salvage vehicle without making any determination as to the actual cash value of the vehicle.

(9) If a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity, owns a distressed, late model vehicle, the titleholder shall surrender the title or assigned certificate of title to the secretary of state and apply for a salvage certificate of title if the retail cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, or if the retail cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title, before the vehicle may be transported or sold. If ownership is transferred, the owner shall sell the vehicle only to a dealer who is eligible to buy a salvage or scrap vehicle in this state unless the owner complies with subsection (12). When a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity, estimates the repair of a distressed, late model vehicle for the purpose of determining whether to apply for a salvage or scrap certificate of title, a complete record of the estimate and, if the vehicle is repaired before a transfer of ownership, a complete record of the actual cost of the repairs performed and by whom shall be maintained for a minimum of 5 years by the leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity. The estimates and repair records required by this subsection shall be available for unannounced inspections by a law enforcement agency or a representative of the secretary of state. The secretary of state may request a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity to provide copies of title documents, repair estimates, claims reports involving major component parts, and actual cash value determination documents to assist the secretary of state in monitoring compliance with this act.

(10) An application for a salvage certificate of title shall be made on a form prescribed by the secretary of state accompanied by a fee of $10.00. The application shall contain all of the following:

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

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

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

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

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

(11) The secretary of state shall issue and mail the salvage certificate within 5 business days after the time the application is received at the secretary of state's office in Lansing. Each salvage certificate of title shall include a listing of each major component part that was not salvageable.

(12) A salvage certificate of title authorizes the holder of the title to possess, transport, but not drive upon a highway, and transfer ownership in, a vehicle. The secretary of state shall not issue a certificate of title or registration plates for a vehicle for which a salvage certificate of title was issued unless a specially trained officer described in subsection (14) certifies all of the following:

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

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

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

(13) The certification required by subsection (12) shall be made on a form prescribed and furnished by the secretary of state in conjunction with the department of state police and shall accompany the application that is submitted to the secretary of state for a certificate of title. An application for a certificate of title shall contain a description of each salvageable part used to repair the vehicle and any identification number affixed to or inscribed upon the part as required by state or federal law. Upon satisfactory completion of the inspection as required by the secretary of state and other requirements for application, the secretary of state shall issue a certificate of title for the vehicle bearing the legend "rebuilt salvage".

(14) An officer specially trained as provided by the secretary of state and authorized by the secretary of state to conduct a salvage vehicle inspection is either of the following:

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(a) An on-duty or off-duty police officer.

(b) A previously certified police officer who is appointed by the local police agency as a limited enforcement officer to conduct salvage vehicle inspections. The local police agency shall give this officer access to the agency's law enforcement information network system and the authority to confiscate any stolen vehicle or vehicle parts discovered during an inspection. The local police agency may give the officer the authority to arrest a person suspected of having unlawful possession of a stolen vehicle or vehicle parts.

(15) The secretary of state shall issue a certificate to an officer who is specially trained as provided by the secretary of state to conduct salvage vehicle inspections. Only a person who has a valid certification from the secretary of state may perform salvage inspections. The secretary of state on his or her own initiative or in response to complaints shall make reasonable and necessary public or private investigations within or outside of this state and gather evidence against an officer who was issued a certificate and who violated or is about to violate this act or a rule promulgated under this act. The secretary of state may suspend, revoke, or deny a certificate after an investigation if the secretary of state determines that the officer committed 1 or more of the following:

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

(b) Was found guilty of a fraudulent act in connection with the inspection, purchase, sale, lease, or transfer of a salvage vehicle.

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

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

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

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

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

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

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

(18) 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
                                                  Dealer's
                                                   Stock
Model Year  Vehicle Make      VIN    Title Number   Number     Color
1._________ _____________     ___    _____________  ______     _____
2._________ _____________     ___    _____________  ______     _____
3._________ _____________     ___    _____________  ______     _____
etc.
One copy shall be retained as a permanent record by the dealer,
1 copy shall be forwarded with the vehicle to be retained by the
vehicle scrap metal processor, and 1 copy shall be forwarded to
the secretary of state.
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(19) 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 to anyone other than 1 of the following:

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(a) The vehicle's former owner.
(b) A used or secondhand vehicle parts dealer.
(c) A vehicle scrap metal processor.
(d) A foreign salvage vehicle dealer licensed under this act.
(e) An automotive recycler.

(20) A person receiving a scrap certificate of title shall not sell the vehicle to anyone other than 1 of the following:
(a) An automotive recycler.
(b) A vehicle scrap metal processor.
(c) A foreign salvage vehicle dealer licensed under this act.
(d) A used or secondhand vehicle parts dealer.

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

(22) A licensed automotive recycler, used or secondhand vehicle parts dealer, vehicle scrap metal processor, vehicle salvage pool operator, distressed vehicle transporter, foreign salvage vehicle dealer, or broker who has removed a scrap vehicle from this state for the purpose of rebuilding the vehicle or selling or leasing the vehicle to a person other than a vehicle scrap metal processor, shall receive an automatic suspension of its dealer license and of any salvage vehicle agent's license assigned to that dealer for a period of 30 days. Upon receipt by the secretary of state of a written request from the dealer, the dealer shall have the right to an immediate hearing on the matter within that 30-day period.

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

(24) A police agency shall charge a fee for an inspection of a vehicle pursuant to subsection (12). Each local authority with a police agency shall determine the amount of the fee for inspections by that police agency, which shall not exceed $100.00. The police agency shall credit the fee to the budget of that police agency and use the fee for law enforcement purposes that affect stolen vehicles, stolen vehicle parts, and salvage vehicle inspections. A local police agency shall compensate an off-duty and limited enforcement police officer for a salvage vehicle inspection.

(25) For the purpose of this section, "actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources such as dealers or want ads or by an independent vehicle evaluation or vehicle appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in this state.

History: Add. 1978, Act 507, Eff. July 1, 1979;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1990, Act 96, Eff. Jan. 1, 1991;—Am. 1992, Act 118, Imd. Eff. June 26, 1992;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 2002, Act 642, Eff. Jan. 1, 2003.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.217d Special congressional medal of honor registration plate.

Sec. 217d. (1) The secretary of state shall design and may issue a special congressional medal of honor registration plate for residents of this state awarded the congressional medal of honor.

(2) A special congressional medal of honor registration plate shall be issued only for 1 vehicle intended for personal use by the applicant.

(3) A person who is a recipient of the congressional medal of honor may apply to the secretary of state for a special registration plate under this section on a form prescribed by the secretary of state, which shall be accompanied by any proof of the applicant having been a congressional medal of honor recipient that the secretary of state may require. The secretary of state shall waive the $5.00 service fee requirement under section 804.

(4) A person who qualifies to be issued a special registration plate under this section is entitled to only 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801.

(5) A person with disabilities who applies for a special registration plate under this section shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The

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secretary of state shall require the same proof that the applicant is disabled as is required for issuance of a permanent windshield placard under section 675.

(6) A special registration plate issued under subsection (1) expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state.

(7) The secretary of state shall deliver or cause to be delivered 1 or more special registration plates issued under this section to the home address of the applicant at no additional cost to the applicant.

History: Add. 1980, Act 124, Imd. Eff. May 21, 1980;—Am. 2000, Act 78, Imd. Eff. Apr. 7, 2000;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.217e Certificate of title for school bus; condition to issuance.

Sec. 217e. A certificate of title for a school bus shall be issued to a school board that has purchased the school bus by the secretary of state only after a manufacturer's statement of origin has been provided to the secretary of state. If the body and chassis of a school bus are not built by the same manufacturer, a certificate of title for the school bus shall be issued to a school board by the secretary of state only after a manufacturer's statement of origin has been provided by the body dealer and chassis dealer to the secretary of state.

History: Add. 1986, Act 39, Imd. Eff. Mar. 17, 1986.

257.217f Sale, assignment, or other disposition of vehicle for which salvage certificate of title required.

Sec. 217f. A vehicle salvage pool operator or broker shall not sell, assign, or otherwise dispose of a vehicle for which a salvage certificate of title is required, unless a salvage or scrap certificate of title has been issued for the vehicle by the department.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.217g Pickup camper; manufacturer's identification number.

Sec. 217g. A pickup camper manufactured for sale in this state after January 1, 1991 shall have a manufacturer's identification number permanently affixed to its door.

History: Add. 1990, Act 98, Eff. Jan. 1, 1991.

257.217h Liability of motor vehicle manufacturer.

Sec. 217h. A motor vehicle manufacturer shall not be liable for any claims or causes of action arising with respect to a vehicle for which a salvage, rebuilt, or scrap certificate of title has been issued.

History: Add. 1993, Act 300, Eff. Jan. 1, 1994.

257.217m, 257.217n Repealed. 2006, Act 562, Eff. Jan. 1, 2007.

Compiler's note: The repealed sections pertained to "Proud to be an American" registration, collector plate, and fund.

257.217o Organ and tissue education fund; creation; deposit; money remaining in fund; disbursement of money to chronic disease division; administrative expenses; "fund" defined.

Sec. 217o. (1) The organ and tissue donation education fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The state treasurer shall disburse money in the fund on a monthly basis to the chronic disease division of the department of community health. The chronic disease division shall only use the money to provide grants for programs and initiatives to encourage residents of this state to place their names on the organ donor registry.

(5) Not more than 8% of all money received by the state each year for deposit into the fund shall be used by the department of community health and the secretary of state, collectively, for administrative expenses.

(6) As used in this section, "fund" means the organ and tissue donation education fund created in subsection (1).

History: Add. 2004, Act 502, Imd. Eff. Dec. 29, 2004.

257.218 Specially constructed, reconstructed, or foreign vehicle; application for registration; fees.

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Sec. 218. (1) If a vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application. With reference to each foreign vehicle which has been previously registered in another state, the owner shall surrender to the secretary of state all registration plates, registration certificates, and certificates of title or other evidence of foreign registration, as are in the owner's possession or under the owner's control, except as provided in subsections (2) and (3).

(2) If the owner in the course of interstate operation of a vehicle desires to retain registration of a vehicle in another state, the owner shall not be required to surrender, but shall submit for inspection, evidence of the foreign registration and the secretary of state, upon a proper showing and upon application and payment of the registration fee, shall register the vehicle in this state.

(3) If the owner of a vehicle previously registered in another state in which the certificate of title or other proof of ownership of a vehicle is in the possession of a holder of a security interest in the vehicle, the owner of the vehicle may apply to the secretary of state for registration of the vehicle for this state after payment of all fees required by this act and submission of proof of ownership of the vehicle to the secretary of state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 337, Imd. Eff. Dec. 23, 1980;—Am. 1983, Act 242, Imd. Eff. Dec. 1, 1983.

257.219 Refusal of registration, transfer of registration, certificate of title, or salvage certificate of title; grounds; temporary registration plate.

Sec. 219. (1) The secretary of state shall refuse issuance of a registration or a transfer of registration upon any of the following grounds:

(a) The application contains a false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the secretary of state, or the applicant is not entitled to the registration of the vehicle under this act.

(b) The secretary of state has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle, or that the granting of registration would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle.

(c) The registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state.

(d) At the time of the application, the operator's or chauffeur's license of the owner or co-owner or lessee or co-lessee is suspended, revoked, or denied or the operator has never been licensed by this state for a third or subsequent violation of section 625 or 625m, a local ordinance substantially corresponding to section 625 or 625m, or a law of another state substantially corresponding to section 625 or 625m, or for a fourth or subsequent suspension or revocation under section 904.

(e) The required fee has not been paid.

(f) The applicant, at the time of applying for registration or a transfer of registration other than a temporary registration issued under section 226b, fails to present a certificate of compliance or waiver for a motor vehicle as required under either part 63 or part 65 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and 324.6501 to 324.6539.

(g) The application for registration of a vehicle with an elected gross weight of 55,000 pounds or more is not accompanied with proof of payment of the federal highway use tax levied under the surface transportation assistance act of 1982, Public Law 97-424.

(2) The secretary of state shall refuse issuance of a certificate of title or a salvage certificate of title upon any of the following grounds:

(a) The application contains a false or fraudulent statement, the applicant has failed to furnish required information or reasonable additional information requested by the secretary of state, or the applicant is not entitled to the issuance of a certificate of title or salvage certificate of title under this act.

(b) The secretary of state has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the issuance of a certificate of title or a salvage certificate of title would constitute a fraud against the rightful owner or other person having a valid security interest upon the vehicle.

(c) The required fee has not been paid.

(3) The secretary of state shall not issue a registration for a vehicle for which a temporary registration plate was issued under section 904c until the violation resulting in the issuance of the plate is adjudicated or the vehicle is transferred to a person who is subject to payment of a use tax under section 3 of the use tax act, 1937 PA 94, MCL 205.93.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 84, Imd. Eff. Apr. 7, 1980;—Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982 ;—Am. 1985, Act 67, Imd. Eff. July 1, 1985;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005.

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257.220 Application for original registration or certificate of title; examination of indexes and stolen car records.

Sec. 220. The department upon receiving application for original registration of a vehicle or any certificate of title shall first check the engine and serial number or vehicle number shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this act.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.221 Application for registration; creation and maintenance of computerized central file; records; preservation; availability.

Sec. 221. (1) The secretary of state shall create and maintain a computerized central file of all applications for registration of motor vehicles and is not required to retain any other record of the application. The computerized central file shall be interfaced with the law enforcement information network as provided in the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

(2) The secretary of state shall preserve the records described in subsection (1) for 3 years after the date of registration. The records shall be available to state and federal agencies and the friend of the court as provided under section 4 of the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.214, and rules promulgated under that section, and to the public through the secretary of state's commercial look-up service.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997;—Am. 1998, Act 64, Eff. May 13, 1998.

257.222 Registration certificate and certificate of title; issuance; rebuilt, salvage, or scrap certificate of title issued by another state; delivery; manufacture; contents; coat of arms of state; conduct constituting misdemeanor; penalties; certificate of title for certain vehicles to be different in color; contents of legend.

Sec. 222. (1) Except as otherwise provided in this act, the secretary of state shall issue a registration certificate and a certificate of title when registering a vehicle upon receipt of the required fees. The secretary of state shall issue a flood, rebuilt, rebuilt salvage, salvage, or scrap certificate of title for a vehicle brought into this state from another state or jurisdiction that has a flood, rebuilt, salvage, or scrap certificate of title issued by that other state or jurisdiction.

(2) The secretary of state shall deliver the registration certificate to the owner. The certificate shall contain on its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, and a description of the vehicle as determined by the secretary of state.

(3) The certificate of title shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the certificate of title without ready detection. The certificate shall contain all of the following on its face:

(a) The identical information required on the face of the registration certificate.

(b) If the vehicle is a motor vehicle, the number of miles, not including the tenths of a mile, registered on the vehicle's odometer at the time of transfer.

(c) Whether the vehicle is to be used or has been used as a taxi, as a police vehicle, or by a political subdivision of this state, unless the vehicle is owned by a dealer and loaned or leased to a political subdivision of this state for use as a driver education vehicle.

(d) Whether the vehicle is a salvage vehicle.

(e) If the vehicle has previously been issued a rebuilt certificate of title from this state or a comparable certificate of title from any other state or jurisdiction.

(f) Whether the vehicle has been issued a scrap certificate of title from this state or a comparable certificate of title from any other state or jurisdiction.

(g) Whether the vehicle is a flood vehicle or has previously been issued a flood certificate of title from this state or any other state or jurisdiction.

(h) Whether the owner or co-owner or lessee or co-lessee of the vehicle is subject to registration denial under section 219(1)(d).

(i) A statement of the owner's title and of all security interests in the vehicle or in an accessory on the vehicle as set forth in the application.

(j) The date that the application was filed.

(k) Any other information that the secretary of state may require.

(4) The certificate of title shall contain a form for assignment of title or interest and warranty of title by the owner with space for the notation of a security interest in the vehicle and in an accessory on the vehicle, which at the time of a transfer shall be certified and signed, and space for a written odometer mileage

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statement that is required upon transfer pursuant to section 233a. The certificate of title shall include a description of the proper procedure for transferring the title of a motor vehicle and for maintaining records of that transfer as provided under this act. The certificate of title may also contain other forms that the secretary of state considers necessary to facilitate the effective administration of this act. The certificate shall bear the coat of arms of this state.

(5) The secretary of state shall mail or deliver the certificate of title to the owner or other person as the owner may direct in a separate instrument, in a form prescribed by the secretary of state.

(6) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates a certificate of title or who uses a reproduced, altered, counterfeited, forged, or duplicated certificate of title shall be punished as follows:

(a) If the intent of reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for 1 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor, punishable by imprisonment for a period equal to that which could be imposed for the commission of the offense the person had the intent to aid or commit. The court may also assess a fine of not more than $10,000.00 against the person.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for not more than 1 year, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than $1,000.00, or both.

(7) The certificate of title for a police vehicle, a vehicle owned by a political subdivision of this state, a salvage vehicle, a rebuilt vehicle, a scrap vehicle, or a flood vehicle shall be different in color from the certificate of title for all other vehicles unless the vehicle is loaned or leased to a political subdivision of this state for use as a driver education vehicle.

(8) A scrap certificate of title shall contain a legend that the vehicle is not to be titled or registered and is to be used for parts or scrap metal only.

(9) A certificate of title shall not be issued for a vehicle that has had a salvage certificate of title unless the certificate of title contains the legend "rebuilt salvage".

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 112, Eff. Aug. 13, 1954;—Am. 1958, Act 99, Eff. Sept. 13, 1958;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 66, Eff. Aug. 1, 1968;—Am. 1977, Act 287, Eff. Mar. 30, 1978;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 1990, Act 265, Imd. Eff. Oct. 17, 1990;—Am. 1993, Act 300, Eff. July 1, 1994;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 397, Imd. Eff. Jan. 8, 2001;—Am. 2002, Act 485, Eff. Oct. 1, 2002;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2004, Act 493, Eff. Oct. 1, 2005.

257.223 Registration certificate; carrying; display; violation as civil infraction.

Sec. 223. (1) A registration certificate shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of the vehicle, who shall display the registration certificate upon demand of a police officer.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2007, Act 143, Imd. Eff. Nov. 19, 2007.

257.224 Registration plate generally.

Sec. 224. (1) Except as otherwise provided in this act regarding tabs or stickers, upon registering a vehicle, the secretary of state shall issue to the owner 1 registration plate.

(2) A registration plate shall display the registration number assigned to the vehicle for which the registration plate is issued; the name of this state, which may be abbreviated; and when the registration plate expires, which may be shown by a tab or sticker furnished by the secretary of state.

(3) A registration plate issued for motor vehicles owned and operated by this state; a state institution; a municipality; a privately incorporated, nonprofit volunteer fire department; or a nonpublic, nonprofit college or university of this state shall not expire at any particular time but shall be renewed when the registration plate is worn out or is illegible. This registration plate shall be assigned upon proper application and payment of the applicable fee and may be used on any eligible vehicle titled to the applicant if a written record is kept of the vehicles upon which the registration plate is used. The written record shall state the time the registration plate is used on a particular vehicle. The record shall be open to inspection by a law enforcement officer or a representative of the secretary of state.

(4) A registration plate issued for a vehicle owned by the civil air patrol as organized under 36 USC 201 to 208; a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis

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treatment to children at camp; an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization; a vehicle owned and operated by a nonprofit veterans center; a motor vehicle having a truck chassis and a locomotive or ship's body which is owned by a nonprofit veterans organization and used exclusively in parades and civic events; a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization until December 31, 2000; a motor vehicle owned and operated by a senior citizen center; and a registration plate issued for buses including station wagons, carryalls, or similarly constructed vehicles owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school, society, church Sunday school, or other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility shall be issued upon proper application and payment of the applicable tax provided in section 801(1)(g) or (h) to the applicant for the vehicle identified in the application. The vehicle shall be used exclusively for activities of the school or organization and shall be designated by proper signs showing the school or organization operating the vehicle. The registration plate shall expire on December 31 in the fifth year following the date of issuance. The registration plate may be transferred to another vehicle upon proper application and payment of a $10.00 transfer fee.

(5) Beginning January 1, 2007, the department shall not issue or transfer a standard design beads on paint registration plate or issue a registration tab or sticker for that plate, but shall offer a new standard design registration plate that complies with the requirements of this act. The new standard design registration plate shall be of a common color scheme and design that is made of fully reflectorized material and shall be clearly visible at night. The implementation of this subsection is contingent upon appropriations sufficient to cover the costs to the department of designing, manufacturing, distributing, and issuing the new standard design registration plate. The secretary of state shall file a written report with the secretary of the senate and the clerk of the house of representatives of the costs incurred and revenue expended to meet the requirements of this subsection within 30 days after all of the standard design beads on paint registration plates to be replaced under this subsection have been replaced.

(6) The registration plate and the required letters and numerals on the registration plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The secretary of state may issue a tab or tabs designating the month and year of expiration.

(7) The secretary of state shall issue for every passenger motor vehicle rented without a driver the same type of registration plate as the type of registration plate issued for private passenger vehicles.

(8) A person shall not operate a vehicle on the public highways or streets of this state displaying a registration plate other than the registration plate issued for the vehicle by the secretary of state, except as provided in this chapter for nonresidents, and by assignment provided in subsection (3).

(9) The registration plate displayed on a vehicle registered on the basis of elected gross weight shall indicate the elected gross weight for which the vehicle is registered.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 247, Eff. Mar. 19, 1960;—Am. 1961, Act 25, Imd. Eff. May 11, 1961;—Am. 1965, Act 184, Imd. Eff. July 15, 1965;—Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967;—Am. 1970, Act 106, Imd. Eff. July 23, 1970;—Am. 1976, Act 114, Imd. Eff. May 14, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980;—Am. 1980, Act 153, Imd. Eff. June 11, 1980;—Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982;—Am. 1984, Act 173, Imd. Eff. June 29, 1984;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1994, Act 395, Eff. Mar. 30, 1995;—Am. 1995, Act 129, Imd. Eff. June 30, 1995;—Am. 2006, Act 177, Imd. Eff. June 6, 2006.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.225 Registration plate; attachment to vehicle; legibility; color; distinctive registration plates; name plate, insignia, or advertising device prohibited; violation as civil infraction.

Sec. 225. (1) A registration plate issued for a vehicle shall be attached to the rear of the vehicle. Except that a registration plate issued for a truck tractor or road tractor shall be attached to the front of that vehicle.

(2) A registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition.

(3) A registration plate or the expiration tab on the registration plate shall be of a different color designated by the secretary of state with a marked contrast between the color of the registration plate and the numerals or letters on the plate. The secretary of state may provide a distinctive registration plate as a replacement for a standard plate. To honor a special or historical event, the secretary of state may provide a commemorative plate as a replacement for a standard plate.

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(4) A person shall not attach a name plate, insignia, or advertising device to a motor vehicle registration plate in a manner which obscures or partially obscures the registration information.

(5) A person shall not operate a motor vehicle which has a name plate, insignia, or advertising device attached to a motor vehicle registration plate in a manner which obscures or partially obscures the registration information.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1984, Act 132, Imd. Eff. June 1, 1984;—Am. 1995, Act 129, Imd. Eff. June 30, 1995.

257.226 Expiration of vehicle registration; duties of secretary of state; issuance of registration; tax; validity of certificate of title; special registration; certification; registration of trailer or semitrailer used for recreational purposes; assignment or reassignment of expiration date under international registration plan; applicability of subsection (11) after October 1, 2003; leased vehicle multiyear registration.

Sec. 226. (1) A vehicle registration issued by the secretary of state expires on the owner's birthday, unless another expiration date is provided for under this act or unless the registration is for the following vehicles, in which case registration expires on the last day of February:

(a) A commercial vehicle except for a commercial vehicle issued a registration under the international registration plan or a pickup truck or van owned by an individual.

(b) Except for a trailer or semitrailer issued a registration under the international registration plan, a trailer or semitrailer owned by a business, corporation, or person other than an individual; or a pole trailer.

(2) Until February 1, 2005, the expiration date for a registration issued for a motorcycle is March 31. Beginning February 1, 2005, the expiration date for a registration issued for a motorcycle is the motorcycle owner's birthday.

(3) The expiration date for a registration bearing the letters “SEN” or “REP” is February 1.

(4) In the case of a vehicle owned by a business, corporation, or an owner other than an individual, the secretary of state may assign or reassign the expiration date of the registration.

(5) The secretary of state shall do all of the following:

(a) After the October 1 immediately preceding the year designated on the registration, issue a registration upon application and payment of the proper fee for a commercial vehicle, other than a pickup or van owned by an individual; or a trailer owned by a business, corporation, or person other than an individual.

(b) Beginning 60 days before the expiration date assigned on an international registration plan registration plate, issue a registration under section 801g upon application and payment of the proper apportioned fee for a commercial vehicle engaged in interstate commerce.

(c) Beginning 45 days before the owner's birthday and 120 days before the expiration date assigned by the secretary of state, issue a registration for a vehicle other than those designated in subsection (1)(a) or (b). However, if an owner whose registration period begins 45 days before his or her birthday will be out of the state during the 45 days immediately preceding expiration of a registration or for other good cause shown cannot apply for a renewal registration within the 45-day period, application for a renewal registration may be made not more than 6 months before expiration.

(6) Except as otherwise provided in this subsection, the secretary of state, upon application and payment of the proper fee, shall issue a registration for a vehicle or a motorcycle to a resident that shall expire on the owner's birthday. If the owner's next birthday is at least 6 months but not more than 12 months in the future, the owner shall receive a registration valid until the owner's next birthday. If the owner's next birthday is less than 6 months in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday. The tax required under this act for a registration described in this subsection shall be either of the following:

(a) For an original registration, the tax shall bear the same relationship to the tax required under section 801 for a 12-month registration as the length of the registration bears to 12 months.

(b) For a renewal of a registration, either of the following:

(*i*) For a registration that is for at least 6 months but not more than 12 months, the same amount as for 12 months.

(*ii*) For a renewal of a registration that is for more than 12 months, 2 times the amount for 12 months.

Partial months shall be considered as whole months in the calculation of the required tax and in the determination of the length of time between the application for a registration and the owner's next birthday. The tax required for that registration shall be rounded off to whole dollars as provided in section 801.

(7) A certificate of title shall remain valid until canceled by the secretary of state for cause or upon a

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transfer of an interest shown on the certificate of title.

(8) The secretary of state, upon request, shall issue special registration for commercial vehicles, valid for 6 months after the date of issue, if the full registration fee exceeds $50.00, on the payment of 1/2 the full registration fee and a service charge as enumerated in section 802(1).

(9) The secretary of state may issue a special registration for each of the following:

(a) A new vehicle purchased or leased outside of this state and delivered in this state to the purchaser or lessee by the manufacturer of that vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage.

(b) A vehicle purchased or leased in this state and delivered to the purchaser or lessee by a dealer or by the owner of the vehicle for removal to a place outside of this state, if a certification is made that the vehicle will be primarily used, stored, and registered outside of this state and will not be returned to this state by the purchaser or lessee for use or storage.

(10) A special registration issued under subsection (9) is valid for not more than 14 days after the date of issuance, and a fee shall be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale or lease of a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser or lessee. If a person other than a dealer sells or leases a vehicle to a purchaser or lessee who is qualified and eligible to obtain a special registration, the purchaser or lessee shall appear in person, or by a person exercising the purchaser's or lessee's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or lessee or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration and provide the secretary of state with proof that the vehicle is covered by a Michigan no-fault insurance policy issued pursuant to section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof that the vehicle is covered by a policy of insurance issued by an insurer pursuant to section 3163 of the insurance code of 1956, 1956 PA 218, MCL 500.3163. The certification required in this subsection shall contain all of the following:

(a) The address of the purchaser or lessee.

(b) A statement that the vehicle is purchased or leased for registration outside of this state.

(c) A statement that the vehicle shall be primarily used, stored, and registered outside of this state.

(d) The name of the jurisdiction in which the vehicle is to be registered.

(e) Other information requested by the secretary of state.

(11) Upon request, the secretary of state may issue a registration valid for 6 months after the date of issuance for use on a trailer or semitrailer weighing 1,500 pounds or less and that is used for recreational purposes, upon payment of 1/2 the full registration fee imposed under section 801(1)(*l*). This subsection does not apply after October 1, 2003.

(12) In the case of a commercial vehicle, trailer, or semitrailer issued a registration under the international registration plan, the secretary of state in mutual agreement with the owner may assign or reassign the expiration date of the registration. However, the expiration date agreed to shall be either March 31, June 30, September 30, or December 31. Renewals expiring on or after September 30, 1993 shall be for a minimum of at least 12 months if there is a change in the established expiration date.

(13) The expiration date for a multiyear registration issued for a leased vehicle shall be the date the lease expires but shall not be for a period longer than 24 months.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 153, Imd. Eff. Apr. 24, 1952;—Am. 1953, Act 179, Imd. Eff. June 8, 1953;—Am. 1955, Act 77, Imd. Eff. May 26, 1955;—Am. 1957, Act 33, Eff. Sept. 27, 1957;—Am. 1958, Act 55, Eff. July 1, 1958;—Am. 1960, Act 85, Imd. Eff. Apr. 25, 1960;—Am. 1962, Act 80, Imd. Eff. Apr. 24, 1962;—Am. 1966, Act 180, Imd. Eff. July 1, 1966;—Am. 1966, Act 348, Imd. Eff. Dec. 21, 1966;—Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967;—Am. 1978, Act 78, Imd. Eff. Mar. 22, 1978;—Am. 1978, Act 391, Imd. Eff. Aug. 1, 1978;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1979, Act 25, Imd. Eff. June 6, 1979;—Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980;—Am. 1980, Act 84, Imd. Eff. Apr. 7, 1980;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1982, Act 254, Imd. Eff. Sept. 30, 1982;—Am. 1983, Act 165, Eff. Oct. 1, 1983;—Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984;—Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986;—Am. 1987, Act 142, Eff. Oct. 1, 1987;—Am. 1989, Act 136, Imd. Eff. June 29, 1989;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 1992, Act 29, Eff. Jan. 1, 1993;—Am. 1992, Act 297, Eff. Jan. 1, 1993;—Am. 2000, Act 36, Eff. Apr. 1, 2001;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 163, Imd. Eff. June 23, 2004.

257.226a Temporary registration plates or markers.

Sec. 226a. (1) Temporary registration plates or markers may be issued to licensed dealers in vehicles and to persons engaged in the sale of vessels required to be numbered by part 801 of the natural resources and

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environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, upon application accompanied by the proper fee, for use by purchasers or lessees of vehicles, for not to exceed 15 days pending receipt of regular registration plates from the dealer or person. Only 1 temporary plate or marker may be issued to a purchaser or lessee of a vehicle. If a dealer or person requires a purchaser or lessee of a vehicle or purchaser or lessee of a vessel to pay for a temporary plate or marker, the dealer or person shall not charge the purchaser or lessee more than the dealer or person was charged by the secretary of state for the individual plate or marker. The secretary of state shall determine the composition and design of the temporary registration plates or markers.

(2) A temporary registration plate or marker shall show in ink the date of issue, a description of the vehicle for which issued, and any other information required by the secretary of state. A dealer or person shall immediately notify the secretary of state of each temporary registration plate or marker issued by the dealer or person, on a form prescribed by the secretary of state. Upon the attachment of the regular plate to a vehicle for which a temporary registration plate or marker has been issued, the temporary plate shall be destroyed.

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

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

(5) 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 in the ordinary course of business has occasion to legally repossess a vehicle in which a security interest is held. A registration plate issued pursuant to this subsection shall be used to move and dispose of a vehicle.

(6) 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 in the ordinary course of business has occasion to legally pick up or deliver a vehicle not required to be titled under this act, to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to persons defined as dealers under part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, for the purpose of delivering a vessel or trailer to a customer or to and from a boat show or exposition. A registration plate issued under this subsection shall 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 in the ordinary course of business operates an auto auction, and who in the ordinary course of business has occasion to legally pick up a vehicle which will be offered for sale at the auction, or deliver a vehicle which has been offered for sale at the auction. The registration plate shall be used only to move vehicles as provided in this subsection. Auto auctions that make application for a registration plate under this subsection shall furnish a surety bond as required by the secretary of state.

History: Add. 1957, Act 33, Eff. Sept. 27, 1957;—Am. 1958, Act 55, Eff. July 1, 1958;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1968, Act 278, Imd. Eff. July 1, 1968;—Am. 1973, Act 150, Imd. Eff. Nov. 28, 1973;—Am. 1984, Act 227, Imd. Eff. July 30, 1984;—Am. 1989, Act 136, Imd. Eff. June 29, 1989;—Am. 1994, Act 183, Imd. Eff. June 20, 1994;—Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996;—Am. 1998, Act 384, Eff. Jan. 1, 1999;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2006, Act 516, Imd. Eff. Dec. 29, 2006.

257.226b Temporary registration; duration; form; fee; use of vehicle.

Sec. 226b. (1) A temporary registration may be issued to an owner of a vehicle. The registration shall be valid for either 30 days or 60 days from date of issue, at the discretion of the owner, and shall be in a form as determined by the secretary of state. A fee shall be collected for each temporary registration as provided in section 802.

(2) A vehicle which has a temporary registration shall not be used for the transportation of passengers for hire or for the transportation of goods, wares, or merchandise or draw other vehicles transporting goods, wares, or merchandise.

History: Add. 1957, Act 33, Eff. Sept. 27, 1957;—Am. 1976, Act 47, Imd. Eff. Mar. 18, 1976;—Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

257.226c Reflectorized reflector plates, tabs, and stickers.

Sec. 226c. Beginning with the registration plates manufactured in the year 1970 and succeeding years they shall be treated with an effective and dependable reflective material according to specifications promulgated

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by the department of administration in conjunction with the department of state highways, the department of state and the department of corrections. In any year during which registration plates are not furnished, the department shall furnish for each annual registration a reflective tab or sticker designating the year of registration.

History: Add. 1969, Act 44, Imd. Eff. July 17, 1969.

257.227 Application for renewal of vehicle registration; fee; presentation of certificate of title; waiver; proof of vehicle insurance; transmission of vehicle identification number as proof of insurance.

Sec. 227. (1) Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for the vehicle, as provided by law.

(2) Every such application shall be accompanied by the certificate of title pertaining to the vehicle, showing ownership in the person applying for registration at the time of the application. However, the secretary of state may waive the presentation of the certificate of title.

(3) Beginning January 1, 1983, every application for renewal of a motor vehicle registration made by mail, shall be accompanied by proof of vehicle insurance in a form determined by the secretary of state.

(4) Beginning January 1, 1981, every application for renewal of a motor vehicle registration made in person at a secretary of state field office shall be accompanied by proof of vehicle insurance in a form determined by the secretary of state.

(5) Notwithstanding subsections (3) and (4), the secretary of state shall accept as proof of vehicle insurance a transmission of the applicant's vehicle identification number only for an insured vehicle for which vehicle registration is sought. The secretary of state may determine in what format the secretary of state will receive vehicle identification number information. The transmission to the secretary of state of a vehicle identification number is proof of insurance to the secretary of state for motor vehicle registration purposes only and is not evidence that a policy of insurance actually exists between an insurer and an individual. Vehicle identification numbers received by the secretary of state under this subsection are confidential, are not subject to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws, and shall not be disclosed to any person except pursuant to an order by a court of competent jurisdiction in connection with a claim or fraud investigation or prosecution.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 66, Eff. Aug. 1, 1968;—Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996.

257.227a Vehicle involved in violation; renewal, replacement, or transfer of registration plate; appearance of owner or representative at branch office required; cancellation of registration; circumstances; notice and opportunity to be heard.

Sec. 227a. (1) If a court has notified the secretary of state of a vehicle registration number as provided in section 328(4) and the owner has not secured proof that the vehicle involved in the violation is currently insured under chapter 31 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws, the secretary of state shall not renew, replace, or transfer the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation, until the owner or the owner's representative appears at a branch office and does both of the following:

(a) Shows a certified statement from an automobile insurer on a standard form prescribed by the commissioner of insurance that the vehicle involved in the violation is currently insured under a prepaid noncancelable policy for a period of not less than 6 months under chapter 31 of Act No. 218 of the Public Acts of 1956.

(b) Pays a fee of $50.00 in addition to any other fee required by law, of which $25.00 shall be allocated to the secretary of state to defray the costs of administering this section.

(2) The secretary of state may cancel the registration of a motor vehicle under either of the following circumstances:

(a) The secretary of state receives notice that a court has determined that a vehicle involved in the violation was not insured as required by chapter 31 of Act No. 218 of the Public Acts of 1956, at the time of registration.

(b) The secretary of state receives notice that a court has determined that the owner or the owner's representative presented a certificate of insurance that was forged, altered, fraudulent, or counterfeit when insurance was required by this act.

(3) Before a cancellation occurs under subsection (2), the person who will be affected by the cancellation shall be given notice and an opportunity to be heard.

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History: Add. 1995, Act 287, Imd. Eff. Jan. 9, 1996.

257.227b Private insurance verification board.

Sec. 227b. (1) There is created a private insurance verification board to provide vehicle insurance verification to the secretary of state for renewal of motor vehicle registrations. The insurance verification board shall consist of 7 directors, 5 of whom shall represent private insurers in this state, 1 of whom shall represent the general public and not be employed by the insurance industry or this state, and 1 of whom shall represent independent insurance agents in this state. Both the initial and successor directors of the insurance verification board representing the general public and independent insurance agents shall be appointed by the secretary of state. The 5 initial directors of the insurance verification board representing private insurers shall be appointed by the commissioner of insurance with recommendations to be made by the insurance industry in this state and shall include 2 directors representing the largest share of the automobile insurance market in this state and 3 directors who are generally representative of small and medium automobile insurers. Successor directors to the insurance verification board representing private insurers in this state shall be selected by the insurers who choose to provide proof of vehicle insurance to the secretary of state pursuant to this section and shall include 2 directors representing the largest share of the automobile insurance market in this state and 3 insurers representing small and medium insurers. The 2 insurers representing the largest share of the automobile insurance market in this state shall only serve if they are participating in the program to provide proof of vehicle insurance to the secretary of state pursuant to this section.

(2) Directors of the insurance verification board shall serve for terms of 1 year.

(3) Business of the insurance verification board shall be conducted at a public meeting pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Notice of the date, time, and place of the public meeting of the board shall be as prescribed in Act No. 267 of the Public Acts of 1976.

(4) The insurance verification board may select 1 organization upon such terms as are established by the board for the purpose of collecting proof of vehicle insurance information by vehicle identification number. The board or the organization selected by the board shall make this information available to the secretary of state for motor vehicle registration purposes in the format required by the secretary of state.

(5) The insurance verification board shall establish a plan providing for the confidentiality of the proof of vehicle insurance information provided by insurers.

(6) The insurance verification board or the organization selected by the board shall be operational and able to transmit to the secretary of state by June 1, 1996 proof of vehicle insurance by vehicle identification number in the format required by the secretary of state at the request of any licensed automobile insurer in Michigan who chooses to provide proof of vehicle insurance to the secretary of state pursuant to section 3101a(2) of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being section 500.3101a of the Michigan Compiled Laws.

(7) The insurance verification board shall establish a plan of operation providing for the assessment of the start-up and annual costs of the insurance verification board among the insurers who choose to provide proof of vehicle insurance to the secretary of state pursuant to section 3101a(2) of Act No. 218 of the Public Acts of 1956, but shall not assess more or expend more than $150,000.00 in start-up costs and not more than $100,000.00 in annual costs to implement this section. The $100,000.00 annual cost amount shall be adjusted annually to reflect the annual average percentage increase or decrease in the Detroit consumer price index. As used in this subsection, "Detroit consumer price index" means the most comprehensive index of consumer prices available for the Detroit area from the United States department of labor, bureau of labor statistics.

History: Add. 1995, Act 287, Imd. Eff. Jan. 9, 1996.

257.228 Notification of old and new addresses; violation as civil infraction.

Sec. 228. (1) If a person, after making application for or obtaining the registration of a vehicle or a certificate of title, moves from the address named in the application as shown upon a registration certificate or certificate of title, the person within 10 days after moving shall notify the secretary of state in writing of the old and new addresses.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.229 Duplicate registration certificate, registration plate, certificate of title, or duplicate certificate of title.

Sec. 229. (1) If a registration certificate, registration plate, certificate of title, or duplicate certificate of title is lost, mutilated, or becomes illegible, the person entitled to possession of a registration certificate,

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registration plate, certificate of title, or duplicate certificate of title or the legal representative or successor in interest of that person as shown by the records of the department shall immediately make application for and may obtain a duplicate or a new registration under a new registration number, as determined to be most advisable by the department, upon the applicant furnishing information satisfactory to the department and upon payment of the required fee. Every duplicate certificate of title shall contain the legend: "This is a duplicate certificate and may be subject to the rights of a person under the original certificate", and shall be delivered to the person entitled to possession of a registration certificate or certificate of title under section 222. Upon issuance of a duplicate registration certificate or plate, the previous registration certificate or plate last issued shall be void.

(2) If a certificate of title is lost at the time that ownership of the vehicle is to be transferred to another person, the secretary of state need not issue a duplicate certificate of title if all of the following are met:

(a) The person from whom ownership of the vehicle is to be transferred appears in person at a secretary of state office and supplies evidence satisfactory to the secretary of state of his or her identity and his or her ownership of the vehicle and pays the fee required under section 806.

(b) The person to whom the vehicle is to be transferred, or his or her legal representative, accompanies the person described under subdivision (a) and makes application for an original certificate of title, supplies evidence satisfactory to the secretary of state of his or her identity, and pays the fee required under section 806.

(3) If the secretary of state does not issue a duplicate certificate of title pursuant to subsection (2), the secretary of state's records shall indicate the transfer of the vehicle without a surrender of the certificate of title.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1988, Act 276, Eff. Jan. 1, 1989.

257.230 Special identifying number after alteration or defacement of serial number; record.

Sec. 230. (a) The owner of a vehicle, the engine, serial or vehicle number of which has been altered, removed or defaced, may make application accompanied by the required fee in such form as may be prescribed by the secretary of state for a special identifying number. He shall furnish such information as will satisfy the secretary of state that he is the owner, whereupon the secretary of state shall assign a special number for the vehicle, preceded by a symbol indicating this state. A record of special numbers so assigned shall be maintained by the secretary of state.

The owner shall cause said number to be stamped upon the engine or otherwise as directed by the secretary of state, and upon receipt by the secretary of state of a certificate by a peace officer that he has inspected and found said number affixed upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the identifying number of said vehicle.

(b) This section is not intended to prohibit the restoration by the owner of the identifying number of the vehicle for which the certificate of title has been issued by this state, nor to prevent any manufacturer or importer, or agents, thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on vehicles or parts thereof removed or changed and replacing the numbered parts.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.230a Motorcycle without visible vehicle identification number; seizure; procedure; "person" defined.

Sec. 230A. (1) A police officer who finds a motorcycle that does not have a visible vehicle identification number may seize the motorcycle to determine if the motorcycle is stolen or otherwise in violation of law.

(2) A police officer who seizes a motorcycle under subsection (1) shall do all of the following:

(a) Secure and transport the motorcycle in a manner and to a place that will protect it from damage.

(b) Determine, if possible, whether or not the motorcycle is stolen.

(c) If necessary, facilitate an examination of the motorcycle by a forensic laboratory specialist or other trained specialist to determine if the vehicle identification number can be restored or otherwise located.

(d) Unless otherwise required by law, return the motorcycle to the person from whom it was seized or to the lawful owner, within 30 calendar days after the date of the seizure.

(3) A police agency holding a motor vehicle unlawfully beyond the 30 calendar days prescribed in subsection (2) is liable for damages.

(4) A person may enforce the provisions of this section by filing a civil action in the district court that has jurisdiction of the place where the motorcycle was seized. The district court shall conduct a hearing on the action within 10 days from the date of the filing in a manner prescribed in the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.

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(5) A person who prevails in an action authorized under subsection (4) shall be awarded costs and actual attorney fees.

(6) As used in this section, "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

History: Add. 2000, Act 408, Eff. Mar. 28, 2001.

Compiler's note: Section number "Sec. 230A." at the beginning of this section evidently should read "Sec. 230a.".

257.231 Registration of replacement engines.

Sec. 231. The secretary of state is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of 1 engine in place of another in any motor vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.232 Furnishing list of information to federal, state, or local governmental agency; contract for sale of lists of driver and motor vehicle records; records maintained in bulk; surveys, marketing, and solicitations; insertion of safeguard in agreement or contract; duties of recipient of personal information; disclosure of list based on driving behavior or sanctions.

Sec. 232. (1) Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions. The secretary of state may charge the requesting agency a preparation fee to cover the cost of preparing and furnishing a list provided under this subsection if the cost of preparation exceeds $25.00, and use the revenues received from the service to defray necessary expenses. If the secretary of state sells a list of information under this subsection to a member of the state legislature, the secretary of state shall charge the same fee as the fee for the sale of information under subsection (2) unless the list of information is requested by the member of the legislature to carry out a legislative function. The secretary of state may require the requesting agency to furnish 1 or more blank computer tapes, cartridges, or other electronic media and may require the agency to execute a written memorandum of agreement as a condition of obtaining a list of information under this subsection.

(2) The secretary of state may contract for the sale of lists of driver and motor vehicle records and other records maintained under this act in bulk, in addition to those lists distributed at cost or at no cost under this section for purposes permitted by and described in section 208c(3). The secretary of state shall require each purchaser of records in bulk to execute a written purchase contract. The secretary of state shall fix a market-based price for the sale of such lists or other records maintained in bulk, which may include personal information. The proceeds from each sale made under this subsection on and after October 1, 2005 through October 1, 2011 shall be credited to the transportation administration collection fund created in section 810b.

(3) The secretary of state or any other state agency shall not sell or furnish any list of information under subsection (2) for the purpose of surveys, marketing, and solicitations. The secretary of state shall ensure that personal information disclosed in bulk will be used, rented, or sold solely for uses permitted under this act.

(4) The secretary of state may insert any safeguard the secretary considers reasonable or necessary, including a bond requirement, in a memorandum of agreement or purchase contract executed under this section, to ensure that the information provided or sold is used only for a permissible purpose and that the rights of individuals and of the department are protected.

(5) An authorized recipient of personal information disclosed under this section who resells or rediscloses the information for any of the purposes permitted by and described in section 208c(3) shall do both of the following:

(a) Make and keep for a period of not less than 5 years records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(b) Allow a representative of the secretary of state, upon request, to inspect and copy records identifying each person who received personal information from the authorized recipient and the permitted purpose for which it was obtained.

(6) The secretary of state shall not disclose a list based on driving behavior or sanctions to a nongovernmental agency, including an individual.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 230, Eff. Aug. 11, 1956;—Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997;—Am. 2000, Act 192, Eff. Jan. 1, 2001;—Am. 2005, Act 173, Imd. Eff. Oct. 12, 2005;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.232a Furnishing name and address of lessee of vehicle to secretary of state or police

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officer.

Sec. 232a. A person in the business of leasing or renting a vehicle registered under this act shall furnish, upon request, the name and address of the lessee of the vehicle to the secretary of state or a police officer when needed by the secretary of state or the police officer in the course of an investigation or proceeding for a violation of this act or other felony or misdemeanor.

History: Add. 1977, Act 13, Imd. Eff. May 11, 1977.

TRANSFERS OF TITLE OR INTEREST

257.233 Transfer or assignment of title to, or interest in, registered vehicle; disposition of plates; application for new registration certificate; penalty; indorsement on certificate of title; effective date of transfer.

Sec. 233. (1) If the owner of a registered vehicle transfers or assigns the title or interest in the vehicle, the registration plates issued for the vehicle shall be removed and transferred to the owner's spouse, mother, father, sister, brother, or child to whom title or interest in the vehicle is transferred, or retained and preserved by the owner for transfer to another vehicle upon application and payment of the required fees. A person shall not transfer the plates to a vehicle without applying for a proper certificate of registration describing the vehicle to which the plates are being transferred except as provided in section 217(4). If the owner of a registered vehicle acquires another vehicle without transferring or assigning the title or interest in the vehicle for which the plates were issued, the owner may have the plates transferred to the subsequently acquired vehicle upon application and payment of the required fees.

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

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

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

(5) A person who violates subsection (2), (3), or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(6) A person whose operator's or chauffeur's license is suspended, revoked, or denied for, or who has never been licensed by this state and was convicted for, a third or subsequent violation of section 625 or 625m, of a local ordinance substantially corresponding to section 625 or 625m, or of a law of another state substantially corresponding to section 625 or 625m, or for a fourth or subsequent suspension or revocation under section 904 shall not purchase, lease, or otherwise acquire a motor vehicle during the suspension, revocation, or denial period. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(7) If the assigned holder of registration plates applies for a new registration certificate, the application shall be accompanied either by the old registration certificate or by a certificate of title showing the person to be the assigned holder of the registration plates for which the old registration certificate had been issued. A person who fails or neglects to fulfill the requirements of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(8) The owner shall indorse on the certificate of title as required by the secretary of state an assignment of the title with warranty of title in the form printed on the certificate with a statement of all security interests in the vehicle or in accessories on the vehicle and deliver or cause the certificate to be mailed or delivered to the purchaser or transferee at the time of the delivery to the purchaser or transferee of the vehicle. The certificate shall show the payment or satisfaction of any security interest as shown on the original title.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1958, Act 104, Imd. Eff. Apr. 14, 1958;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1964, Act 51, Eff. Aug. 28, 1964;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1973, Act 190, Imd. Eff. Jan. 8, 1974;—Am. 1974, Act 111, Imd. Eff. May 21, 1974;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005;—Am. 2006, Act 599, Imd. Eff. Jan. 3, 2007.

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257.233a Transfer of title or interest in vehicle; disclosure of odometer mileage.

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

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

(b) The date of transfer.

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

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

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

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

(g) One of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A low-speed vehicle.

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

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

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

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

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

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

(c) The date of the statement.

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

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

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

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

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

(i) The signature of the lessor.

(j) One of the following:

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

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

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

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

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

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

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

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

(b) The name of the buyer.

(c) The vehicle identification number.

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

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

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

History: Add. 1974, Act 367, Eff. Apr. 1, 1975;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 2000, Act 82, Eff. July 1, 2000.

Compiler's note: In subsection (1)(g)(*iii*), the term “transfer” evidently should read “transferor.”

257.233b Definitions; disclosure by dealer of damage or repair; exception; grounds for revocation.

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Sec. 233b. (1) As used in this section:

(a) “Distributor” means that term as defined in section 3(1) of 1981 PA 118, MCL 445.1563.

(b) “Manufacturer” means that term as defined in section 4(2) of 1981 PA 118, MCL 445.1564.

(c) “Program vehicle” means a motor vehicle from either the current model year or the immediately preceding model year, that was repurchased by a manufacturer or distributor from a rental car company.

(2) Except as provided in this subsection, a new motor vehicle dealer shall disclose in writing to a purchaser or lessee of a new motor vehicle, demonstrator, executive or manufacturer's vehicle, or program vehicle before entering into a sales contract or lease agreement that, after the vehicle completed the manufacturing process, the vehicle was damaged and repaired, including an itemization of repairs, if the dealer has knowledge of the damage and repairs and if the cost of the cumulative repairs, as calculated at the rate of the dealer's authorized warranty rate for labor and parts exceeds either 1 of the following:

(a) Five percent of the manufacturer's suggested retail price of the vehicle.

(b) Seven hundred fifty dollars in surface coating repairs or corrosion protection restoration or a combination of these items. If a new motor vehicle dealer fails to comply with this subsection, the purchaser or lessee shall retain all applicable remedies available under article 2 of the uniform commercial code, 1962 PA 174, MCL 440.2101 to 440.2725.

(3) A dealer in new motor vehicles is not required to disclose to a purchaser or lessee under this act that any glass, tires, wheels, bumpers, audio equipment, in-dash components, or components contained in the living quarters of a motor home that are not required for the operation of the motor home as a motor vehicle were damaged at any time if the damaged item has been replaced with original manufacturer's parts and material.

(4) Repaired damage to a motor vehicle, subject to this section, not exceeding the cost of cumulative repairs as determined pursuant to subsection (2) shall not constitute grounds for revocation of acceptance by the purchaser or lessee. The right of revocation ceases upon the purchaser's or lessee's acceptance of delivery of the vehicle.

History: Add. 1994, Act 305, Eff. Jan. 2, 1995;—Am. 2002, Act 642, Eff. Jan. 1, 2003.

257.234 Presentation of certificate of title and registration certificate to secretary of state; fees; issuance of new certificate of title and registration certificate; mail or delivery; repossession of license plates; payment of transfer fee; compliance with MCL 257.238.

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 being transferred to another vehicle, assigned as provided in this act, to the secretary of state accompanied by the fees as provided by law, whereupon a new certificate of title and registration certificate shall be issued to the assignee. The certificate of title shall be mailed or delivered to the owner or another person the owner may direct in a separate instrument in a form 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, and transfer of the vehicle ownership may be effected and a valid registration 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.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 66, Eff. Aug. 1, 1968;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 2000, Act 151, Imd. Eff. June 12, 2000;—Am. 2002, Act 552, Eff. Oct. 1, 2002.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.235 Dealer as transferee of vehicle; requirements; duties; liability of dealer or transferee; transfer of title or interest to another dealer; duties of dealer; dealer reassignment of title form; buy back or off lease vehicle.

Sec. 235. (1) If the transferee of a vehicle is a new motor vehicle dealer or a used vehicle dealer that acquires the vehicle for resale, the dealer is not required to obtain a new registration of the vehicle or forward the certificate of title to the secretary of state, but shall retain and have in the dealer's immediate possession the assigned certificate of title with the odometer information properly completed. A dealer shall obtain a certificate of title for a vehicle having a salvage certificate of title before the dealer may operate the vehicle

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under dealer's license plates. Upon transferring title or interest to another person that is not a dealer, the dealer shall complete an assignment and warranty of title upon the certificate of title, salvage certificate of title, or dealer reassignment of title form and make an application for registration and a new title as provided in section 217(4).

(2) The dealer or transferee is liable for all damages arising from the operation of the vehicle while the vehicle is in the dealer's or transferee's possession.

(3) Upon transferring title or interest to another dealer, the dealer shall complete an assignment and warranty of title upon the certificate of title, salvage certificate of title, or dealer reassignment of title form and deliver it to the licensed dealer to which the transfer is made.

(4) The secretary of state shall prescribe the dealer reassignment of title form. The form shall contain the title number of the accompanying title; the name, address, and, if applicable, dealer license number of the transferee; the year, make, model, body type, and vehicle identification number of the vehicle; the name, address, dealer number, and signature of the transferor; an odometer mileage statement pursuant to section 233a; and any other information the secretary of state requires.

(5) This section does not prohibit a dealer from selling a buy back vehicle while the certificate of title is in the possession of a manufacturer that obtained the certificate of title under the manufacturer's buy back vehicle program. The manufacturer shall mail the certificate of title to the dealer within 5 business days after the manufacturer's receipt of a signed statement from the purchaser of the vehicle acknowledging he or she was informed by the dealer that the manufacturer acquired title to the vehicle as the result of an arbitration proceeding, pursuant to a customer satisfaction policy adopted by the manufacturer, or under 1986 PA 87, MCL 257.1401 to 257.1410, or a similar law of another state.

(6) This section does not prohibit a dealer from selling an off lease vehicle while the certificate of title is in the possession of a lessor. The lessor shall mail the certificate of title to the dealer within 21 days after the lessor receives the purchase price of the vehicle and any other fees and charges due under the lease.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 2002, Act 652, Eff. Jan. 1, 2003.

257.235a Licensed dealer or junk dealer purchasing vehicle for purpose of destroying or junking vehicle; acceptance and disposition of certificate of title; fee.

Sec. 235a. Notwithstanding any other provision of this act or of the use tax act, 1937 PA 94, MCL 205.91 to 205.111, a licensed dealer or junk dealer who purchases a vehicle for the purpose of destroying or junking the vehicle may accept a certificate of title that has been assigned to the transferor by a properly indorsed assignment on the certificate of title as required by the secretary of state. The dealer shall write the word "junk" on the face of the certificate of title above the signature of the dealer or an authorized agent of the dealer and forward the certificate to the secretary of state, together with a fee of $5.00 instead of a fee or tax otherwise applicable. This section does not apply to a transfer unless the fee and certificate of title are received by the secretary of state within 10 days after the date of the vehicle's purchase by the dealer. A certificate of title shall not again be issued for the vehicle.

History: Add. 1960, Act 79, Eff. Aug. 17, 1960;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.236 Procuring title to vehicle acquired by operation of law; validity of registration upon death of owner; application for title by surviving spouse or heir; proof of death; certification; petition.

Sec. 236. (1) If ownership of a vehicle passes by operation of law, upon furnishing satisfactory proof of that ownership to the secretary of state, the person acquiring the vehicle may procure a title to the vehicle regardless of whether a certificate of title has ever been issued. Upon death of an owner of a registered vehicle, the license plate assigned to the vehicle, unless the vehicle is destroyed, is a valid registration until the end of the registration year or until the personal representative of the owner's estate transfers ownership of the vehicle.

(2) If an owner of 1 or more vehicles, which vehicles do not have a total value of more than $60,000.00, dies and the owner does not leave other property that requires issuance of letters as provided in section 3103 of the estates and protected individuals code, 1998 PA 386, MCL 700.3103, the owner's surviving spouse, or an heir of the owner in the order specified in section 2103 of the estates and protected individuals code, 1998 PA 386, MCL 700.2103, may apply for a title, after furnishing the secretary of state with proper proof of the death of the registered owner, attaching to the proof a certification setting forth the fact that the applicant is

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the surviving spouse or an heir. Upon proper petition, the secretary of state shall furnish the applicant with a certificate of title.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1961, Act 60, Eff. Sept. 8, 1961;—Am. 1962, Act 72, Eff. Mar. 28, 1963;—Am. 1976, Act 110, Imd. Eff. May 2, 1976;—Am. 1978, Act 544, Eff. July 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1989, Act 189, Imd. Eff. Aug. 24, 1989;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 2000, Act 64, Eff. Apr. 1, 2000.

257.236a Termination of owner's interest by enforcement of security agreement; application for new certificate; certification; holding vehicle for resale; termination of owner's interest by sale pursuant to court process; issuance and contents of new certificate; outstanding certificate.

Sec. 236a. (1) If the interest of the owner in a vehicle is terminated by the enforcement of a security agreement, the transferee of the owner's interest shall promptly mail or deliver to the secretary of state the last certificate of title if the transferee has possession of the certificate; the application for a new certificate in the form prescribed by the secretary of state; and a certification made by or on behalf of the holder of the security interest so enforced that the vehicle was repossessed, that the interest of the owner was lawfully terminated by enforcement of the security agreement, and whether the owner has delivered the last certificate of title to the transferee of the owner's interest, naming the transferee, or if not, the reason for not naming the transferee, and the location of the certificate of title as known to the owner. If the holder of the security interest succeeds to the interest of the owner and holds the vehicle for resale, the holder need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the secretary of state the certificate, if in the holder's possession, a certification, and other documents required to be sent to the secretary of state by the transferee.

(2) If the interest of the owner in a vehicle is terminated by sale pursuant to a levy of execution, attachment, or by other process of a court, the transferee of the owner's interest shall promptly mail or deliver to the secretary of state the last certificate of title, if the transferee has possession of the certificate, the application for a new certificate of title in the form prescribed by the secretary of state, and a certification upon a form prescribed by the secretary of state, made by the officer of the court who conducted the sale, setting forth the date of the sale, the name of the purchaser, and whether the officer of the court has delivered the certificate of title to the purchaser and if not, the reason for nondelivery and the location of the certificate of title so far as known to the officer of the court.

(3) A person holding a certificate of title in which the interest of the owner named on the certificate has been terminated in the manner provided by subsection (1) or (2), shall mail or deliver the certificate to the secretary of state upon request. The delivery of the certificate pursuant to the request of the secretary of state does not affect the rights of the person surrendering the certificate, and the action of the secretary of state in issuing a new certificate of title as provided in this act is not conclusive upon the rights of an owner or holder of a security interest named in the old certificate.

(4) The secretary of state, upon receipt of an application for a new certificate of title by a transferee in the manner provided by subsection (1) or (2), with proof of the transfer, the required fee, and other documents required by law, shall issue a new certificate of title in the name of the transferee as owner, setting forth all security interests noted on the last certificate of title as having priority over the security agreement so enforced and shall mail or deliver the certificate to the owner. If the outstanding certificate of title is not delivered to the secretary of state, the secretary of state shall make demand for the outstanding certificate of title from the holder.

History: Add. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 66, Eff. Aug. 1, 1968;—Am. 1980, Act 398, Eff. Mar. 31, 1981.

257.237 Transfer of registration; issuance of new registration certificate and certificate of title; filing surrendered certificate of title; retention of records.

Sec. 237. (1) The secretary of state, upon receipt of a properly endorsed certificate of title and application for transfer of registration accompanied by the required fee, shall transfer the registration thereof under its registration number to the newly acquired vehicle and shall issue a new registration certificate and certificate of title as upon an original registration.

(2) The secretary of state shall retain and appropriately file every surrendered certificate of title, the file to be so maintained as to permit the tracing of title of the vehicles designated in the file for a period of 6 years, except that records of stolen vehicles reported in section 253 may be destroyed after being maintained on file for the year of entry plus 4 years.

(3) The secretary of state shall retain the records for 2 years after the date of notification that a vehicle has been processed for scrap.

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981.

257.238 Security interests in vehicle; certificate of title; assignment; termination statement.

Sec. 238. (a) When an owner named in a certificate of title creates a security interest in the vehicle described in such certificate or in any accessory thereon:

(1) The owner shall immediately execute an application in the form prescribed by the department to name the holder of the security interest on the certificate of title, showing the name and address of such holder and deliver the certificate of title, application and the required fee together with a copy of such application which need not be signed, to the holder of the security interest.

(2) The holder of the security interest shall cause the certificate of title, application and fee and the copy of such application to be mailed or delivered to the department.

(3) The department shall indicate on the copy of such application the date and place of filing of the application and return said copy to the person presenting the same.

(4) Upon receipt of the certificate of title, application and the required fee the department shall issue a new certificate in the form provided by section 222 setting forth the name and address of each holder of a security interest in the vehicle or in any accessory thereon for which a termination statement has not been filed and the date on which the application first stating such security interest was filed, and mail the certificate to the owner.

(b) (1) A holder of any kind of a security interest may assign, absolutely or otherwise, his security interest in the vehicle or any accessory thereon to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the holder of the security interest as the holder thereof.

(2) The assignee may have the certificate of title indorsed with the assignee named as the holder of the security interest by providing the department with a copy of the assignment instrument but the failure of the assignee to do so shall not affect the validity of the security interest of the assignment thereof.

(c) (1) Whenever there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured or to be secured by a security interest in a vehicle, or an accessory thereon, for which the certificate of title is in possession of a secured party, such secured party shall, within 10 days after satisfaction of the obligation and, in any event within 30 days, execute a termination statement in the form prescribed by the department and mail or deliver the termination statement to the owner or such other person as the owner may direct. The owner other than a dealer holding the vehicle for resale, shall promptly cause the certificate, all termination agreements, and an application for certificate of title accompanied by the proper fee, to be mailed or delivered to the department, which shall issue a new certificate.

(2) Whenever there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured or to be secured by a security interest in a vehicle, or an accessory thereon, for which the certificate of title is in the possession of another person, the secured party shall within 10 days after demand and in any event within 30 days, execute a termination statement in the form prescribed by the department and mail or deliver the termination statement to the owner or such other person as the owner may direct.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 248, Eff. Jan. 1, 1965;—Am. 1968, Act 66, Eff. Aug. 1, 1968.

257.239 Certificate of title; failure to endorse or deliver, penalty.

Sec. 239. It is a misdemeanor for any person to fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.240 Liability for use or ownership of vehicle after transfer of endorsed certificate of title; conditions; violation of subsection (2); civil infraction; fine; towing and storage fees.

Sec. 240. (1) The owner of a motor vehicle who has made a bona fide sale by transfer of his or her title or interest and who has delivered possession of the vehicle and the certificate of title to that vehicle properly endorsed to the purchaser or transferee is not liable for any damages or a violation of law that subsequently results from the use or ownership of the vehicle by another, if the owner, other than a licensed dealer, satisfies the conditions prescribed under subsection (2).

(2) The owner of a motor vehicle, other than a licensed dealer, shall satisfy 1 of the following conditions:

(a) Accompany the purchaser of the vehicle to a secretary of state branch office to assure that the title of the vehicle being sold is transferred.

(b) Maintain a record of the sale for not less than 18 months. As used in this subdivision, "record of the

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sale" means either a photocopy of the reassigned title or a form or document that includes the name, address, driver license number, and signature of the person to whom the vehicle is sold and the purchase price and date of sale of the vehicle.

(3) A person who violates subsection (2) is responsible for a civil infraction and shall be ordered to pay a civil fine of $15.00.

(4) A person who violates subsection (2) is presumed to be the last titled owner and to be liable for towing fees and daily storage fees for an abandoned motor vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2004, Act 493, Eff. Oct. 1, 2005.

257.241 Repealed. 1978, Act 507, Eff. July 1, 1979.

Compiler's note: The repealed section pertained to cancellation of certificate of title for dismantled or wrecked car.

257.242 Sale of vehicle for salvage.

Sec. 242. An owner may sell a vehicle to a dealer for salvage by writing on the face of the certificate of title in bold print the word, scrap, along with the signature of the owner or authorized agent, and by then assigning the certificate of title to the dealer purchasing the vehicle. A certificate of title shall not again be issued for the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 100, Eff. Sept. 13, 1958;—Am. 1960, Act 142, Eff. Aug. 17, 1960;—Am. 1978, Act 507, Eff. July 1, 1979.

257.242a Regrooved or recut motor vehicle or motorcycle tires; sale or possession with intent to sell prohibited; exception; misdemeanor.

Sec. 242a. No person shall regroove or recut motor vehicle or motorcycle tires or knowingly sell, offer or expose for sale or have in his possession with intent to sell any motor vehicle or motorcycle tire or any motor vehicle or motorcycle equipped with one or more tires which have been recut or regrooved, except that there shall be no prohibition against the regrooving or recutting of commercial vehicle tires or the sale of regrooved or recut commercial vehicle tires or commercial vehicles equipped with such commercial vehicle tires which are designed and constructed in such a manner that regrooving or recutting is an acceptable and safe practice. A violation of this section shall constitute a misdemeanor.

History: Add. 1966, Act 133, Eff. Jan. 1, 1967.

PERMITS TO NONRESIDENT OWNERS

257.243 Nonresident owner of foreign vehicle; registration; exemption; transportation for compensation; temporary permit; agent for secretary of state; pleasure vehicle; business vehicle.

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 register the vehicle and pay the same fees for its registration as is required with reference to like vehicles owned by residents of this state, except that the department may issue to the nonresident owner a temporary permit authorizing the operation of the foreign vehicle within this state for a period of 72 hours, without registering the vehicle, on the payment of a fee as provided in section 802a of this act. The temporary permit shall be in a form as prescribed by, and shall be displayed on a foreign vehicle in a manner determined by the secretary of state. Each request for a temporary permit under this subsection shall be based on emergency or infrequent need for the permit. The secretary of state may refuse to issue a permit if he or she has reason to believe the applicant has previously forged or misused a permit, has attempted to circumvent the registration laws of this state, or has not demonstrated an emergency or infrequent use.

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

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

(5) Every nonresident, including any foreign corporation carrying on business within this state and owning and operating in that business any vehicle subject to registration as provided in this chapter, shall register the vehicle and pay the same fee for the registration as is required with reference to like vehicles owned by

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residents of this state, except as otherwise provided by law.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1960, Act 98, Imd. Eff. Apr. 26, 1960;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990.

SPECIAL PLATES TO MANUFACTURERS, TRANSPORTERS, DEALERS

257.244 Operation of vehicle by manufacturer, subcomponent system producer, dealer, or transporter with special plate; unauthorized use of special plate; penalties; surety bond or insurance; number of plates; operation of vehicle with dealer plate by vendee or prospective purchaser; issuance of registration plate to move vehicle or trailer.

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

(2) A producer of a vehicle subcomponent system essential to the operation of the vehicle or the safety of an occupant may operate or move a motor vehicle upon a street or highway solely to transport or test the subcomponent system if the motor vehicle displays, in the manner prescribed in section 225, 1 special plate approved by the secretary of state. To be eligible for the special plate, the subcomponent system producer must be either a recognized subcomponent system producer or must be a subcomponent system producer under contract with a vehicle manufacturer.

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

(4) Solely to deliver the vehicle, a transporter may operate or move a vehicle of a type otherwise required to be registered under this act upon a street or highway if the vehicle displays, in the manner prescribed in section 225, a special plate issued to the transporter under this chapter.

(5) A licensee shall not use a special plate described in this section on service cars or wreckers operated as an adjunct of a licensee's business. A manufacturer, transporter, or dealer making or permitting any unauthorized use of a special plate under this chapter forfeits the right to use special plates and the secretary of state, after notice and a hearing, may suspend or cancel the right to use special plates and require that the special plates be surrendered to or repossessed by the state.

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

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

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

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

(10) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association that in the ordinary course of business has occasion to legally pick up or deliver a commercial motor vehicle being driven to a facility to undergo aftermarket modification, or to repair or service a vehicle, or to persons defined as watercraft dealers under part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199, or to the owner of a marina for the purpose of delivering a vessel or trailer to a purchaser, to transport a vessel between a body of water and a place of storage, to transport a vessel or trailer to and from a boat show or exposition, to repair, service, or store a vessel or trailer, or to return a vessel or trailer to the customer after repair, service, or storage. A registration plate issued under this subsection shall be used to move the vehicle or trailer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 67, Eff. Sept. 18, 1952;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1960, Act 107, Eff. Aug. 17, 1960;—Am. 1992, Act 306, Eff. Mar. 31, 1993;—Am. 2000, Act 369, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 485, Eff. Oct. 1, 2002;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

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257.244a Motorcycle dealer license plates; size.

Sec. 244a. Plates furnished to dealers in motorcycles shall be the same size as otherwise furnished for use on motorcycles.

History: Add. 1961, Act 34, Eff. Sept. 8, 1961.

257.245 General distinguishing number and special plates for manufacturer, transporter, or dealer; application; proof; issuance; duration; fee.

Sec. 245. (1) Any manufacturer, transporter, or dealer may make application to the department upon the appropriate form for a general distinguishing number and for 1 or more special plates. The applicant shall also submit proof of his status as a bona fide manufacturer, transporter, or dealer as may reasonably be required by the department.

(2) The department, upon granting the application, shall issue a special plate with a general distinguishing number assigned to the applicant and displayed on the special plate. The distinguishing number for a special plate shall be different from every other special plate.

(3) A manufacturer or transporter may make application on a form prescribed by the secretary of state for 1 or more special plates, which special plates shall be valid for 3 years. Upon approval of the application, the fee for 1 or more special plates shall be 3 times the annual fee assessed under section 803.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1988, Act 276, Eff. Jan. 1, 1989.

257.246 Special plates; expiration.

Sec. 246. Every special plate issued hereunder shall expire on the last day of February of each calendar year.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1960, Act 107, Eff. Aug. 17, 1960;—Am. 1965, Act 277, Imd. Eff. July 21, 1965.

257.247 Special plates; manufacturers and transporters, record of uses; inspection by peace officers.

Sec. 247. Every manufacturer or transporter shall keep a written record of the vehicles upon which such special plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any peace officer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 55, Eff. July 1, 1958.

257.247a, 257.247b Repealed. 1992, Act 306, Eff. Mar. 31, 1993.

Compiler's note: The repealed sections pertained to special plates for operation of vehicles in connection with public civic events and official commemorative civic events plates.

DEALERS AND WRECKERS MUST BE LICENSED

257.248 Dealer license; investigation; report; bond or renewal certificate; dealer plates; stipulation as to service of process; prohibited conduct, application, and classification; expiration; conduct not requiring separate or supplemental license.

Sec. 248. (1) The secretary of state shall not grant a dealer license under this section until an investigation is made of the applicant's qualifications under this act, except that this subsection does not apply to license renewals. The secretary of state shall make the investigation within 15 days after receiving the application and make a report on the investigation.

(2) An applicant for a new vehicle dealer or a used or secondhand vehicle dealer or broker license shall include a properly executed bond or renewal certificate with the application. If a renewal certificate is used, the bond is considered renewed for each succeeding year in the same amount and with the same effect as an original bond. The bond shall be in the sum of $10,000.00 with good and sufficient surety to be approved by the secretary of state. The bond shall indemnify or reimburse a purchaser, seller, lessee, financing agency, or governmental agency for monetary loss caused through fraud, cheating, or misrepresentation in the conduct of the vehicle business whether the fraud, cheating, or misrepresentation was made by the dealer or by an employee, agent, or salesperson of the dealer. The surety shall make indemnification or reimbursement for a monetary loss only after judgment based on fraud, cheating, or misrepresentation has been entered in a court of record against the licensee. The bond shall also indemnify or reimburse the state for any sales tax deficiency as provided in the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or use tax deficiency as provided in the use tax act, 1937 PA 94, MCL 205.91 to 205.111, for the year in which the bond is in force. The surety shall make indemnification or reimbursement only after final judgment has been entered in a court of record against the licensee. A dealer or applicant who has furnished satisfactory proof that a bond similar to

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the bond required by this subsection is executed and in force is exempt from the bond provisions set forth in this subsection. The aggregate liability of the surety shall not exceed the sum of the bond. The surety on the bond may cancel the bond upon giving 30 days' notice in writing to the secretary of state and thereafter is not liable for a breach of condition occurring after the effective date of the cancellation.

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

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

(5) A person shall not carry on or conduct the business of buying, selling, brokering, leasing, negotiating a lease, or dealing in 5 or more vehicles of a type required to be titled under this act in a 12-month period unless the person obtains a dealer license from the secretary of state authorizing the carrying on or conducting of that business. A person shall not carry on or conduct the business of buying, selling, brokering, leasing, negotiating a lease, or dealing in 5 or more distressed, late model vehicles or salvageable parts to 5 or more of those vehicles in a 12-month period unless the person obtains a used or secondhand vehicle parts dealer, an automotive recycler, or a salvage pool license from the secretary of state or is an insurance company admitted to conduct business in this state. A person shall not carry on or conduct the business of buying 5 or more vehicles in a 12-month period to process into scrap metal or store or display 5 or more vehicles in a 12-month period as an agent or escrow agent of an insurance company unless the person obtains a dealer license from the secretary of state. A vehicle scrap metal processor who does not purchase vehicles or salvageable parts from unlicensed persons is not required to obtain a dealer license. A person from another state shall not purchase, sell, or otherwise deal in distressed, late model vehicles or salvageable parts unless the person obtains a foreign salvage vehicle dealer license from the secretary of state as prescribed under section 248b. A person, including a dealer, shall not purchase or acquire a distressed, late model vehicle or a salvageable part through a salvage pool, auction, or broker without a license as a salvage vehicle agent. The secretary of state shall investigate and seek prosecution, if necessary, of persons allegedly conducting a business without a license.

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

(a) Name of applicant.

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

(c) The name under which business is to be conducted.

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

(e) Name, address, date of birth, and social security number of each owner or partner and, if a corporation, the name, address, date of birth, and social security number of each of the principal officers.

(f) The county in which the business is to be conducted and the address of each place of business in that county.

(g) If new vehicles are to be sold, the make to be handled. Each new vehicle dealer shall send with the application for license a certification that the dealer holds a bona fide contract to act as factory representative, factory distributor, or distributor representative to sell at retail ..... (the make of vehicle to be sold).

(h) A statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, and director. The statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant.

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

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

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

(*i*) Evidence that the applicant maintains or will maintain an established place of business.

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

(*iii*) Evidence of worker's compensation insurance coverage for employees classified under the North American industrial classification system number 42114, entitled "motor vehicle parts (used) wholesalers" or under the national council on compensation insurance classification code number 3821, entitled "automobile dismantling and drivers", if applicable.

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

(7) A person shall apply separately for a dealer license for each county in which business is to be conducted. Before moving 1 or more of his or her places of business or opening an additional place of business, a dealer shall apply to the secretary of state for and obtain a supplemental dealer license, for which a fee shall not be charged. A supplemental dealer license shall be issued only for a location, including a tent, temporary stand, or any temporary quarters, that does not meet the definition of an established place of business, within the county in which the dealer's established place of business is located. A dealer license entitles the dealer to conduct the business of buying, selling, leasing, and dealing in vehicles or salvageable parts in the county covered by the license. The dealer license shall also entitle the dealer to conduct at any other licensed dealer's established place of business in this state only the business of buying, selling, leasing, or dealing in vehicles at wholesale.

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

(a) New vehicle dealer.

(b) Used or secondhand vehicle dealer.

(c) Used or secondhand vehicle parts dealer.

(d) Vehicle scrap metal processor.

(e) Vehicle salvage pool operator.

(f) Distressed vehicle transporter.

(g) Broker.

(h) Foreign salvage vehicle dealer.

(i) Automotive recycler.

(j) Beginning April 1, 2005, wholesaler.

(9) A dealer license expires on December 31 of the last year for which the license is issued. The secretary of state may renew a dealer license for a period of not more than 4 years upon application and payment of the fee required by section 807.

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

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1957, Act 281, Eff. Sept. 27, 1957;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1964, Act 166, Imd. Eff. Jan. 1, 1965;—Am. 1966, Act 216, Eff. Mar. 10, 1967;—Am. 1970, Act 123, Imd. Eff. July 23, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. July 1, 1994;—Am. 1998, Act 384, Eff. Jan. 1, 1999;—Am. 1999, Act 172, Imd. Eff. Nov. 16, 1999;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2004, Act 495, Eff. Jan. 31, 2005.

257.248a Vehicle dealer; prohibited advertising or representations.

Sec. 248a. A motor vehicle dealer shall not advertise or represent a motor vehicle to be a demonstrator, executive or manufacturer's vehicle, leased vehicle, new motor vehicle, or used or secondhand vehicle unless the vehicle so described is as defined in this act.

History: Add. 1975, Act 314, Imd. Eff. Dec. 22, 1975.

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257.248b Foreign salvage vehicle dealer license; form and contents of application; division of dealer licensees into quarter segments; expiration and renewal of license; investigations; stipulation as to service of process.

Sec. 248b. (1) A person from a foreign state shall not purchase, sell, or otherwise deal in distressed late model motor vehicles or salvageable parts unless the person first obtains a foreign salvage vehicle dealer license from the secretary of state.

(2) The application for a foreign salvage vehicle dealer license shall be in the form prescribed by the secretary of state and shall be signed by the applicant. The application shall include the following:

(a) Name of applicant.

(b) Location of applicant's established place of business in a foreign state.

(c) The name under which business is to be conducted.

(d) If the business is a corporation, the state of incorporation and a copy of the articles of incorporation filed in that state.

(e) Name, address, date of birth, and social security number of each owner or partner and, if a corporation, the name of the principal officers.

(f) A statement of the previous history, record, and associations of the applicant and of each owner, partner, officer, and director, which statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the applicant.

(g) A statement showing whether the applicant has previously applied for a license in any other state, the result of the application, and whether the applicant has ever been the holder of a license that was revoked or suspended.

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

(i) Evidence that the applicant holds the appropriate license to buy, sell, or otherwise deal in distressed, late model vehicles or salvageable parts in a foreign state and actually engages in the business of buying, selling, or otherwise dealing in distressed, late model motor vehicles or salvageable parts in the foreign state.

(j) Evidence that the applicant maintains or will maintain an established place of business.

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

(*l*) Evidence of worker's compensation insurance coverage for employees classified under the standard industrial classification number 4015, entitled “motor vehicle parts — used” or under the national council on compensation insurance code number 3821, entitled “automobile dismantling”, if applicable.

(m) Federal employer tax identification number.

(n) Certification that neither the applicant nor another person named on the application is acting as the alter ego or in the place of or on behalf of any other person or persons in seeking the license. For the purpose of this subdivision, “alter ego” means a person who acts for or on behalf of, or in the place of, another person for purposes of obtaining a vehicle dealer license.

(3) The secretary of state may divide the calendar year into quarters and the total number of dealer licensees into approximately convenient quarter segments. Each dealer license granted under subsection (1) shall expire on the last day of the month in the quarter for the business year in which the license was issued, and may be renewed upon application and payment of the fee required by section 807.

(4) A license shall not be granted until an investigation is made of the applicant's qualifications under this act and a criminal history investigation of the applicant is conducted through a law enforcement informational network. This subsection does not apply to license renewals. The secretary of state shall make the investigations within 15 days after receipt of the application and make a report on the investigations.

(5) A dealer required to be licensed under this section, as a condition precedent to the granting of a license, shall file with the secretary of state an irrevocable written stipulation, authenticated by the applicant, stipulating and agreeing that legal process affecting the dealer, served on the secretary of state or a deputy of the secretary of state, has the same effect as if personally served on the dealer. This appointment remains in force as long as any liability of the dealer remains outstanding within this state.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

****** 257.248c SUBSECTION (1) APPLIES UNTIL JULY 1, 1994; SUBSECTION (3) APPLIES BEGINNING JULY 1, 1994 ******

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257.248c Sale, transfer, or release of distressed late model vehicle; applicability of subsections (1) and (3).

Sec. 248c. (1) A vehicle salvage pool or broker shall not sell, transfer, or release a distressed, late model vehicle to anyone other than 1 or more of the following:

(a) The vehicle's former owner.

(b) A used or secondhand vehicle parts dealer.

(c) A vehicle scrap metal processor.

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

(e) A registered motor vehicle repair facility engaging in body work.

(2) Subsection (1) applies until July 1, 1994.

(3) A vehicle salvage pool, auction, or broker shall not sell, transfer, or release a distressed, late model vehicle to anyone other than 1 or more of the following:

(a) The vehicle's former owner.

(b) A licensed salvage agent of an automotive recycler.

(c) A licensed salvage agent of a foreign salvage vehicle dealer.

(4) Subsection (3) applies beginning July 1, 1994.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.248d Repealed. 1992, Act 304, Imd. Eff. Dec. 21, 1992.

Compiler's note: The repealed section pertained to a study pertaining to reducing auto theft and comprehensive premiums.

257.248e Salvage vehicle agent license.

Sec. 248e. (1) Beginning January 1, 1994, a person, including a dealer, shall not purchase, acquire, sell, or otherwise deal in distressed, late model vehicles or salvageable parts through a salvage pool without a salvage vehicle agent license from the secretary of state. Only a licensed automotive recycler, licensed used or secondhand vehicle parts dealer, or a licensed foreign salvage vehicle dealer may apply to the secretary of state for a salvage vehicle agent license. A dealer shall not have more than 2 individuals, including himself or herself, licensed as a salvage vehicle agent.

(2) The application for a salvage vehicle agent license shall be in the form prescribed by the secretary of state and shall be signed by both the agent and the dealer who is appointing the individual as a salvage vehicle agent. In addition to other information as may be required by the secretary of state, the application shall include all of the following:

(a) Business name, address, and dealer license number of the dealer-applicant.

(b) Name, address, social security number, and date of birth of the agent-applicant.

(c) A statement of the previous history, record, and associations of the agent, which statement shall be sufficient to establish to the satisfaction of the secretary of state the business reputation and character of the agent.

(d) A statement showing whether the agent has previously applied for a dealer license or an agent's license, the result of the application, and whether the agent has ever been the holder of a dealer license or agent's license that was revoked or suspended in this state or any other state.

(e) A certification that the agent is not acting as the alter ego or in the place or on the behalf of any other person or persons in seeking the license. For the purpose of this subdivision, “alter ego” means a person who acts for and on behalf of, or in the place of, another person for purposes of obtaining a salvage vehicle agent license.

(3) A dealer shall make a separate application for each agent license and forward the application to the secretary of state along with the application of the dealer for a dealer license. A fee of $50.00 shall accompany each application for an agent license. The license of an agent issues, renews, and expires with the issuance, renewal, and expiration of the license of a dealer. If necessary, a dealer may apply for the license for an agent at any time during the time period that the dealer license is valid.

(4) A license for an agent shall not be granted until an investigation is made of the agent's qualifications under this act, except that this subsection does not apply to license renewals. The secretary of state shall make the investigation within 15 days after receiving the application and make a report on the investigation.

(5) The secretary of state shall issue a license to an agent bearing a full-face photograph of the agent and the following information:

(a) Agent's name and address.

(b) Physical description.

(c) The agent's signature.

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(d) The agent's license number.

(e) Name, address, and dealer license number of the dealer for whom the agent may conduct business.

(6) The secretary of state shall maintain a copy or a negative of the photograph for purposes of renewing or issuing duplicate salvage vehicle agent licenses.

(7) A dealer shall immediately notify the secretary of state in writing if there is any factual or material change in the information stated in an agent's license or application for the license.

(8) A dealer may cancel the license of an agent at any time. If a dealer cancels the license of an agent, the dealer shall notify, in writing, the secretary of state within 5 days of the cancellation and forward the canceled license to the secretary of state along with this notice. The dealer shall advise each salvage pool or salvage auction where the dealer does business of the cancellation. An agent's license is automatically canceled, by operation of law, at the end of the employment of the agent by the dealer.

(9) Within 5 days of the cancellation, expiration, suspension, or revocation of the license of an agent, the agent shall surrender the license to the dealer or secretary of state.

(10) If an agent's license becomes lost, mutilated, or illegible, the dealer shall promptly apply to the secretary of state for the issuance of a duplicate license. Application shall be made on a form as prescribed by the secretary of state and be accompanied by a fee of $50.00 and the mutilated or illegible license.

(11) A dealer shall indemnify the secretary of state and any member of the public who suffers or sustains any loss by reason of any violation of this act by an agent that occurs within the actual or apparent scope of the agent's authority during the period that the agent's license is valid.

(12) An agent required to be licensed under this section, as a condition precedent to the granting of a license, shall file with the secretary of state an irrevocable written stipulation, authenticated by the agent applicant, stipulating and agreeing that legal process affecting the agent, served on the secretary of state or a deputy of the secretary of state, has the same effect as if personally served on the agent. This appointment remains in force as long as any liability of the agent remains outstanding within this state.

History: Add. 1993, Act 300, Eff. Jan. 1, 1994.

257.248f Vehicle dealer or salvage vehicle agent license; criminal history check; fingerprints; disclosure of information; violation of subsection (7) as misdemeanor; "criminal history record information" defined.

Sec. 248f. (1) The secretary of state shall not license a person as a vehicle dealer or salvage vehicle agent before requesting a criminal history check of the person and receiving a criminal history report of the person from both the department of state police and federal bureau of investigation.

(2) Each criminal history check required under this section shall be requested, and a criminal history report shall be obtained, from both the department of state police and the federal bureau of investigation.

(3) Each person required to be named on an application shall submit his or her fingerprints for a criminal history check to the department of state police in a format as prescribed by the department of state police. The fees required by the department of state police or the federal bureau of investigation, as applicable, to conduct the criminal history check shall accompany a request for a criminal history check.

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

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

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

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

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

(b) Staff of the department of state police.

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

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(d) The applicant or his or her attorney.

(8) A person who violates subsection (7) is guilty of a misdemeanor punishable by a fine of not more than $10,000.00.

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

(10) Except for subsection (5), this section does not apply to a person whose criminal history has previously been investigated by the secretary of state and who is applying for the renewal of a vehicle dealer license or salvage vehicle agent license.

History: Add. 1993, Act 300, Eff. July 1, 1994;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.248g Salvage vehicle agent; duties.

Sec. 248g. A salvage vehicle agent shall comply with this act and shall do all of the following:

(a) Purchase or acquire salvage vehicles only for the dealer indicated upon his or her agent's license. A salvage vehicle agent shall not be an agent for more than 1 licensed dealer at a given time.

(b) Prominently display his or her agent's license on his or her person at all times when he or she is present at a place where salvage vehicles are purchased, sold, or offered for sale.

(c) Upon demand, immediately display his or her agent's license to a peace officer or an authorized representative of the secretary of state.

(d) Immediately contact the dealer if there is any factual or material change in the information stated in his or her agent's license or license application.

(e) Upon the cancellation, cessation, or transfer of his or her employment, immediately surrender his or her license to the dealer who shall mail the license to the secretary of state for cancellation.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.248h Persons engaged in prohibited conduct; penalties; refusal to issue or renew license; revocation or suspension of license; denial or revocation of license without hearing.

Sec. 248h. (1) A person who has engaged in conduct prohibited by subsection (2) is subject to 1 or more of the following penalties:

(a) Placement of a limitation on the person's license.

(b) Suspension or revocation of a license.

(c) Denial of an original or renewal application.

(d) A civil fine paid to the department in an amount not to exceed $25,000.00.

(e) Condition of probation.

(f) A requirement to take affirmative action, including payment of restitution.

(g) A letter of censure.

(2) The secretary of state may deny the application of a dealer after an appropriate hearing for the licensing of an individual as a salvage vehicle agent and refuse to issue or renew the license of an agent or may suspend or revoke an agent's license already issued if the secretary of state finds that the dealer, applicant agent, or licensed agent has done 1 or more of the following:

(a) Made a false statement of a material fact in the agent's application.

(b) Violated this chapter or a rule promulgated under this chapter, or assisted others in the violation of this chapter or a rule promulgated under this chapter.

(c) Purchased or acquired a salvage or scrap vehicle or salvageable part for a dealer for whom the agent is not licensed, or functioned as an agent for himself or herself alone and without respect to any dealer.

(d) Committed a fraudulent act in connection with purchasing or acquiring or otherwise dealing in vehicles of a type required to be registered under this act or in salvage or scrap vehicles or in vehicle parts.

(e) Engaged in a method, act, or practice that is unfair or deceptive, including the making of an untrue statement of a material fact.

(f) Violated a condition of probation.

(g) Failed to comply with the terms of a final cease and desist order.

(h) Failed to pay over funds or to surrender or return property received in the course of employment to a dealer or other person entitled to the funds or property.

(i) Acted as a dealer's agent by purchasing, acquiring, selling, or disposing of a vehicle while employed by a licensed dealer without reporting the purchase, acquisition, sale, or disposing of the vehicle to the dealer.

(j) Served in a managerial capacity for a dealer during the time another agent or employee of that dealer, acting under the direction and control of the dealer or licensed agent, committed a violation of this chapter or of a rule promulgated under this chapter or of a similar law in another state or jurisdiction.

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(k) Acted for more than 1 party in a transaction without the knowledge of the other parties.

(*l*) Permitted an unlawful use of the agent's license.

(m) Accepted a commission, bonus, or other valuable consideration for the sale of a vehicle from a person other than the dealer under whom the agent is licensed.

(n) Possessed a vehicle or a vehicle part that has been confiscated under section 415 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.415 of the Michigan Compiled Laws, or of a similar law in another state or jurisdiction.

(3) Upon receipt of the appropriate abstract of conviction and without an opportunity for a hearing, the secretary of state shall deny the application of a person for a license as a salvage vehicle agent or immediately revoke the license of a person as a salvage vehicle agent for not less than 5 years after the date of the person's last conviction if the applicant or licensee, or a stockholder, officer, director, or partner of the applicant or licensee, has been convicted of a violation or attempted violation of section 254 of this act or of section 413, 414, 415, 535, or 535a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.414, 750.415, 750.535, and 750.535a of the Michigan Compiled Laws, or has been convicted in federal court or in another state of a violation or attempted violation of a law substantially corresponding to section 254 of this act or of section 413, 414, 415, 535, or 535a of Act No. 328 of the Public Acts of 1931.

(4) Upon receipt of the appropriate abstract of conviction from the court and without an opportunity for a hearing, the secretary of state shall deny the application of a person for a license as a salvage vehicle agent or immediately revoke the license of a person as a salvage vehicle agent and shall never issue the person a salvage vehicle agent license if the applicant or licensee has any combination of 2 or more convictions of a violation or attempted violation of section 254 of this act or of section 413, 414, 415, 535, or 535a of Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.414, 750.415, 750.535, and 750.535a of the Michigan Compiled Laws, or has been convicted in federal court or in another state of a violation or attempted violation of a law substantially corresponding to section 254 of this act or of section 413, 414, 415, or 535a of Act No. 328 of the Public Acts of 1931.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.248i Attending pool or auction selling salvage or scrap titled vehicles.

Sec. 248i. Except for department of state personnel, insurance company representatives, governmental officials, or law enforcement personnel, a person shall not attend a pool or auction selling salvage or scrap titled vehicles unless the person is licensed under this act as a salvage vehicle agent.

History: Add. 1993, Act 300, Eff. July 1, 1994.

257.248j Acting as dealer without license; warning; administrative fine; notice of assessment; actions; informal conference; administrative hearing; payment of administrative fine; reduction.

Sec. 248j. (1) In addition to any other remedies provided by law, if the secretary of state determines that a person has acted as a dealer without a dealer license, he or she may issue the person a verbal or written warning or assess an administrative fine of not more than $5,000.00 for a first violation, and not more than $7,500.00 for each subsequent violation occurring within 7 years of a prior violation.

(2) If the secretary of state assesses an administrative fine under subsection (1), the secretary of state shall provide notice of the assessment in writing pursuant to section 212. At a minimum, the notice of assessment shall contain all of the following:

(a) A unique identification number.

(b) A description of the alleged violation that is the basis for the assessment, including the date the alleged violation occurred and a reference to the specific section or rule alleged to have been violated.

(c) The administrative fine established for the violation.

(d) A statement indicating that if the fine is not paid, the secretary of state may refer the fine to the department of treasury for collection.

(e) A statement indicating that if the alleged violation is contested, the person has a right to request an informal conference before an administrative hearing, accompanied by simple instructions informing the person how to request or waive the informal conference.

(3) Not later than 20 days after receiving the written notice of assessment, the alleged violator shall do 1 of the following:

(a) Pay the administrative fine to the secretary of state. A payment waives the person's right to an informal conference and an administrative hearing.

(b) Request the secretary of state to conduct an informal conference.

(c) Waive the right to an informal conference and request the secretary of state to conduct an

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administrative hearing.

(d) If the person is not a licensed dealer, pay the administrative fine to the secretary of state and submit a properly completed dealer license application to the secretary of state.

(4) A person's request for an informal conference or an administrative hearing shall comply with all of the following:

(a) Be in writing.

(b) Be postmarked or received by the department within 20 days after the date the person received the written notice of assessment.

(c) State the name, address, and telephone number of the person requesting the informal conference or administrative hearing.

(d) State the written notice of assessment's unique identification number.

(e) State the reason for the request.

(f) If the request is for an administrative hearing without an informal conference, state the person is waiving his or her right to an informal conference.

(5) If the secretary of state receives a request for an informal conference or an administrative hearing that meets all of the conditions prescribed in subsection (4), the secretary of state shall schedule an informal conference or an administrative hearing, as applicable. If the request fails to meet all of the conditions prescribed in subsection (4), the secretary of state may in writing deny the request. A denial shall be served on the person by first-class mail and shall do both of the following:

(a) State the reason for the denial.

(b) Grant the person 14 days to submit a valid request to the secretary of state.

(6) The secretary of state shall conduct an informal conference under this section within 45 days after receiving a valid request for the conference. The secretary of state shall serve upon the alleged violator, by first-class mail not less than 5 days before the conference, a written notice that includes time, place, and date of the informal conference. The notice shall state that the alleged violator may be represented by an attorney at the informal conference.

(7) After the informal conference, the secretary of state shall evaluate the validity of the assessment of the administrative fine and affirm, modify, or dismiss the assessment. In making the evaluation, the secretary of state may consider 1 or more of the following:

(a) Whether there is reason to believe the alleged violation did in fact occur.

(b) The severity of the alleged violation and its impact on the public.

(c) The number of prior or related violations by the person.

(d) The likelihood of future compliance by the person.

(e) Any other considerations the secretary of state considers appropriate.

(8) Within 20 days after conducting the informal conference, the secretary of state shall serve upon the person by first-class mail a written statement describing whether the assessment of the administrative fine is affirmed, modified, or dismissed and the basis of the action. If the assessment is affirmed or modified, this statement shall also advise the person that he or she will receive a notice of hearing where the validity of the assessment may be contested or he or she may immediately pay the fine to the secretary of state and that payment of the fine will prevent scheduling of an administrative hearing.

(9) A notice of hearing under this section shall be served on the person by first-class mail not less than 5 days before the date scheduled for the administrative hearing and, at a minimum, advise the person of all of the following:

(a) The time, place, and date of hearing.

(b) That an impartial hearing officer will conduct the hearing and allow the person an opportunity to examine the secretary of state's evidence and present evidence in person or in writing.

(c) That the person has a right to be represented by an attorney at the administrative hearing.

(d) The common reasons why the secretary of state could dismiss an assessment of an administrative fine.

(e) That the hearing officer conducting the administrative hearing will be authorized to do all of the following:

(*i*) Affirm, modify, or dismiss the assessment of an administrative fine.

(*ii*) Correct any errors in the department's records that relate directly to the assessment.

(*iii*) Refer or not refer the fine to the department of treasury for collection.

(*iv*) Take or order any other action or resolution considered appropriate by the hearing officer.

(f) That if the department of treasury takes enforcement action against the person, he or she may seek a review in the court of claims.

(10) The secretary of state shall conduct an administrative hearing under this section pursuant to the contested case provisions of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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If an administrative fine assessed under this section is affirmed by the decision of the hearing officer, the hearing officer may assess the person costs of not more than $500.00, to reimburse the secretary of state for proving the validity of the alleged violation, in addition to any other penalties, sanctions, or costs imposed as provided by law.

(11) An administrative fine assessed under this section becomes final upon the first to occur of the following:

(a) The secretary of state does not receive a valid request for an informal conference or an administrative hearing within the time period described in subsection (4).

(b) Twenty days after a person waives his or her right to an administrative hearing.

(c) An administrative hearing decision is served upon the person.

(12) After a person pays the secretary of state the fine imposed, the secretary of state shall forward the money to the department of treasury for deposit in a separate fund within the general fund. Upon appropriation, this money shall be used first to defray the expense of the secretary of state in administering this chapter.

(13) If an administrative fine assessed under this section is not paid within 60 days after it becomes final, the secretary of state may refer the matter to the department of treasury for collection as a state debt through the offset of state tax refunds and may use the services of the department of treasury to levy the salary, wages, or other income or assets of the person as provided by law.

(14) Payment of an administrative fine assessed under this section does not constitute an admission of responsibility or guilt by the person. Payment of an administrative fine assessed under this section does not prevent the secretary of state from charging a violation described in the assessment of the administrative fine in a subsequent or concurrent contested case proceeding conducted by the secretary of state pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(15) If the person submits a properly completed application and appropriate fee for a dealer license within 20 days after an administrative fine under subsection (1) is assessed, and if the secretary of state issues the person a dealer license within 45 days of receiving the properly completed application and fee, the secretary of state shall reduce the amount of the administrative fine by 50%.

(16) The secretary of state shall serve a notice, denial, decision, or statement under this section in compliance with section 212.

(17) An informal conference under this section is not a compliance conference under section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292.

History: Add. 2002, Act 652, Eff. Jan. 1, 2003.

257.249 Denial, suspension, or revocation of license as dealer; grounds.

Sec. 249. The secretary of state may deny the application of a person for a license as a dealer and refuse to issue the person a license as a dealer, or may suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply:

(a) The applicant or licensee has made a false statement of a material fact in his or her application.

(b) The applicant or licensee has not complied with the provisions of this chapter or a rule promulgated under this chapter.

(c) The applicant or licensee has sold or leased or offered for sale or lease a new vehicle of a type required to be registered under this act without having authority of a contract with a manufacturer or distributor of the new vehicle.

(d) The applicant or licensee has been guilty of a fraudulent act in connection with selling, leasing, or otherwise dealing in vehicles of a type required to be registered under this act.

(e) The applicant or licensee has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of vehicles of a type required to be registered under this act that is contrary to any provision of this act.

(f) The applicant or licensee has no established place of business that is used or will be used for the purpose of selling, leasing, displaying, or offering for sale or lease or dealing in vehicles of a type required to be registered, and does not have proper servicing facilities.

(g) The applicant or licensee is a corporation or partnership, and a stockholder, officer, director, or partner of the applicant or licensee has been guilty of any act or omission that would be cause for refusing, revoking, or suspending a license issued to the stockholder, officer, director, or partner as an individual.

(h) The applicant or licensee has possessed a vehicle or a vehicle part that has been confiscated under section 415 of the Michigan penal code, 1931 PA 328, MCL 750.415. The secretary of state shall conduct a hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, before the secretary of state takes any action under this subdivision.

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(i) The applicant or licensee has been convicted under section 415 of the Michigan penal code, 1931 PA 328, MCL 750.415.

(j) The applicant or licensee has been convicted of violating 1986 PA 119, MCL 257.1351 to 257.1355.

(k) The established place of business of the applicant or licensee is not in compliance with all applicable zoning requirements and municipal requirements.

(*l*) The applicant or licensee has engaged in the business of buying, selling, trading, or exchanging new, used, or secondhand motor vehicles or has offered to buy, sell, trade, or exchange, or participate in the negotiation thereof, or attempted to buy, sell, trade, or exchange any motor vehicle or interest in any motor vehicle or any written instrument pertaining to a motor vehicle on a Sunday, as prohibited by 1953 PA 66, MCL 435.251 to 435.254.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1981, Act 115, Imd. Eff. July 17, 1981;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 2002, Act 642, Eff. Jan. 1, 2003;—Am. 2004, Act 495, Eff. Jan. 31, 2005.

257.249a Denial, suspension, or revocation of license as automotive recycler, used or secondhand vehicle parts dealer, vehicle scrap metal processor, or foreign salvage vehicle dealer; grounds.

Sec. 249a. (1) The secretary of state may deny the application of a person for a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer and refuse that person a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer, or may suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply:

(a) The applicant or licensee has made a false statement of a material fact in his or her application.

(b) The applicant or licensee has not complied with this act or a rule promulgated under this chapter.

(c) The applicant or licensee has been convicted of violating Act No. 119 of the Public Acts of 1986, being sections 257.1351 to 257.1355 of the Michigan Compiled Laws.

(d) If the applicant or licensee is a foreign salvage vehicle dealer, has had his or her dealer license in another state expire, or has had his or her dealer license in another state revoked, suspended, or canceled.

(e) If the applicant or licensee is an automotive recycler, a used or secondhand vehicle parts dealer, or a foreign salvage vehicle dealer and has no established place of business used for the purpose of selling, displaying, or offering for sale used or secondhand vehicle parts or does not have a vehicle dismantling facility or does not have evidence of worker's compensation insurance coverage for employees classified under the standard industrial classification number 4015, entitled “motor vehicle parts—used” or under the national council on compensation insurance code number 3821, entitled “automobile dismantling”, if applicable.

(2) The secretary of state shall deny the application of a person for a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer and refuse that person a license as an automotive recycler, a used or secondhand vehicle parts dealer, a vehicle scrap metal processor, or a foreign salvage vehicle dealer, or shall suspend or revoke a license already issued, if the secretary of state finds that 1 or more of the following apply:

(a) The applicant or licensee has been guilty of a fraudulent act in connection with selling or otherwise dealing in major component parts or vehicles of a type required to be registered under this act.

(b) The applicant or licensee has possessed a vehicle or a vehicle part which has been confiscated under section 415 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.415 of the Michigan Compiled Laws. The secretary of state shall conduct a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, before the secretary of state takes any action under this subdivision.

(c) The applicant or licensee has been convicted under section 413, 415, 535, 535a, or 536a of Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled Laws, or has been convicted in a foreign state of a law or a local ordinance substantially corresponding to section 413, 415, 535, 535a, or 536a of Act No. 328 of the Public Acts of 1931.

(d) The applicant or licensee is a corporation or partnership, and a stockholder, officer, director, or partner of the applicant or licensee has been guilty of any act or omission that would be cause for refusing, revoking, or suspending a license issued to the stockholder, officer, director, or partner as an individual.

(e) Effective July 1, 1994, the applicant or licensee has removed a scrap vehicle from this state for the purpose of rebuilding it or has sold or transferred the vehicle as a unit for purposes of rebuilding it.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

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257.250 Vehicle dealer's licensee; procedure for denial, suspension, revocation.

Sec. 250. (a) Before denying, revoking, suspending, or refusing to renew a dealer's license the secretary of state shall:

1. Cause an investigation of the licensee after a complaint in writing of any person has been filed in his office.

2. Set a date for hearing and give said licensee notice thereof at least 10 days in advance in the manner herein provided.

3. Cause a record to be taken of the hearing proceedings.

4. Enter a final order together with his findings.

(b) Such final order of the secretary of state shall be final unless, within 30 days after notice of such order is mailed by the secretary of state to the person whose application or license is denied, revoked, suspended or refused, such person shall claim an appeal from such order to the circuit court for the county in which such person resides or maintains a place of business or to the circuit court for the county of Ingham. On such appeal, the court shall review both law and facts as disclosed by the record, and may in its discretion receive newly discovered evidence, but shall not conduct a hearing de novo. The court may confirm, modify or set aside such order and make such further orders in respect thereto as justice may require.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

257.251 Dealer records; form; contents; delivery of written statement to buyer; conditions to valid sale; maintenance and inspection of dealer records and inventory; inspections; summary suspension of license; order; hearing; rules.

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

(2) Each record shall contain the date of the purchase, sale, lease, or exchange or receipt for the purpose of sale, lease, or exchange, a description of the vehicle, the name and address of the seller, the purchaser or lessee, and the alleged owner or other persons from whom the vehicle was purchased or received, or to whom it was sold, leased, or delivered. The record shall contain a copy of any odometer mileage statement received by the dealer when the dealer purchased or acquired a vehicle and a copy of the odometer mileage statement furnished by the dealer when the dealer sold, leased, or exchanged the vehicle as prescribed in section 233a. If the vehicle is purchased, sold, leased, or exchanged through a broker, the record shall include the broker's name and dealer license number and the amount of the broker's fee, commission, compensation, or other valuable consideration paid by the purchaser or lessee or paid by the dealer, or both. The records of all vehicles purchased, sold, leased, or exchanged through a broker maintained by the secretary of state shall be in an electronic format determined by the secretary of state. A dealer shall retain for not less than 5 years each odometer mileage statement the dealer receives and each odometer mileage statement furnished by the dealer upon the sale, lease, or exchange of a vehicle. The description of the vehicle, in the case of a motor vehicle, shall also include the vehicle identification number and other numbers or identification marks as may be on the vehicle, and shall also include a statement that a number has been obliterated, defaced, or changed, if that is the fact. For a trailer or semitrailer, the record shall include the vehicle identification number and other numbers or identification marks as may be on the trailer or semitrailer.

(3) Not more than 20 days after the delivery of the vehicle, the seller shall deliver to the buyer in person or by mail to the buyer's last known address a duplicate of a written statement, on a form prescribed by the secretary of state in conjunction with the department of treasury, describing clearly the name and address of the seller, the name and address of the buyer, the vehicle sold to the buyer, the cash sale price of the vehicle, the cash paid down by the buyer, the amount credited the buyer for a trade-in, a description of the trade-in, the amount charged for vehicle insurance, stating the types of insurance covered by the insurance policy, the amount charged for a temporary registration plate, the amount of any other charge and specifying its purpose, the net balance due from the buyer, and a summary of insurance coverage to be affected. If the vehicle sold is a new motor home, the written statement shall contain a description, including the year of manufacture, of every major component part of the vehicle that has its own manufacturer's certificate of origin. The written statement shall disclose if the vehicle sold is a vehicle that the seller had loaned or leased to a political subdivision of this state for use as a driver education vehicle. The written statement shall be dated, but not later than the actual date of delivery of the vehicle to the buyer. The original and all copies of the prescribed form shall contain identical information. The statement shall be furnished by the seller, shall be signed by the seller or the seller's agent and by the buyer, and shall be filed with the application for new title or registration. Failure of the seller to deliver this written statement to the buyer does not invalidate the sale between the

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seller and the buyer.

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

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

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

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

(6) A dealer licensed as a distressed vehicle transporter shall maintain records in a form as prescribed by the secretary of state. The records shall identify each distressed vehicle that is bought, acquired, and sold by the dealer. The record shall identify the person from whom a distressed vehicle was bought or acquired and the dealer to whom the vehicle was sold. The record shall indicate whether a certificate of title or salvage certificate of title was obtained by the dealer for each vehicle.

(7) A dealer licensed under this act shall maintain records for a period of 5 years. The records shall be made available for inspection by the secretary of state or other law enforcement officials. To determine or enforce compliance with this chapter or other applicable law, the secretary of state or any law enforcement official may inspect a dealer whenever he or she determines it is necessary. The secretary of state may issue an order summarily suspending the license of a dealer pursuant to section 92 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.292, based on an affidavit by a person familiar with the facts set forth in the affidavit that the dealer has failed to maintain the records required by this act or failed to provide the records for inspection as requested by the secretary of state, or has otherwise hindered, obstructed, or prevented the inspection of records authorized under this section. The dealer to whom the order is directed shall comply immediately, but on application to the department shall be afforded a hearing within 30 days pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. On the basis of the hearing, the summary order shall be continued, modified, or held in abeyance not later than 30 days after the hearing.

(8) A dealer licensed as a vehicle salvage pool operator or broker shall maintain records in a form as prescribed by the secretary of state. The records shall contain a description of each vehicle or salvageable part stored by the dealer, the name and address of the insurance company or person storing the vehicle or salvageable part, the period of time the vehicle or salvageable part was stored, and the person acquiring the vehicle or salvageable part. In the case of a late model vehicle, a record of the purchase or sale of a major component part of the vehicle shall be maintained identifying the part purchased or sold, the name and address of the seller or purchaser, the date of the purchase or sale, and the identification number assigned to the part by the dealer. The record of the purchase or sale of a part shall be maintained in or attached to the dealer's police book or hard copy of computerized data entries and reference codes and shall be accessible at the dealer's location. In addition, a dealer licensed as a broker shall maintain a record of the odometer mileage reading of each vehicle sold pursuant to an agreement between the broker and the buyer or the broker and the seller. The record of odometer mileage shall be maintained for 5 years and shall contain all of the information required by section 233a.

(9) A dealer licensed as a used vehicle parts dealer or an automotive recycler shall maintain records in a form prescribed by the secretary of state. The records shall contain the date of purchase or acquisition of the vehicle, a description of the vehicle including the color, and the name and address of the person from whom the vehicle was acquired. If the vehicle is sold, the record shall contain the date of sale and the name and address of the purchaser. The record shall indicate if the certificate of title or salvage or scrap certificate of title was obtained by the dealer. In the case of a late model vehicle, a record of the purchase or sale of a major component of the vehicle shall be maintained identifying the part purchased or sold, the name and address of the seller or purchaser, the date of the purchase or sale, and the identification number assigned to the part by the dealer, except that a bumper remanufacturer is not required to maintain a record of the purchase of a bumper. However, a bumper remanufacturer shall assign and attach an identification number to a remanufactured bumper and maintain a record of the sale of the bumper. The record of the purchase or sale of a part shall be maintained in or attached to the dealer's police book or hard copy of computerized data entries and reference codes and shall be accessible at the dealer's location.

(10) A dealer licensed as a vehicle scrap metal processor shall maintain records as prescribed by the secretary of state. As provided in section 217c, the records shall contain for a vehicle purchased from a dealer a copy of the scrap vehicle inventory, including the name and address of the dealer, a description of the vehicle acquired, and the date of acquisition. If a vehicle is purchased or acquired from a person other than a dealer, the record shall contain the date of acquisition, a description of the vehicle, including the color, the

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name and address of the person from whom the vehicle was acquired, and whether a certificate of title or salvage or scrap certificate of title was obtained by the dealer.

(11) A dealer licensed as a foreign salvage vehicle dealer shall maintain records in a form prescribed by the secretary of state. The records shall contain the date of purchase or acquisition of each distressed vehicle, a description of the vehicle including the color, and the name and address of the person from whom the vehicle was acquired. If the vehicle is sold, the record shall contain the date of sale and the name and address of the purchaser. The record shall indicate if the certificate of title or salvage or scrap certificate of title was obtained by the dealer. In the case of a late model vehicle, a record of the purchase or sale of each salvageable part purchased or acquired in this state shall be maintained and the record shall contain the date of purchase or acquisition of the part, a description of the part, the identification number assigned to the part, and the name and address of the person to or from whom the part was purchased, acquired, or sold. The record of the sale, purchase, or acquisition of a part shall be maintained in the dealer's police book. The police book shall only contain vehicles and salvageable parts purchased in this state or used in the repair of a vehicle purchased in this state. The police book and the records of vehicle part sales, purchases, or acquisitions shall be made available at a location within the state for inspection by the secretary of state within 48 hours after a request by the secretary of state.

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 96, Eff. Sept. 13, 1958;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1964, Act 51, Eff. Aug. 28, 1964;—Am. 1965, Act 210, Imd. Eff. July 16, 1965;—Am. 1978, Act 507, Eff. July 1, 1979;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 1990, Act 265, Imd. Eff. Oct. 17, 1990;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. July 1, 1994;—Am. 1998, Act 384, Eff. Jan. 1, 1999;—Am. 1998, Act 455, Imd. Eff. Dec. 30, 1998;—Am. 2000, Act 397, Imd. Eff. Jan. 8, 2001;—Am. 2002, Act 491, Imd. Eff. July 3, 2002;—Am. 2002, Act 642, Eff. Jan. 1, 2003.

Administrative rules: R 257.181 et seq. and R 257.251 et seq. of the Michigan Administrative Code.

257.251a Copies of documents.

Sec. 251a. At the time a document is signed for the sale or lease of a vehicle, the dealer shall provide a copy of each document signed to the person who signed the document.

History: Add. 1990, Act 265, Imd. Eff. Oct. 17, 1990;—Am. 2002, Act 642, Eff. Jan. 1, 2003.

Compiler's note: Former MCL 257.251a, which pertained to dealer's report as to sales to out of state dealers and purchasers, was repealed by Act 166 of 1962, Eff. Mar. 28, 1963.

257.251b Renting, leasing, or furnishing motorcycle; license to operate required.

Sec. 251b. A dealer shall not rent, lease, or furnish a motorcycle to a person for use on public streets and highways who is not licensed to operate a motorcycle by the state, if a resident, and by the state in which the person resides, if a nonresident.

History: Add. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.251c Renting, leasing, or furnishing motorcycle; duties of dealer.

Sec. 251c. The dealer shall maintain in safe operating condition all motorcycles rented, leased, or furnished by him. The dealer, his agents, or employees shall explain the operation of the motorcycle being rented, leased, or furnished and if the dealer, his agent, or employee believes the person to whom the motorcycle is to be rented, leased, or furnished is not competent to operate the motorcycle with competency to himself and to the safety of persons or vehicles on public streets and highways, he shall refuse to rent, lease, or furnish the motorcycle.

History: Add. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.251d Renting, leasing, or furnishing motorcycle; license to operate as condition of use by third party.

Sec. 251d. A person to whom a motorcycle is rented, leased, or furnished, shall not rent, sublease, or otherwise authorize the use of the motorcycle on public streets and highways to a person who is not licensed to operate a motorcycle in this state, if a resident, and by the state in which the person resides, if a nonresident.

History: Add. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13,

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1977;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.251e Renting, leasing, or furnishing motorcycle; motor vehicle liability policy.

Sec. 251e. A dealer renting, leasing, or furnishing a motorcycle shall carry a "motor vehicle liability policy" of the same type and coverage as that outlined in section 520 for each motorcycle rented, leased, or furnished or, in the alternative, demand and be shown proof that the person renting, leasing, or being furnished a motorcycle carries a motor vehicle liability policy of at least the type and coverage as specified in section 520.

History: Add. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

SPECIAL ANTI-THEFT LAWS

257.252 Reports of stolen and recovered vehicles.

Sec. 252. A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement information network.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 99, Eff. Aug. 28, 1964;—Am. 1966, Act 157, Imd. Eff. July 1, 1966;—Am. 1968, Act 170, Imd. Eff. June 17, 1968;—Am. 1972, Act 350, Eff. Mar. 1, 1973;—Am. 1980, Act 249, Imd. Eff. July 28, 1980.

257.252a Abandoned vehicle; presumption of responsibility; violation; penalty; "abandoned vehicle" defined; duties of police agency; contest by owner; hearing; request; fee; towing and storage charges; obtaining release of vehicle; public sale; inability to determine ownership of abandoned vehicle; entry into law enforcement information network.

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

(2) As used in this section and sections 252a through 252*l*, "abandoned vehicle" means either of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(*iv*) The name and address of the police agency that had the vehicle taken into custody.

(*v*) The name and business address of the custodian of the vehicle.

(*vi*) The name of the court that has jurisdiction over the case.

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

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

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

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

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

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

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

(F) The procedure to redeem the vehicle.

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

(H) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the police agency's action.

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

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

(6) The owner may contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing and posting a bond equal to $40.00 plus the amount of the accrued towing and storage fees. A request for a hearing shall be made by filing a petition with the court specified in the notice described in subsection (5)(c) within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under sections 252e and 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the $40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 to the court and the accrued towing and storage fees instead of posting the towing and storage bond.

(7) If the owner does not request a hearing under subsection (6), he or she may obtain the release of the vehicle by paying a fee of $40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian of the vehicle shall forward $25.00 of the fee to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(8) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice described in subsection (5)(c), the secured party may obtain the release of the vehicle by paying a $40.00 fee plus the accrued charges to the custodian of the vehicle. The custodian of the vehicle shall forward $25.00 of the fee to the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

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

(10) Before removing the vehicle from private property, the towing agency shall provide reasonable notice by telephone, or otherwise, to a police agency having jurisdiction over the vehicle that the vehicle is being removed. The police agency shall determine if the vehicle has been reported stolen and enter the vehicle into the law enforcement information network as an abandoned vehicle. Verification by the police agency of compliance with this section is not necessary and is not a predicate to the entrance of the vehicle into the law enforcement information network.

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

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(a) The year, make, and vehicle identification number of the vehicle if available.

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

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

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

(e) The name and business address of the custodian of the vehicle.

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

(12) Within 7 days after being notified under subsection (11), the secretary of state shall do both of the following:

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

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

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

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

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

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

(*vi*) The procedure to redeem the vehicle.

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

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

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

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

(13) The owner may contest the fact that the vehicle is abandoned or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or local law enforcement agency and comply with section 252i, the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An owner who requests a hearing may obtain release of the vehicle by posting with the court a towing and storage bond in an amount equal to $40.00 plus the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 to the court plus the towing and storage fees instead of posting the towing and storage bond. An owner requesting a hearing but not taking possession of the vehicle shall post with the court a towing and storage bond in an amount equal to $40.00 plus the accrued towing and storage fees.

(14) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying a fee of $40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(15) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice, the secured party may obtain the release of the vehicle by paying a fee of $40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

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

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

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

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History: Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000;—Am. 2002, Act 649, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252b Registered and unregistered abandoned scrap vehicles; duties of police agency; release of vehicle; certificate of title or certificate of scrapping; release form; retention of records and photographs; taking registered abandoned scrap vehicle into custody; contest by registered owner; hearing; request; obtaining release of vehicle; fee.

Sec. 252b. (1) As used in this section:

(a) "Registered abandoned scrap vehicle" means a vehicle that meets all of the following requirements:

(*i*) Is on public or private property.

(*ii*) Is 7 or more years old.

(*iii*) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.

(*iv*) Is currently registered or titled in the state of Michigan or displays current year registration plates from another state.

(b) "Unregistered abandoned scrap vehicle" means a vehicle that meets all of the following requirements:

(*i*) Is on public or private property.

(*ii*) Is 7 or more years old.

(*iii*) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.

(*iv*) Is not currently registered in this state and does not display current year registration plates from another state.

(2) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:

(a) Determine if the vehicle has been reported stolen.

(b) Take 2 photographs of the vehicle.

(c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information:

(*i*) The year, make, and vehicle identification number if available.

(*ii*) The date of abandonment.

(*iii*) The location of abandonment.

(*iv*) A detailed listing of the damage or the missing equipment.

(*v*) The reporting officer's name and title.

(*vi*) The location where the vehicle is being held.

(d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.

(3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency or the agency's designee shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.

(4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency or the agency's designee when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).

(5) The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken under subsection (2)(b) shall be retained by the police agency or the agency's designee for not less than 2 years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.

(6) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have a registered abandoned scrap vehicle taken into custody, in which case the police agency or the towing service shall do all of the following:

(a) Determine if the vehicle has been reported stolen.

(b) Take 2 photographs of the vehicle.

(c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:

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(*i*) The year, make, and vehicle identification number if available.

(*ii*) The date of abandonment.

(*iii*) The location of abandonment.

(*iv*) A detailed listing of the damage or the missing equipment.

(*v*) The reporting individual's name and title.

(*vi*) The location where the vehicle is being held.

(d) Within 24 hours after taking the vehicle into custody, cause the vehicle to be entered into the law enforcement information network.

(7) Within 7 days after taking the vehicle into custody, the secretary of state shall send to the last titled owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

(a) The year, make, and vehicle identification number of the vehicle if available.

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

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

(d) The name and address of the police agency that had the vehicle taken into custody. If the vehicle was towed from private property, the notice shall contain the name and address of the custodian of the vehicle.

(e) The business address of the custodian of the vehicle.

(f) The procedure to redeem the vehicle.

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

(h) The procedure to contest the fact that the vehicle is abandoned or the reasonableness of the towing fees and daily storage fees.

(i) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the custody of the vehicle.

(j) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.

(8) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle is abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice in subsection (7) within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond equal to the $40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of $40.00 plus the towing and storage fees to the court instead of posting the towing and storage bond.

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

(10) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice described in subsection (7), the secured party may obtain the release of the vehicle by paying a fee of $40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward $25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(11) Not less than 20 days after the disposition of the hearing described in subsection (8), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (7), the police agency or the agency's designee shall follow the procedures established in subsections (3) to (5).

History: Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 495, Eff. Oct. 1, 2005.

257.252c Repealed. 2005, Act 142, Eff. Oct. 1, 2005.

Compiler's note: The repealed section pertained to removal of vehicle from private property.

257.252d Removal of vehicle from public or private property to place of safekeeping; circumstances; arrival of owner; duties of police agency; release of vehicle; entry of vehicle as abandoned.

Sec. 252d. (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of

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the last-titled owner of the vehicle in any of the following circumstances:

(a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.

(b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.

(c) If a vehicle is parked in a posted tow away zone.

(d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.

(e) If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime.

(f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.

(g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.

(h) If the vehicle is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for persons with disabilities.

(i) If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.

(j) If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities.

(k) If the vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.

(2) If the owner or other person who is legally entitled to possess the vehicle arrives at the location where a vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided.

(3) A police agency that authorizes the removal of a vehicle under subsection (1) shall do all of the following:

(a) Check to determine if the vehicle has been reported stolen prior to authorizing the removal of the vehicle.

(b) Except for vehicles impounded under subsection (1)(d), (e), or (k), a police agency shall enter the vehicle into the law enforcement information network as abandoned not less than 7 days after authorizing the removal and follow the procedures set forth in section 252a.

(4) A vehicle impounded under subsection (1)(d), (e), or (k) must first be released by the police agency that authorized the removal prior to the towing agency or custodian releasing the vehicle to the vehicle owner.

(5) Not less than 20 days but not more than 30 days after a vehicle has been released under subsection (4), the towing agency or custodian shall notify the police agency to enter the vehicle as abandoned and the police agency shall follow the procedures set forth in section 252a if the impounded vehicle has not been redeemed.

History: Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 76, Eff. Oct. 1, 2000;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252e Jurisdiction to determine propriety of police, towing agency or custodian, or private owner action; venue in district court; use of bond to pay towing or storage fees; exclusive remedies.

Sec. 252e. (1) The following courts have jurisdiction to determine if a police agency, towing agency or custodian, or private property owner has acted properly in reporting or processing a vehicle under section 252a, 252b(6) to (11), or 252d:

(a) The district court.

(b) A municipal court.

(2) The court specified in the notice prescribed in section 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) shall be the court that has territorial jurisdiction at the location from where the vehicle was removed or considered abandoned. Venue in the district court shall be governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

(3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 252a, 252b, or 252d shall be used to pay the towing and storage fees.

(4) The remedies under sections 252 through 254 are the exclusive remedies for the disposition of

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abandoned vehicles.

History: Add. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252f Filing petition; hearing; notice; burden; decision.

Sec. 252f. (1) Upon the filing of a petition prescribed in section 252a, 252b, or 252d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:

(a) Schedule a hearing within 30 days for the purpose of determining whether the police agency, towing agency or custodian, or private property owner acted properly.

(b) Notify the owner, towing agency or custodian, and police agency or if the vehicle was removed from private property, notify the private property owner also of the time and place of the hearing.

(2) At the hearing specified in subsection (1), the police agency, towing agency or custodian, or, if the vehicle was removed from private property, the private property owner shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in reporting or processing the abandoned vehicle or vehicle removed under section 252d.

(3) After the hearing, the court shall make a decision that includes 1 or more of the following:

(a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 252a, 252b, or 252d, and an order providing a period of 20 days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within 20 days, the police agency shall dispose of the vehicle under section 252b or 252g. The court shall forward $25.00 of the fee collected under section 252b or 252g to the secretary of state within 30 days after the court's decision in a manner prescribed by the secretary of state. The towing and storage fees and $15.00 of the fee collected under section 252b or 252g shall be forwarded to the towing agency.

(b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 252a, 252b, or 252d. After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner, and that the police agency is responsible for the accrued towing and storage charges. The court shall also order any fee or bond posted by the owner to be returned to the owner.

(c) A finding that the towing fees and daily storage fees were reasonable.

(d) A finding that the towing fees and daily storage fees were unreasonable and issue an order directing the towing agency or custodian of the vehicle to provide the last titled owner of the vehicle with an appropriate reduction or refund.

(e) A finding that the owner of the real property complied with the provisions of section 252k or 252*l*.

(f) A finding that the owner of the real property did not comply with the provisions of section 252k or 252*l* , and issue an order requiring the owner of the real property to reimburse the last titled owner of the vehicle for the accrued towing and storage charges.

(g) A finding that the towing agency did not comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(10), 252b, or 252d. After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner and that the towing agency is responsible for the accrued towing and storage charges. The court shall also order any fee or bond posted by the owner to be returned to the owner.

(h) A finding that the towing agency did comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(10), 252b, or 252d.

History: Add. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252g Manner of conducting public sale; application of money received; absence of bidders; acquisition of distressed vehicle; application for salvage certificate of title; canceling entry in law enforcement information network; obtaining original bill of sale.

Sec. 252g. (1) Subject to section 252a(16), a public sale for a vehicle and its contents that has been determined to be abandoned under section 252a or removed under section 252d shall be conducted in the following manner:

(a) It shall be under the control of the police agency. However, a police agency may designate the custodian of the vehicle or a third party to conduct the auction.

(b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or the agency's designee or, if the vehicle is being sold under section 252a(16), the custodian of the vehicle.

(c) Except as otherwise provided in sections 252a(16) and (17) and 252b(7), it shall be held not less than 5

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days after public notice of the sale has been published.

(d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

(2) The money received from the public sale of the vehicle shall be applied in the following order of priority:

(a) Towing and storage charges.

(b) Expenses incurred by the police agency or the custodian of the vehicle.

(c) Payment of the $40.00 abandoned vehicle fee described in section 252f(3)(a).

(d) Any extra money shall be sent to the department of treasury's unclaimed property division to be disbursed as follows:

(*i*) To the secured party, if any, in the amount of the debt outstanding on the vehicle.

(*ii*) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the last titled owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government governing the location from which the vehicle was towed.

(3) If there are no bidders on the vehicle, the police agency or the custodian of the vehicle may do 1 of the following:

(a) Turn the vehicle over to the towing firm or the custodian of the vehicle to satisfy charges against the vehicle. However, if the value of the vehicle does not satisfy the towing fees and accrued daily storage fees, the custodian of the vehicle may collect the balance of those unpaid fees from the last titled owner, subject to section 252i.

(b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:

(*i*) Paying the towing and storage charges.

(*ii*) Applying for title to the vehicle.

(c) Hold another public sale under subsection (1).

(4) A person who acquires ownership of a vehicle under subsection (1) or (3) that has been designated as a distressed vehicle shall apply for a salvage certificate of title within 15 days after obtaining the vehicle.

(5) Upon disposition of the vehicle, the police agency or towing agency or custodian shall provide the secretary of state and the police agency, if that police agency did not conduct the sale, with the vehicle's disposition and the name of the agency that disposed of it and the police agency shall cancel the entry in the law enforcement information network.

(6) Not less than 25 days after the date of notice required under section 252a, if the police agency does not provide a copy of the bill of sale by the police agency for the abandoned vehicle to the towing agency or custodian or police agency's designee, the towing agency or custodian or police agency designee may obtain an original of the bill of sale by submitting an application to the secretary of state in a form as determined by the secretary of state.

History: Add. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252h Abandoned vehicle fund; creation; sources of funding; investment; interest and earnings; money remaining in fund; expenditures.

Sec. 252h. (1) The abandoned vehicle fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and other earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of state shall expend money from the fund, upon appropriation, to administer the provisions of this act relating to abandoned vehicles.

History: Add. 2005, Act 495, Eff. Oct. 1, 2005.

257.252i Towing and storage fees.

Sec. 252i. (1) A towing service, custodian of a vehicle, or both, shall not be precluded from the recovery of towing fees or, subject to subsection (2), storage fees from the last titled owner of a vehicle deemed abandoned under section 252a or section 252b, or removed under section 252d.

(2) If a vehicle is released for disposition under section 252b or section 252g, the amount of storage fees that may be collected is whichever 1 of the following is the least amount:

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(a) The daily storage rate established by contract or agreement with the law enforcement agency or unit of government that authorized the towing and storage of the vehicle.

(b) The daily storage rate charged by the storage facility.

(c) $1,000.00.

(3) Subsection (2) does not apply to a commercial vehicle or to a vehicle that is owned or leased by an entity other than an individual.

History: Add. 2004, Act 493, Eff. Oct. 1, 2005.

257.252j Abandoned vehicles; number and placement of vehicles on private property.

Sec. 252j. Sections 252a and 252b do not apply to a vehicle that is owned by the same person who owns the private real property on which the vehicle is located and do not prohibit or preempt a local unit of government from regulating the number and placement of vehicles on private property.

History: Add. 2004, Act 493, Eff. Oct. 1, 2005.

257.252k Towing or removing vehicle without owner's consent; notice; requirements.

Sec. 252k. Except as otherwise provided in section 252*l*, an owner or lessor of private real property shall post a notice that meets all of the following requirements before authorizing the towing or removal of a vehicle from the real property without the consent of the owner or other person who is legally entitled to possess the vehicle:

(a) The notice shall be prominently displayed at each point of entry for vehicular access to the real property. If the real property lacks curbs or access barriers, not less than 1 notice shall be posted for each 100 feet of road frontage.

(b) The notice clearly indicates in letters not less than 2 inches high on a contrasting background that unauthorized vehicles will be towed away at the owner's expense.

(c) The notice provides the name and telephone number of the towing service responsible for towing or removing vehicles from that property.

(d) The notice is permanently installed with the bottom of the notice located not less than 4 feet from the ground and is continuously maintained on the property for not less than 24 hours before a vehicle is towed or removed.

History: Add. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252*l* Applicability of MCL 257.252k.

Sec. 252*l*. Section 252k does not apply to any of the following:

(a) Real property that is appurtenant to and obviously part of a single- or dual-family residence.

(b) An instance when notice is personally given to the owner or other legally entitled person in control of a vehicle that the area where the vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and that the vehicle is subject to towing or removal from the private real property without the consent of the owner or other legally entitled person in control of the vehicle.

(c) A vehicle removed from private property under section 252d.

History: Add. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.252m Notification of civil fines and sanctions.

Sec. 252m. For a period of 1 year beginning on the effective date of the amendatory act that added this section, the secretary of state shall insert notification of the civil fines and sanctions that may be imposed for the violation of sections 240 and 252a(1) into all mailings concerning motor vehicle registration renewal notices and new vehicle title documents.

History: Add. 2004, Act 493, Eff. Oct. 1, 2005.

257.253 Report of stolen vehicle; filing; transferring certificate of title; record of stolen or abandoned vehicles not reported or recovered; availability; reports by other states of stolen and recovered vehicles; abandoned vehicle; notification of owner and lienholder.

Sec. 253. (1) The secretary of state, upon receiving a report of a stolen vehicle, shall file the report with the records of the secretary of state and shall not transfer the certificate of title of the vehicle to a person other than the owner's insurance company until officially notified that the vehicle has been recovered.

(2) The secretary of state shall maintain a record of all vehicles stolen or abandoned that have not been reported as recovered and make the record available to every sheriff, the director of the department of state police, and all police departments. The record shall also be made available to proper officials in every state.

(3) It shall be the duty of the secretary of state to file reports of stolen and recovered motor vehicles

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reported by other states.

(4) In the case of abandoned vehicles, the secretary of state shall check the sheriff's report immediately with the stolen car report file and notify the owner, and the last known lienholder, if any, as shown by the record, by registered mail, that the car is now an abandoned car and held in custody by the officer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981.

257.254 False statement in application for certificate of title or in assignment of title; possession of stolen vehicle; penalties.

Sec. 254. Any person who shall knowingly make any false statement of a material fact, either in his or her application for the certificate of title required by this act, or in any assignment of that title, or who, with intent to procure or pass title to a motor vehicle which he or she knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his or her possession any vehicle which he or she knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a felony, punishable by a fine of not more than $5,000.00, or by imprisonment for not more than 10 years, or both. This provision shall not be exclusive of any other penalties prescribed by any law for the larceny of the unauthorized taking of a vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1990, Act 98, Eff. Jan. 1, 1991.

Constitutionality: The language of this section "or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at that time in the performance of his duty as such officer" must necessarily be treated as either surplusage or deemed inconsistent with the intent of MCL 257.1 et seq. and deleted from it. People v. Morton, 384 Mich 38; 179 NW2d 379 (1970).

OFFENSES AGAINST REGISTRATION LAWS AND CANCELLATION OF REGISTRATION

257.255 Valid registration plate required; exceptions; violation of subsection (1) as civil infraction or misdemeanor; penalty; nonpayment of apportioned fee under international registration plan as misdemeanor; penalty; impoundment; towing and storage costs; care of load in vehicle; impounded vehicle subject to lien; hearing; certification of unpaid judgment; foreclosure sale.

Sec. 255. (1) Except as otherwise provided in this chapter, a person shall not operate, nor shall an owner knowingly permit to be operated, upon any highway, a vehicle required to be registered under this act unless there is attached to and displayed on the vehicle, as required by this chapter, a valid registration plate issued for the vehicle by the department for the current registration year. A registration plate shall not be required upon any wrecked or disabled vehicle, or vehicle destined for repair or junking, which is being transported or drawn upon a highway by a wrecker or a registered motor vehicle.

(2) Except as otherwise provided in this section, a person who violates subsection (1) is responsible for a civil infraction. However, if the vehicle is a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k), the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500.00, or both.

(3) A person who operates a vehicle licensed under the international registration plan and does not have a valid registration due to nonpayment of the apportioned fee is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both. In addition, a police officer may impound the vehicle until a valid registration is obtained. If the vehicle is impounded, the towing and storage costs of the vehicle, and the care or preservation of the load in the vehicle shall be the owner's responsibility. Vehicles impounded shall be subject to a lien in the amount of the apportioned fee and any fine and costs incurred under this subsection, subject to a valid lien of prior record. If the apportioned fee, fine, and costs are not paid within 90 days after impoundment, then following a hearing before the judge or magistrate who imposed the fine and costs, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred. The prosecuting attorney shall enforce the lien by foreclosure sale in accordance with the procedure authorized by law for chattel mortgage foreclosures.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 26, Imd. Eff. May 11, 1961;—Am. 1962, Act 58, Eff. Mar. 28, 1963;—Am. 1963, Act 88, Eff. Sept. 6, 1963;—Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 34, Eff. Aug. 26, 1987;—Am. 2003, Act 9, Eff. Sept. 1, 2003.

257.256 Unlawful lending or use of certificate of title, registration certificate, registration plate, special plate, or permit; unlawful carrying or display of registration certificate or plate; violation as misdemeanor; penalty; unlawful display of registration plate on

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commercial vehicle.

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

(2) Except as otherwise provided in this section, a person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $100.00, or both.

(3) A person who displays upon a commercial vehicle which is required to be registered according to the schedule of elected gross vehicle weights under section 801(1)(k) any registration plate not issued for the vehicle or not otherwise lawfully used under this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or by a fine of not more than $500.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1987, Act 34, Eff. Aug. 26, 1987.

257.257 Altering, forging, or falsifying documents; penalty.

Sec. 257. (1) A person who commits any of the following acts is guilty of a felony:

(a) Alters with fraudulent intent any certificate of title, registration certificate, or registration plate issued by the department.

(b) Forges or counterfeits any such document or plate purporting to have been issued by the department.

(c) Alters or falsifies with fraudulent intent or forges any assignment upon a certificate of title.

(d) Holds or uses such a document or plate knowing the same to have been altered, forged, or falsified.

(e) Knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of title, registration certificate, registration plate, registration decal, or registration tab.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1992, Act 309, Eff. Mar. 31, 1993.

257.258 Registration or certificate of title; grounds for cancellation; elected gross weight violations; penalty; notice; hearing.

Sec. 258. (1) The secretary of state may cancel, revoke, or suspend the registration of a vehicle, a certificate of title, registration certificate, or registration plate if any of the following apply:

(a) The secretary of state determines that the registration, certificate of title, or plate was fraudulently or erroneously issued.

(b) The secretary of state determines that the licensee has made or is making an unlawful use of his or her registration certificate, plate, or certificate of title.

(c) A registered vehicle has been dismantled or wrecked.

(d) The secretary of state determines that the required fee has not been paid and it is not paid upon reasonable notice or demand.

(e) A registration certificate or registration plate is knowingly displayed upon a vehicle other than the one for which it was issued.

(f) The secretary of state determines that the owner has committed an offense under this act involving the registration or certificate of title.

(g) The secretary of state is authorized to do so under this act.

(h) Upon receiving notification from another state or foreign country that a certificate of title issued by the secretary of state has been surrendered by the owner in conformity with the laws of that state or foreign country.

(i) It is shown by satisfactory evidence that delivery of a motor vehicle in the possession of a dealer was not made to the applicant registered under this act. The money paid for registration and license fees may be refunded to the party who applies for the refund.

(2) If the licensee's offense consists of hauling on the registered vehicle a gross weight more than 1,000 pounds in excess of the elected gross weight specified on the owners' registration certificate, the registration shall be canceled and the vehicle shall not again be operated on the highways, roads, or streets until it is registered again and new plates are issued. The new registration fee shall be computed on the basis of twice

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the difference between the original registration fee and the registration fee applicable to the gross weight constituting the violation of the elected gross weight. One-half of the new registration fee shall be a penalty. The period of the new registration fee shall not extend beyond the termination date of the canceled registration certificate. The new registration fee shall not exceed the maximum gross weight of the vehicle or combination of vehicles as determined by the number of axles and the legal weight applicable to those axles as specified by section 722. The gross weight of a vehicle or combination of vehicles may be determined by weighing the individual axles or group of axles, and the total weight on all axles is the gross vehicle weight.

(3) Before the secretary of state makes a cancellation under subsection (1)(a), (b), (e), (f), or (g), the person affected by the cancellation shall be given notice and an opportunity to be heard.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959 ;—Am. 1968, Act 214, Eff. Nov. 15, 1968;—Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.259 Evidence of registration; title; dealer or wreckers' licenses; return to state on cancellation; failure or refusal to surrender unlawful.

Sec. 259. (a) All license plates, certificates of title, registration certificates or the license of any dealer or wrecker, shall be deemed to be the property of the state of Michigan and whenever the department as authorized hereunder cancels or suspends the registration of a vehicle or a certificate of title, or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidence of registration, title, or license so cancelled or suspended to the department.

(b) It is unlawful for any person to fail or refuse to surrender to the department upon demand any registration, certificate of title or license of any dealer as required in this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

CHAPTER III
OPERATOR'S AND CHAUFFEUR'S LICENSE

257.301 Valid operator's or chauffeur's license required; group designation and indorsements; surrender of other valid licenses; notice; number of licenses permitted; certifying nonpossession of valid license.

Sec. 301. (1) Except as provided in this act, a person shall not drive a motor vehicle upon a highway in this state unless that person has a valid operator's or chauffeur's license with the appropriate group designation and indorsements for the type or class of vehicle being driven or towed.

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

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 7, Imd. Eff. Apr. 21, 1967;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1988, Act 346, Eff. Jan. 1, 1990.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.302 Operators' and chauffeurs' licenses; persons exempt.

Sec. 302. The following persons are exempt from obtaining a license under this chapter:

(a) A person serving in the armed forces of the United States if furnished with a driver's permit and

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operating an official motor vehicle in that service or a person who is a military driver and operates a commercial motor vehicle for a military purpose. This exemption applies to active duty military personnel, members of the military reserves, active duty United States coast guard personnel, and members of the national guard while on active duty, including, but not limited to, personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians who are civilians required to wear military uniforms. This exemption does not apply to any of the following:

(*i*) United States reserve technicians.

(*ii*) Except as otherwise provided in this subdivision, a person who is a civilian and in the employ of the armed forces of the United States.

(b) A person while driving or operating a road roller, a snow motor, road machinery, or a farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(c) A nonresident who is not less than 16 years of age and who has been licensed either as an operator or a chauffeur under a law requiring the licensing of operators or chauffeurs in his or her home state and who has in his or her immediate possession either a valid operator's or a valid chauffeur's license issued to him or her in his or her home state.

(d) A nonresident who is over the age of 17 years, whose home state does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if all of the following apply:

(*i*) The motor vehicle is registered in the home state or country of the nonresident.

(*ii*) The nonresident has in his or her immediate possession a registration card evidencing ownership and registration of the motor vehicle in his or her home state or country, or is able at any time or place required to prove lawful possession or the right to operate the motor vehicle and to establish his or her proper identity.

(*iii*) The nonresident is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(e) A person who is a member of the armed forces of the United States on official leave, who on the date of his or her orders granting leave possessed an operator's or chauffeur's license, valid except for the expiration date of the license. This exemption applies only to the person's first leave of absence following the expiration of his or her license and exempts the person from the provisions of this act for a period not to exceed 30 days.

(f) A person who is a discharged member of the armed forces of the United States, who on the date of his or her discharge possesses an operator's or chauffeur's license, valid except for the expiration date, for a period not to exceed 30 days from date of discharge.

(g) A person who is a member of the armed forces of the United States, stationed in this state, who resides in another state and has a valid license issued by the state in which he or she resides.

(h) A person while operating a commercial motor vehicle in the course of a driving test administered by a certified examiner appointed by the secretary of state and while accompanied by the examiner, if the person is a citizen of the United States or is otherwise eligible to be issued an operator's license or chauffeur's license under section 307(1).

(i) A person while operating a commercial motor vehicle who is not disqualified from operating a commercial motor vehicle and who holds a commercial driver license that is issued to him or her by another state or jurisdiction under 49 CFR part 383.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1968, Act 90, Imd. Eff. June 4, 1968;—Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.302a Reciprocal operating privileges.

Sec. 302a. (1) Except as otherwise provided by this act, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle in the country in which he or she resides is not required to obtain a license to operate a passenger vehicle within this state, if he or she does not receive compensation for such operation. This subsection does not apply unless all of the following conditions have been satisfied:

(a) The secretary of state determines that the standards of the other country for licensing operators correspond substantially to those of this state and that the other country extends the same privileges to persons licensed to operate vehicles by this state.

(b) The secretary of state and the other country have exchanged letters confirming the reciprocal extension of privileges to operate vehicles.

(2) The secretary of state shall publish on its public internet site a list of the countries for which reciprocal operating privileges have been extended and withdrawn. If any changes are made, a revised list shall be mailed to the courts, prosecuting attorneys, and law enforcement agencies of this state.

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History: Add. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

****** 257.303 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.303.amended ******

257.303 Operator's or chauffeur's license; issuance; prohibitions; revocation; denial of license; "felony in which a motor vehicle was used" defined.

Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following persons:

(a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.

(c) A person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the person, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation.

(d) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(e) A person who is unable to understand highway warning or direction signs in the English language.

(f) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

(g) A person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this state, another state, or another country.

(h) A nonresident, including, but not limited to, a foreign exchange student.

(i) A person who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that person answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a.

(j) A person not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

(k) A person not licensed under this act who has been convicted of or received a juvenile disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.

(*l*) A person not licensed under this act who is determined to have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(m) A person whose commercial driver license application is canceled under section 324(2).

(n) Unless otherwise eligible under section 307(1), a person who is not a citizen of the United States.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626.

(b) Any combination of 2 or more convictions within 7 years for any of the following:

(*i*) A felony in which a motor vehicle was used.

(*ii*) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).

(*iii*) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to

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commit any of those crimes.

(*iv*) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:

(*i*) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) A violation or attempted violation of section 625m.

(*iii*) Former section 625b.

(d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 653a(4), or section 904(4) or (5).

(e) One conviction of negligent homicide, manslaughter, or 1 murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:

(*i*) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) A violation or attempted violation of section 625m.

(*iii*) Former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

(*i*) The expiration of not less than 1 year after the license was revoked or denied.

(*ii*) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.

(b) For a denial under subsection (2)(a), (b), (c), and (g), the person rebuts by clear and convincing evidence the presumption resulting from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.

(c) The person meets the requirements of the department.

(5) The secretary of state may deny issuance of an operator's license as follows:

(a) Until the age of 17, to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.

(b) To a person less than 21 years of age not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.

(6) The secretary of state shall deny issuance of a vehicle group designation to a person if the person has been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(7) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(8) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or

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potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 123, Eff. Sept. 8, 1961;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 351, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

In subsection (2)(e), the numeral "1" was not included in the language as passed by the legislature, but was incorrectly inserted during the electronic formatting of the bill. Subsection (2)(e) should read as follows:

"(e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes."

****** 257.303.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.303.amended Operator's or chauffeur's license; issuance; prohibitions; revocation; denial of license; "felony in which a motor vehicle was used" defined.

Sec. 303. (1) The secretary of state shall not issue a license under this act to any of the following persons:

(a) A person, as an operator, who is less than 18 years of age, except as otherwise provided in this act.

(b) A person, as a chauffeur, who is less than 18 years of age, except as otherwise provided in this act.

(c) A person whose license is suspended, revoked, denied, or canceled in any state. If the suspension, revocation, denial, or cancellation is not from the jurisdiction that issued the last license to the person, the secretary of state may issue a license after the expiration of 5 years from the effective date of the most recent suspension, revocation, denial, or cancellation.

(d) A person who in the opinion of the secretary of state is afflicted with or suffering from a physical or mental disability or disease preventing that person from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle upon the highways.

(e) A person who is unable to understand highway warning or direction signs in the English language.

(f) A person who is unable to pass a knowledge, skill, or ability test administered by the secretary of state in connection with the issuance of an original operator's or chauffeur's license, original motorcycle indorsement, or an original or renewal of a vehicle group designation or vehicle indorsement.

(g) A person who has been convicted of, has received a juvenile disposition for, or has been determined responsible for 2 or more moving violations under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state within the preceding 3 years, if the violations occurred before issuance of an original license to the person in this state, another state, or another country.

(h) A nonresident, including, but not limited to, a foreign exchange student.

(i) A person who has failed to answer a citation or notice to appear in court or for any matter pending or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, in violation of section 321a, until that person answers the citation or notice to appear in court or for any matter pending or complies with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, as provided under section 321a.

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(j) A person not licensed under this act who has been convicted of, has received a juvenile disposition for, or has been determined responsible for a crime or civil infraction described in section 319, 324, or 904. A person shall be denied a license under this subdivision for the length of time corresponding to the period of the licensing sanction that would have been imposed under section 319, 324, or 904 if the person had been licensed at the time of the violation.

(k) A person not licensed under this act who has been convicted of or received a juvenile disposition for committing a crime described in section 319e. A person shall be denied a license under this subdivision for the length of time that corresponds to the period of the licensing sanction that would have been imposed under section 319e if the person had been licensed at the time of the violation.

(*l*) A person not licensed under this act who is determined to have violated section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b of this act. The person shall be denied a license under this subdivision for a period of time that corresponds to the period of the licensing sanction that would have been imposed under those sections had the person been licensed at the time of the violation.

(m) A person whose commercial driver license application is canceled under section 324(2).

(n) Unless otherwise eligible under section 307(1), a person who is not a citizen of the United States.

(2) Upon receiving the appropriate records of conviction, the secretary of state shall revoke the operator's or chauffeur's license of a person and deny issuance of an operator's or chauffeur's license to a person having any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or a law of the United States substantially corresponding to a law of this state:

(a) Any combination of 2 convictions within 7 years for reckless driving in violation of section 626(2).

(b) Any combination of 2 or more convictions within 7 years for any of the following:

(*i*) A felony in which a motor vehicle was used.

(*ii*) A violation or attempted violation of section 601b(2) or (3), section 601c(1) or (2), section 602a(4) or (5), section 617, section 653a(3) or (4), or section 904(4) or (5).

(*iii*) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(*iv*) A violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(c) Any combination of 2 convictions within 7 years for any of the following or a combination of 1 conviction for a violation or attempted violation of section 625(6) and 1 conviction for any of the following within 7 years:

(*i*) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) A violation or attempted violation of section 625m.

(*iii*) A violation or attempted violation of former section 625b.

(d) One conviction for a violation or attempted violation of section 315(5), section 601b(3), section 601c(2), section 602a(4) or (5), section 617, section 625(4) or (5), section 626(3) or (4), section 653a(4), or section 904(4) or (5).

(e) One conviction of negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(f) One conviction for a violation or attempted violation of section 479a(4) or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(g) Any combination of 3 convictions within 10 years for any of the following or 1 conviction for a violation or attempted violation of section 625(6) and any combination of 2 convictions for any of the following within 10 years, if any of the convictions resulted from an arrest on or after January 1, 1992:

(*i*) A violation or attempted violation of section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) A violation or attempted violation of section 625m.

(*iii*) A violation or attempted violation of former section 625b.

(3) The secretary of state shall revoke a license under subsection (2) notwithstanding a court order unless the court order complies with section 323.

(4) The secretary of state shall not issue a license under this act to a person whose license has been revoked

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under this act or revoked and denied under subsection (2) until all of the following occur, as applicable:

(a) The later of the following:

(*i*) The expiration of not less than 1 year after the license was revoked or denied.

(*ii*) The expiration of not less than 5 years after the date of a subsequent revocation or denial occurring within 7 years after the date of any prior revocation or denial.

(b) For a denial under subsection (2)(a), (b), (c), and (g), the person rebuts by clear and convincing evidence the presumption resulting from the prima facie evidence that he or she is a habitual offender. The convictions that resulted in the revocation and denial constitute prima facie evidence that he or she is a habitual offender.

(c) The person meets the requirements of the department.

(5) The secretary of state may deny issuance of an operator's license as follows:

(a) Until the age of 17, to a person not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was less than 14 years of age. A person not issued a license under this subdivision is not eligible to begin graduated licensing training until he or she attains 16 years of age.

(b) To a person less than 21 years of age not licensed under this act who was convicted of or received a juvenile disposition for violating or attempting to violate section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school when he or she was 14 years of age or older, until 3 years after the date of the conviction or juvenile disposition. A person not issued a license under this subdivision is not eligible to begin graduated licensing training or otherwise obtain an original operator's or chauffeur's license until 3 years after the date of the conviction or juvenile disposition.

(6) The secretary of state shall deny issuance of a vehicle group designation to a person if the person has been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(7) Multiple convictions or civil infraction determinations resulting from the same incident shall be treated as a single violation for purposes of denial or revocation of a license under this section.

(8) As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 123, Eff. Sept. 8, 1961;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 351, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.303a Suspension, revocation, denial, disqualification, or cancellation of license by another state.

Sec. 303a. Except as otherwise provided in this act, the suspension, revocation, denial, disqualification, or

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cancellation of an operator's license, chauffeur's license, or commercial driver license by another state or the United States shall run concurrently with a suspension, revocation, denial, disqualification, or cancellation of an operator's license, chauffeur's license, or commercial driver license by this state that is imposed for the same offense.

History: Add. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Former MCL 257.303a, which pertained to mental or physical infirmities or disabilities, was repealed by Act 76 of 1989, Imd. Eff. June 16, 1989.

257.304 Repealed. 2000, Act 172, Imd. Eff. June 20, 2000.

Compiler's note: The repealed section pertained to report of name change.

257.305, 257.305a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.

Compiler's note: The repealed sections pertained to qualifications of school bus drivers.

257.306 Temporary instruction permit; operation of motor vehicle without operator's license or permit; temporary driver education certificate; motorcycle temporary instruction permit; temporary instruction permit to drive vehicle requiring vehicle group designation or vehicle group indorsement.

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

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

(3) A student enrolled in a driver education course as that term is defined in section 1 of the driver education and training schools act, 1974 PA 369, MCL 256.601, or a motorcycle safety course approved by the department of state may operate a motor vehicle without holding an operator's license or permit while under the direct supervision of the program instructor.

(4) A student enrolled in a driver education course as that term is defined in section 1 of the driver education and training schools act, 1974 PA 369, MCL 256.601, and who has successfully completed 10 hours of classroom instruction and the equivalent of 2 hours of behind-the-wheel training may be issued a temporary driver education certificate furnished by the department of state that authorizes a student to drive a motor vehicle, other than a motor vehicle requiring an indorsement pursuant to section 312a or a vehicle group designation pursuant to section 312e, when accompanied by a licensed parent or guardian, or when accompanied by a nonlicensed parent or guardian and a licensed adult for the purpose of receiving additional instruction until the end of the student's driver education course.

(5) The secretary of state, upon receiving proper application from a person 16 or 17 years of age who is enrolled in or has successfully completed an approved motorcycle safety course under section 811a, or a person who is 18 years of age or older and who holds a valid operator's or chauffeur's license, may issue a motorcycle temporary instruction permit entitling the applicant, while carrying the permit, to operate a motorcycle upon the public streets and highways for a period of 180 days, but only when under the constant visual supervision of a licensed motorcycle operator at least 18 years of age. The applicant shall not operate the motorcycle at night or with a passenger.

(6) Except as prohibited under federal law, the secretary of state, upon receiving proper application from a person who is 18 years of age or older, who holds a valid operator's or chauffeur's license other than a restricted license, and who has passed the knowledge test for an original vehicle group designation or indorsement, may issue a temporary instruction permit entitling the person, while carrying the permit, to drive a vehicle requiring a vehicle group designation or vehicle group indorsement under section 312e upon the streets and highways for a period of 180 days, but only when accompanied by a licensed adult operator or chauffeur who is licensed with the appropriate vehicle group designation and indorsement for the vehicle group being driven and who is actually occupying a seat beside the driver, or behind the driver if the permittee is driving a bus or school bus. In addition, if a permittee is enrolled in a driver training program for drivers of motor vehicles requiring a vehicle group designation or vehicle group indorsement under section 312e, which program is conducted by a college, a university, a school licensed by the department under the driver education and training schools act, 1974 PA 369, MCL 256.601 to 256.612, or a local or intermediate school district, the permittee may drive a vehicle requiring a vehicle group designation or vehicle group

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indorsement on the streets and highways of this state for a period of 180 days when accompanied by an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven who is either occupying the seat beside the driver or in direct visual and audio communication with the permittee. A person issued a temporary instruction permit under this section shall not operate a vehicle designed to carry 16 or more passengers that is transporting passengers except with an instructor licensed with the appropriate vehicle group designation and indorsement for the vehicle being driven or a driver skills test examiner.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 60, Imd. Eff. Apr. 2, 1956;—Am. 1957, Act 141, Imd. Eff. May 28, 1957;—Am. 1972, Act 61, Imd. Eff. Mar. 1, 1972;—Am. 1976, Act 24, Imd. Eff. Feb. 27, 1976;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 8, Imd. Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1980, Act 335, Imd. Eff. Dec. 23, 1980;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.307 Application for operator's or chauffeur's license; documents to be supplied to verify citizenship or identity and legal presence; manner; contents; image and signature; equipment; signature and certification; donor registry; driving record from another jurisdiction; application for original, renewal, or upgrade of vehicle group designation or indorsement; issuing renewal license by mail or other methods; information manual; disclosure or display of social security number; electronic access to donor registry; agreements with federal government; termination of license issued by another state; duties of secretary of state.

Sec. 307. (1) If an applicant for an operator's license or chauffeur's license is a citizen of the United States, the applicant shall supply a photographic identity document, a birth certificate, or other sufficient documents as the secretary of state may require to verify the identity and citizenship of the applicant. If an applicant for an operator's or chauffeur's license is not a citizen of the United States, the applicant shall supply a photographic identity document and other sufficient documents to verify the identity of the applicant and the applicant's legal presence in the United States under subdivision (b). The documents required under this subsection shall include the applicant's full legal name, date of birth, and address and residency and demonstrate that the applicant is a citizen of the United States or is legally present in the United States. If the applicant's full legal name differs from the name of the applicant that appears on a document presented under this subsection, the applicant shall present documents to verify his or her current full legal name. An application for an operator's or chauffeur's license shall be made in a manner prescribed by the secretary of state and shall contain all of the following:

(a) The applicant's full legal name, date of birth, residence address, height, sex, eye color, signature, intent to make an anatomical gift, other information required or permitted on the license under this chapter, and, only to the extent required to comply with federal law, the applicant's social security number. The applicant may provide a mailing address if the applicant receives mail at an address different from his or her residence address.

(b) If the applicant is not a citizen of the United States, the applicant shall provide documents demonstrating his or her legal presence in the United States. A person legally present in the United States includes, but is not limited to, a person authorized by the United States government for employment in the United States, a person with nonimmigrant status authorized under federal law, and a person who is the beneficiary of an approved immigrant visa petition or an approved labor certification. The secretary of state shall adopt rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are necessary for the administration of this subdivision. A determination by the secretary of state that an applicant is not legally present in the United States may be appealed under section 631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

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(c) The following notice shall be included to inform the applicant that under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this application as the applicant's residence address on the qualified voter file for voter registration and voting:

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"NOTICE: Michigan law requires that the same address
be used for voter registration and driver license
purposes. Therefore, if the residence address
you provide in this application differs from your
voter registration address as it appears on the
qualified voter file, the secretary of state
will automatically change your voter registration
to match the residence address on this application,
after which your voter registration at your former
address will no longer be valid for voting purposes.
A new voter registration card, containing the
information of your polling place, will be provided
to you by the clerk of the jurisdiction where your
residence address is located.".
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(d) For an original or renewal operator's or chauffeur's license with a vehicle group designation or indorsement, the names of all states where the applicant has been licensed to drive any type of motor vehicle during the previous 10 years.

(e) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications by the applicant:

(*i*) The applicant meets the applicable federal driver qualification requirements under 49 CFR part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable qualifications of the department of state police under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25, if the applicant operates or intends to operate in intrastate commerce.

(*ii*) The vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(*iii*) The applicant is not subject to disqualification by the United States secretary of transportation, or a suspension, revocation, or cancellation under any state law for conviction of an offense described in section 312f or 319b.

(*iv*) The applicant does not have a driver's license from more than 1 state or jurisdiction.

(f) An applicant for an operator's or chauffeur's license with a vehicle group designation and a hazardous material indorsement shall provide his or her fingerprints as prescribed by state and federal law.

(2) An applicant for an operator's or chauffeur's license may have his or her image and signature captured or reproduced when the application for the license is made. The secretary of state shall acquire equipment purchased or leased under this section under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. The secretary of state shall not purchase or lease equipment until an appropriation for the equipment has been made by the legislature. A digital photographic image and signature captured under this section shall appear on the applicant's operator's license or chauffeur's license. A person's digital photographic image shall be used as follows:

(a) By a federal, state, or local governmental agency for a law enforcement purpose authorized by law.

(b) By the secretary of state for a use specifically authorized by law.

(c) By the secretary of state for forwarding to the department of state police the images to persons required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, upon the department of state police providing the secretary of state an updated list of the names of those persons.

(d) As necessary to comply with a law of this state or of the United States.

(3) An application shall contain a signature or verification and certification by the applicant, as determined by the secretary of state, and shall be accompanied by the proper fee. The secretary of state shall collect the application fee with the application. The secretary of state shall refund the application fee to the applicant if the license applied for is denied, but shall not refund the fee to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

(4) In conjunction with the application for an operator's license or chauffeur's license, the secretary of state shall do all of the following:

(a) Provide the applicant with all of the following:

(*i*) Information explaining the applicant's right to make an anatomical gift in the event of death in

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accordance with section 310.

(*ii*) Information describing the anatomical gift donor registry program under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123. The information required under this subparagraph includes the address and telephone number of Michigan's federally designated organ procurement organization or its successor organization as defined in section 10102 of the public health code, 1978 PA 368, MCL 333.10102.

(*iii*) Information giving the applicant the opportunity to be placed on the donor registry described in subparagraph (*ii*).

(b) Provide the applicant with the opportunity to specify on his or her operator's or chauffeur's license that he or she is willing to make an anatomical gift in the event of death in accordance with section 310.

(c) Inform the applicant that, if he or she indicates to the secretary of state under this section a willingness to have his or her name placed on the donor registry described in subdivision (a)(*ii*), the secretary of state will mark the applicant's record for the donor registry.

(d) Provide the applicant with the opportunity to make a donation of $1.00 or more to the organ and tissue donation education fund created under section 217o. A donation made under this subdivision shall be deposited in the state treasury to the credit of the organ and tissue donation education fund.

(5) The secretary of state may fulfill the requirements of subsection (4) by 1 or more of the following methods:

(a) Providing printed material enclosed with a mailed notice for an operator's or chauffeur's license renewal or the issuance of an operator's or chauffeur's license.

(b) Providing printed material to an applicant who personally appears at a secretary of state branch office.

(c) Through electronic information transmittals for operator's and chauffeur's licenses processed by electronic means.

(6) The secretary of state shall maintain a record of an individual who indicates a willingness to have his or her name placed on the donor registry described in subsection (4)(a)(*ii*). Information about an applicant's indication of a willingness to have his or her name placed on the donor registry that is obtained by the secretary of state under subsection (4) and forwarded under subsection (14) is exempt from disclosure under section 13(1)(d) of the freedom of information act, 1976 PA 442, MCL 15.243.

(7) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record and other available information from the national driver register. When received, the driving record and other available information become a part of the driver's record in this state.

(8) If an application is received for an original, renewal, or upgrade of a vehicle group designation or indorsement, the secretary of state shall request the person's complete driving record from all states where the applicant was previously licensed to drive any type of motor vehicle over the last 10 years before issuing a vehicle group designation or indorsement to the applicant. If the applicant does not hold a valid commercial motor vehicle driver license from a state where he or she was licensed in the last 10 years, this complete driving record request must be made not earlier than 24 hours before the secretary of state issues the applicant a vehicle group designation or indorsement. For all other drivers, this request must be made not earlier than 10 days before the secretary of state issues the applicant a vehicle group designation or indorsement. The secretary of state shall also check the applicant's driving record with the national driver register and the federal commercial driver license information system before issuing that group designation or indorsement. If the application is for the renewal of a vehicle group designation or indorsement, and if the secretary of state enters on the person's historical driving record maintained under section 204a a notation that the request was made and the date of the request, the secretary of state is required to request the applicant's complete driving record from other states only once under this section.

(9) Except for a vehicle group designation or indorsement or as provided in this subsection or section 314(5), the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period or until the person is no longer determined to be legally present under section 307 by mail or by other methods prescribed by the secretary of state. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The secretary of state shall issue a renewal license only in person if the person is a person required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card. If a license is renewed by mail or by other method, the secretary of state shall issue evidence of renewal to indicate the date the license expires in the future. The department of state police shall provide to the secretary of state updated lists of persons required under section 5a of the sex offenders registration act, 1994 PA 295, MCL 28.725a, to maintain a valid operator's or chauffeur's license or official state personal identification card.

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(10) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required under 49 CFR part 383.

(11) The secretary of state shall not disclose a social security number obtained under subsection (1) to another person except for use for 1 or more of the following purposes:

(a) Compliance with 49 USC 31301 to 31317 and regulations and state law and rules related to this chapter.

(b) To carry out the purposes of section 466(a) of the social security act, 42 USC 666, in connection with matters relating to paternity, child support, or overdue child support.

(c) To check an applicant's driving record through the national driver register and the commercial driver license information system when issuing a license under this act.

(d) With the department of community health, for comparison with vital records maintained by the department of community health under part 28 of the public health code, 1978 PA 368, MCL 333.2801 to 333.2899.

(e) As otherwise required by law.

(12) The secretary of state shall not display a person's social security number on the person's operator's or chauffeur's license.

(13) A requirement under this section to include a social security number on an application does not apply to an applicant who demonstrates he or she is exempt under law from obtaining a social security number.

(14) As required in section 10120 of the public health code, 1978 PA 368, MCL 333.10120, the secretary of state shall maintain the donor registry in a manner that provides electronic access, including, but not limited to, the transfer of data to this state's federally designated organ procurement organization or its successor organization, tissue banks, and eye banks, in a manner that complies with that section.

(15) The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an operator's license or a chauffeur's license under this section who is not a citizen of the United States is authorized under federal law to be present in the United States.

(16) The secretary of state shall not issue an operator's license or a chauffeur's license to a person holding an operator's license or chauffeur's license issued by another state without confirmation that the person is terminating or has terminated the operator's license or chauffeur's license issued by the other state.

(17) The secretary of state shall do all of the following:

(a) Ensure the physical security of locations where operator's licenses and chauffeur's licenses are produced and the security of document materials and papers from which operator's licenses and chauffeur's licenses are produced.

(b) Subject all persons authorized to manufacture or produce operator's licenses or chauffeur's licenses and all persons who have the ability to affect the identity information that appears on operator's licenses or chauffeur's licenses to appropriate security clearance requirements. The security requirements of this subdivision and subdivision (a) may require that licenses be manufactured or produced in this state.

(c) Provide fraudulent document recognition programs to department of state employees engaged in the issuance of operator's licenses and chauffeur's licenses.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1964, Act 260, Imd. Eff. June 3, 1964;—Am. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982;—Am. 1983, Act 216, Imd. Eff. Nov. 11, 1983;—Am. 1984, Act 30, Eff. Apr. 28, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1996, Act 205, Eff. Jan. 1, 1997;—Am. 1998, Act 120, Eff. July 3, 1998;—Am. 1998, Act 330, Imd. Eff. Aug. 10, 1998;—Am. 1999, Act 88, Eff. Sept. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 502, Imd. Eff. Dec. 29, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008.

Compiler's note: Section 2 of Act 216 of 1983 provides: “Not later than 2 years after the effective date of this amendatory act, the secretary of state shall report to the legislature regarding the effect on highway safety that eliminating the age requirement under subsection (5) has had.”

Section 2 of Act 30 of 1984 provides: “The secretary of state shall implement section 307 as amended by this amendatory act beginning with operator's and chauffeur's licenses which expire on May 19, 1984.”

Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

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Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Enacting section 1 of Act 330 of 1998 provides:

"Enacting section 1. The family independence agency shall request from the federal government an exemption from the provisions regarding the recording of social security numbers added by this 1998 amendatory act, which are intended to be used for the collection of child support, as required by federal law in order for this state to receive certain federal funds. Upon the granting of the exemption, those provisions referred to by this enacting section shall not be utilized or enforced by the state or a local governmental entity."

Administrative rules: R 460.16101 et seq. of the Michigan Administrative Code.

257.307a Operator or chauffeur license containing vehicle group designation; contents.

Sec. 307a. For an operator or chauffeur license that contains a vehicle group designation, the secretary of state shall issue a license that contains the information required under this act and all of the following information:

(a) The name and address of residence of the licensee.

(b) Date of birth.

(c) Height and sex.

(d) Information required by the United States department of transportation under 49 CFR 383.153.

(e) The vehicle group designation and any indorsement of a commercial motor vehicle the licensee is authorized to operate.

(f) The name of this state.

(g) The expiration date of the license.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

****** 257.307b.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 1, 2010 ******

257.307b.added Application by male for operator's license or chauffeur's license; registration of applicant with federal selective service system.

Sec. 307b. (1) Beginning October 1, 2010, when any male citizen of the United States or a male immigrant to the United States who is less than 26 years of age applies for an operator's license or chauffeur's license, the secretary of state shall, with the applicant's consent, obtain the information that is necessary to register the applicant with the federal selective service system in compliance with the requirements of 50 USC Appx 453, including, but not limited to, the applicant's social security number.

(2) Each application described in subsection (1) shall contain all of the following:

(a) A statement that, if the applicant gives his consent to the secretary of state to provide his registration information to the selective service system, the secretary of state is authorized to provide that information to the selective service system under this section.

(b) The following statement: "If I am less than 18 years of age and give my consent to the secretary of state to provide the information necessary to register me for selective service, I understand that I will automatically be registered for selective service when I become 18 years of age if required by federal law.".

(c) A statement of the criminal penalties and other sanctions that apply for failing to register with selective service.

(d) The following statement: "I acknowledge having been given information regarding the penalties for not registering for selective service.".

(e) A statement appearing in capitalized, bold-faced type that declining to give consent to registration under this section does not affect the applicant's privilege to receive an operator's or chauffeur's license.

(f) A location on the application where the applicant shall indicate that he either consents to forwarding his

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registration information to the selective service system or that he does not consent to forwarding his registration information to the selective service system.

(3) The secretary of state shall forward the information obtained under subsection (1) to the federal selective service system in a format consistent with selective service system requirements.

(4) The secretary of state shall not forward any information regarding an applicant who is less than 18 years of age to the selective service system under this section unless the applicant gives his consent to provide that information to the selective service system as provided in this section.

History: Add. 2006, Act 642, Eff. Oct. 1, 2010.

257.308 Application of minor for operator's license; condition to approval; exception.

Sec. 308. (1) The secretary of state shall not approve the application of a person who is 17 years of age or less for an operator's license unless the application is signed by the parent or guardian of the applicant and the person has satisfied the appropriate requirements of section 310e, or if the person does not have a parent or guardian, then a license shall not be granted to the person unless the application is signed by another responsible adult and the person has satisfied the appropriate requirements of section 310e.

(2) This section does not apply to minors emancipated under 1968 PA 293, MCL 722.1 to 722.6.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 123, Eff. Sept. 13, 1958;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1988, Act 404, Eff. Mar. 30, 1989;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999.

257.309 Examination of applicant for operator's or chauffeur's license; waiver; exception; certification of licensee applying for renewal of license by mail; examining officers; conducting examinations; report of findings and recommendations; rules; issuance of original operator's or chauffeur's license without vehicle group designation or indorsement; behind-the-wheel road test; waiver; prohibited conduct.

Sec. 309. (1) Before issuing a license, the secretary of state shall examine each applicant for an operator's or chauffeur's license who at the time of the application is not the holder of a valid, unrevoked operator's or chauffeur's license under a law of this state providing for the licensing of drivers. In all other cases, the secretary of state may waive the examination, except that an examination shall not be waived if it appears from the application, from the apparent physical or mental condition of the applicant, or from any other information which has come to the secretary of state from another source, that the applicant does not possess the physical, mental, or other qualifications necessary to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property; or that the applicant is not entitled to a license under section 303. A licensee who applies for the renewal of his or her license by mail pursuant to section 307 shall certify to his or her physical capability to operate a motor vehicle. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section.

(2) The secretary of state may appoint sheriffs, their deputies, the chiefs of police of cities and villages having organized police departments within this state, their duly authorized representatives, or employees of the secretary of state as examining officers for the purpose of examining applicants for operator's and chauffeur's licenses. An examining officer shall conduct examinations of applicants for operator's and chauffeur's licenses in accordance with this chapter and the rules promulgated by the secretary of state under subsection (3). After conducting an examination an examining officer shall make a written report of his or her findings and recommendations to the secretary of state.

(3) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the examination of the applicant's physical and mental qualifications to operate a motor vehicle in a manner as not to jeopardize the safety of persons or property, and shall ascertain whether facts exist that would bar the issuance of a license under section 303. The secretary of state shall also ascertain whether the applicant has sufficient knowledge of the English language to understand highway warnings or direction signs written in that language. The examination shall not include investigation of facts other than those facts directly pertaining to the ability of the applicant to operate a motor vehicle with safety or facts declared to be prerequisite to the issuance of a license under this act.

(4) The secretary of state shall not issue an original operator's or chauffeur's license without a vehicle group designation or indorsement without an examination that includes a driving skills test conducted by the secretary of state or by a designated examining officer under subsection (2) or section 310e. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test conducted under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills

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test, that person or examiner must complete both a state and federal bureau of investigation fingerprint based criminal history check through the department of state police. In an agreement with another public or private corporation or agency to conduct a driving skills test, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. An original vehicle group designation or indorsement shall not be issued by the secretary of state without a knowledge test conducted by the secretary of state. Except as provided in section 312f(1), an original vehicle group designation or passenger or school bus indorsement shall not be issued by the secretary of state without a driving skills test conducted by an examiner appointed or authorized by the secretary of state.

(5) Except as otherwise provided in this act, the secretary of state may waive the requirement of a driving skills test, knowledge test, or road sign test of an applicant for an original operator's or chauffeur's license without a vehicle group designation or indorsement who at the time of the application is the holder of a valid, unrevoked operator's or chauffeur's license issued by another state or country.

(6) A driving skills test conducted under this section shall include a behind-the-wheel road test. A behind-the-wheel road test for an original vehicle group designation or passenger indorsement shall not be conducted unless the applicant has been issued a temporary instruction permit.

(7) A person who corrupts or attempts to corrupt a designated examining officer appointed or designated by the secretary of state under this section or section 310e by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the examining officer conducting the test is guilty of a felony.

(8) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section or section 310e and who varies from, shortens, or in any other way changes the method or examination criteria prescribed in that agreement in conducting a driving skills test is guilty of a felony.

(9) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification issued by a designated examining officer appointed or designated by the secretary of state under this section or section 310e is guilty of a felony.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1958, Act 123, Eff. Sept. 13, 1958;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 290, Imd. Eff. Oct. 15, 1980;—Am. 1982, Act 25, Imd. Eff. Mar. 4, 1982;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 387, Eff. Mar. 31, 1997;—Am. 1996, Act 551, Eff. Apr. 1, 1997;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Administrative rules: R 257.851 et seq. of the Michigan Administrative Code.

257.310 Operator's or chauffeur's license; issuance; applicant for motorcycle indorsement or vehicle group designation; contents of license; digitized license; unlawful acts; penalties; temporary driver's permit; medical data; designation of patient advocate or emancipated status; duplicates of license; emergency medical information card; participation in anatomical gift donor registry.

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

(2) The license issued under subsection (1) shall contain all of the following:

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

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

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

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

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

(4) The license shall not contain a fingerprint or finger image of the licensee.

(5) A digitized license may contain an identifier for voter registration purposes. The digitized license may contain information appearing in electronic or machine readable codes needed to conduct a transaction with the secretary of state. The information shall be limited to the person's driver license number, birth date, full legal name, date of transaction, gender, address, state of issuance, license expiration date, and other information necessary for use with electronic devices, machine readers, or automatic teller machines and shall not contain the driving record or other personal identifier. The license shall identify the encoded information.

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

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

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

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a felony punishable by imprisonment for less than 10 years or a misdemeanor punishable by imprisonment for 6 months or more, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a felony, punishable by imprisonment for not more than 5 years, or a fine of not more than $10,000.00, or both.

(c) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use is to commit or aid in the commission of an offense that is a misdemeanor punishable by imprisonment for less than 6 months, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both.

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

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

(10) Except as provided in subsection (16), a person who is in possession of a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a license is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both.

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

(12) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue the applicant a temporary driver's permit. The temporary driver's permit entitles the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle upon the highway for a period not exceeding 60 days before the secretary of state has issued the applicant an operator's or chauffeur's license. The secretary of state may establish a longer duration for the validity of a temporary driver's permit if necessary to accommodate the process of obtaining a background

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check that is required for an applicant by federal law.

(13) An operator or chauffeur may indicate on the license in a place designated by the secretary of state his or her blood type, emergency contact information, immunization data, medication data, or a statement that the licensee is deaf.

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

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

(16) Subsections (8), (9), and (10) do not apply to a person who is in possession of 1 or more photocopies, reproductions, or duplications of a license to document the identity of the licensee for a legitimate business purpose.

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 144, Eff. Oct. 2, 1953;—Am. 1957, Act 164, Eff. Sept. 27, 1957;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1966, Act 206, Eff. Aug. 1, 1966;—Am. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1976, Act 358, Imd. Eff. Dec. 23, 1976;—Am. 1977, Act 259, Eff. Mar. 30, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1985, Act 219, Imd. Eff. Jan. 10, 1986;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1988, Act 404, Eff. Mar. 30, 1989;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 205, Eff. Jan. 1, 1997;—Am. 1998, Act 226, Imd. Eff. July 3, 1998;—Am. 2001, Act 216, Imd. Eff. Dec. 28, 2001;—Am. 2002, Act 126, Eff. Apr. 22, 2002;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 36, Imd. Eff. Mar. 17, 2008.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.310a Repealed. 1978, Act 139, Eff. May 1, 1979.

Compiler's note: The repealed section pertained to color of instruction permit or license issued to minor.

257.310b Expired. 1979, Act 66, Eff. Oct. 1, 1980.

Compiler's note: The expired section pertained to designation of original license as probationary for 1 year.

257.310c Operator's or chauffeur's license; persons not previously licensed; temporary instruction permit; exception.

Sec. 310c. (1) The secretary of state shall not issue an operator's or chauffeur's license to a person who is 18 years of age or older and has not been previously licensed in this or any other state or country until 30 days after he or she has obtained a temporary instruction permit.

(2) This section does not apply to a person who is on active duty in the armed forces of the United States if

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he or she is on furlough and possesses a valid United States government motor vehicle operator's identification card and furlough papers.

History: Add. 1968, Act 263, Eff. Nov. 15, 1968;—Am. 1972, Act 89, Imd. Eff. Mar. 20, 1972;—Am. 1996, Act 387, Eff. Apr. 1, 1997.

257.310d Designation of license as probationary for 3 years; suspension of license or imposition of probationary terms and conditions; duration; examination; reexamination; extension of probationary period; failure to appear for reexamination; notice of reexamination; additional provisions.

Sec. 310d. (1) A license issued under this act to a person not previously licensed in this or in another state shall be designated as probationary for 3 years after the date of issuance. During the first 12 months of probation, the license may be suspended or probationary terms and conditions may be imposed upon failure of the licensee to appear before a magistrate, as provided in this chapter, or upon conviction of the licensee or determination of the licensee's responsibility for a moving violation in this state. The period of suspension or the probationary terms and conditions shall not be for more than 12 months and shall be determined by the secretary of state at an examination of the driver by the secretary of state.

(2) Upon completion of the first 12 months of probation, the secretary of state may require a licensee to be reexamined by the secretary of state if the licensee's driving record contains any of the following:

(a) A conviction or civil infraction determination for a moving violation that was assessed 4 or more points as provided in section 320a.

(b) Three convictions or 3 civil infraction determinations, or a combination of convictions and civil infraction determinations that equals 3, for moving violations.

(c) A total of 6 or more points as provided in section 320a.

(d) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(e) A conviction or civil infraction determination for a moving violation and an accident for which the official police report indicates a moving violation on the part of the licensee.

(f) Three accidents for which the official police report indicates a moving violation on the part of the licensee.

(g) A suspension pursuant to section 625f.

(3) The probationary period shall be extended beyond 3 years and the secretary of state may reexamine a licensee as provided in subsection (2) if any of the following occur and are recorded on the licensee's driving record during the last 10 months of the probationary period:

(a) A moving violation resulting in a conviction or civil infraction determination.

(b) An accident for which the official police report indicates a moving violation on the part of the licensee.

(c) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(d) A license suspension for a reason other than a mental or physical disability.

(4) The probationary period shall be extended pursuant to subsection (3) until the licensee completes 10 consecutive months without a moving violation, accident, or suspension enumerated in subsection (3).

(5) Upon completion of a reexamination, the secretary of state may suspend or impose probationary terms and conditions on the license of a probationary licensee, except that a reexamination for subsection (2)(d), (e), or (f) shall not result in a license suspension or the imposition of probationary terms or conditions.

(6) For 24 months immediately after a licensee's probationary period, the secretary of state may require the licensee to be reexamined by the secretary of state if the licensee's driver record has a total of 9 or more points, as provided in section 320a, imposed in a period of 2 years and if the licensee's record contains 1 or more of the following:

(a) A conviction for a violation or attempted violation of any of the following:

(*i*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) A violation or attempted violation of section 625m.

(*iii*) Former section 625b.

(*iv*) A local ordinance substantially corresponding to a conviction described in this subdivision.

(*v*) A law of another state substantially corresponding to a conviction described in this subdivision.

(b) A suspension of the licensee's license pursuant to section 625f.

(c) An accident for which the official police report indicates a moving violation on the part of the licensee.

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(d) An accident for which the official police report indicates the licensee had been drinking alcoholic liquor.

(7) Upon completion of a reexamination under subsection (6), the secretary of state may suspend the license of the licensee, except that a reexamination for subsection (6)(c) or (d) shall not result in a license suspension or restriction.

(8) If a licensee fails to appear for a reexamination scheduled by the secretary of state pursuant to this section, the licensee's license may be suspended immediately and remain suspended until the licensee appears for a reexamination by the secretary of state.

(9) Notice of a reexamination required under this section shall be given by first-class mail to the last known address of the licensee.

(10) For purposes of this section:

(a) Upon conviction for a moving violation, the date of the violation shall be used in determining whether the conviction occurred within the probationary period.

(b) Upon entry of a civil infraction determination for a moving violation, the date of the violation shall be used in determining whether the civil infraction determination occurred within the probationary period.

(c) Information of a reexamination shall not be placed on a driver's record unless the secretary of state suspends a license or imposes probationary terms and conditions.

(d) A suspension shall be considered part of a driving record from the date the suspension is imposed until the suspension is terminated.

(e) The date of the official police report shall be used in determining whether a licensee was driving a motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking alcoholic liquor.

History: Add. 1978, Act 545, Eff. Oct. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.310e Graduated licensing.

Sec. 310e. (1) Except as otherwise provided in this act, an operator's or chauffeur's license issued to a person who is 17 years of age or less shall be in a form as prescribed in section 310 beginning July 1, 2003, and is valid only upon the issuance of a graduated driver license.

(2) The secretary of state shall designate graduated licensing provisions in a manner that clearly indicates that the person is subject to the appropriate provisions described in this section.

(3) Except as otherwise provided in section 303, a person who is not less than 14 years and 9 months of age may be issued a level 1 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions:

(a) Passed a vision test and met health standards as prescribed by the secretary of state.

(b) Successfully completed segment 1 of a driver education course as that term is defined in section 1 of the driver education and training schools act, 1974 PA 369, MCL 256.601, including a minimum of 6 hours of on-the-road driving time with the instructor.

(c) Received written approval of a parent or legal guardian.

(4) A person issued a level 1 graduated licensing status may operate a motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, a licensed driver 21 years of age or older. Except as otherwise provided in this section, a person is restricted to operating a motor vehicle with a level 1 graduated licensing status for not less than 6 months.

(5) A person may be issued a level 2 graduated licensing status to operate a motor vehicle if the person has satisfied all of the following conditions:

(a) Had a level 1 graduated licensing status for not less than 6 months.

(b) Successfully completed segment 2 of a driver education course as that term is defined in section 1 of the driver education and training schools act, 1974 PA 369, MCL 256.601.

(c) Not incurred a moving violation resulting in a conviction or civil infraction determination or been involved in an accident for which the official police report indicates a moving violation on the part of the person during the 90-day period immediately preceding application.

(d) Presented a certification by the parent or guardian that he or she, accompanied by his or her licensed parent or legal guardian or, with the permission of the parent or legal guardian, any licensed driver 21 years of

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age or older, has accumulated a total of not less than 50 hours of behind-the-wheel experience including not less than 10 nighttime hours.

(e) Successfully completed a secretary of state approved driving skills test. The secretary of state may enter into an agreement with another public or private corporation or agency to conduct this driving skills test. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and federal bureau of investigation fingerprint based criminal history check through the department of state police. This subdivision applies to a person 16 years of age or over only if the person has satisfied subdivisions (a), (b), (c), and (d).

(6) A person issued a level 2 graduated licensing status under subsection (5) shall remain at level 2 for not less than 6 months and shall not operate a motor vehicle within this state from 12 midnight to 5 a.m. unless accompanied by a parent or legal guardian or a licensed driver over the age of 21 designated by the parent or legal guardian, or except when going to or from employment.

(7) The provisions and provisional period described in subsection (4) or (6) shall be expanded or extended, or both, beyond the periods described in subsection (4) or (6) if any of the following occur and are recorded on the licensee's driving record during the provisional periods described in subsection (4) or (6) or any additional periods imposed under this subsection:

(a) A moving violation resulting in a conviction, civil infraction determination, or probate court disposition.

(b) An accident for which the official police report indicates a moving violation on the part of the licensee.

(c) A license suspension for a reason other than a mental or physical disability.

(d) A violation of subsection (4) or (6).

(8) The provisional period described in subsection (4) shall be extended under subsection (7) until the licensee completes 90 consecutive days without a moving violation, an accident in which a moving violation resulted, accident, suspension, or provisional period violation listed in subsection (7) or until age 18, whichever occurs first. The provisional period described in subsection (6) shall be extended under subsection (7) until the licensee completes 12 consecutive months without a moving violation, accident, suspension, or restricted period violation listed in subsection (7) or until age 18, whichever occurs first.

(9) A person who is not less than 17 years of age may be issued a level 3 graduated licensing status under this subsection if the person has completed 12 consecutive months without a moving violation, an accident in which a moving violation resulted, accident, suspension, or restricted period violation listed in subsection (7) while the person was issued a level 2 graduated licensing status under subsection (5).

(10) Notice shall be given by first-class mail to the last known address of a licensee if the provisions are expanded or extended as described in subsection (7).

(11) A person who violates subsection (4) or (6) is responsible for a civil infraction.

(12) If a person is determined responsible for a violation of subsection (4) or (6), the secretary of state shall send written notification of any conviction or moving violation to a designated parent or guardian of the person.

(13) For purposes of this section:

(a) Upon conviction for a moving violation, the date of the arrest for the violation shall be used in determining whether the conviction occurred within a provisional licensure period under this section.

(b) Upon entry of a civil infraction determination for a moving violation, the date of issuance of a citation for a civil infraction shall be used in determining whether the civil infraction determination occurred within a provisional licensure period under this section.

(c) The date of the official police report shall be used in determining whether a licensee was driving a motor vehicle involved in an accident for which the official police report indicates a moving violation on the part of the licensee or indicates the licensee had been drinking alcoholic liquor.

(14) A person shall have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and shall display the card upon demand of a police officer. A person who violates this subsection is responsible for a civil infraction.

History: Add. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 71, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.311 Possession of operator's or chauffeur's license or receipt when operating motor vehicle required; display; identification.

Sec. 311. The licensee shall have his or her operator's or chauffeur's license, or the receipt described in section 311a, in his or her immediate possession at all times when operating a motor vehicle, and shall display

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the same upon demand of any police officer, who shall identify himself or herself as such.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1983, Act 63, Eff. Mar. 29, 1984.

257.311a Issuance of receipt for operator's or chauffeur's license; form; approval; design; effect; expiration of receipt and license; renewal of license.

Sec. 311a. If the court requires a person who is accused of a misdemeanor or ordinance violation to surrender his or her operator's or chauffeur's license pursuant to section 6 of chapter V of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 765.6 of the Michigan Compiled Laws, or section 4 of Act No. 257 of the Public Acts of 1966, being section 780.64 of the Michigan Compiled Laws, and if the license is not expired, suspended, revoked, or canceled, the court shall issue to the licensee a receipt for the license. The form of the receipt shall be approved or provided by the secretary of state. The form shall be designed so that it may contain a photocopy of an operator's or chauffeur's license. The receipt shall have the effect of granting driving privileges identical to the operator's or chauffeur's license surrendered to the court but that effect shall cease on the date on which the receipt expires or on the date on which the license expires, whichever date occurs first. If the license expires or will expire while the license is surrendered, the secretary of state may renew the operator's or chauffeur's license pursuant to section 314. The expiration date of the receipt shall be specified by the court on the receipt.

History: Add. 1983, Act 63, Eff. Mar. 29, 1984.

257.312 Restricted operator's or chauffeur's license; contents; expiration; suspension or revocation; violation as misdemeanor; exceptions.

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

(2) An operator's license issued to a person who is at least 14 years of age and under 16 years of age expires on the birthday following issuance of the license or if that birthday is within 6 months after the date of issuance of the license, then 1 year after the date of that birthday.

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

(4) A person who violates a restriction imposed in a restricted license issued to that person is guilty of a misdemeanor. This subsection does not apply to a person who is at least 14 years of age and under 16 years of age.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001.

257.312a Motorcycle indorsement; issuance, suspension, revocation, cancellation, or renewal; special restricted license to operate moped; requirements; duration; expiration; fees.

Sec. 312a. (1) A person, before operating a motorcycle upon a public street or highway in this state, shall procure a motorcycle indorsement on the operator's or chauffeur's license. The license shall be issued, suspended, revoked, canceled, or renewed in accordance with and governed by this act.

(2) A person, before operating a moped upon a highway shall procure a special restricted license to operate a moped unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person 15 years of age or older if the person satisfies the secretary of state that he is competent to operate a moped with safety. The secretary of state shall not require a road test before issuance of a special restricted license to operate a moped.

(3) A special restricted license to operate a moped shall expire on the birthday of the person to whom it is issued in the fourth year following the date of issuance. A license shall not be issued for a period longer than

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4 years. A person issued a license to operate a moped shall pay $7.50 for an original license and $6.00 for a renewal license. The money received and collected under this subsection shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer, $2.50 for each applicant examined for an original license and $1.00 for a renewal license.

History: Add. 1956, Act 178, Imd. Eff. Apr. 16, 1956;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.312b Motorcycle endorsement; examination; motorcycle safety course; waiver of driving test; autocycle or 3-wheeled motorcycle; restriction; development of driving test; rules; audit; third party motorcycle program; prohibited conduct.

Sec. 312b. (1) Before a person who is less than 18 years of age is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section and a motorcycle safety course as provided in section 811a or 811b.

(2) Before a person who is 18 years of age or older is issued an original motorcycle endorsement on an operator's or chauffeur's license, the person shall pass an examination as required by this section. A person who fails this examination 2 or more times is required to successfully complete a motorcycle safety course as provided in section 811a or 811b. Each written examination given an applicant for a motorcycle endorsement on an operator's or chauffeur's license as provided in section 309 shall also include subjects designed to cover a motorcycle. A person shall pass an examination that shall include a driving test designed to test the competency of the applicant for the first motorcycle endorsement on an operator's or chauffeur's license to operate a motorcycle upon the roads and highways of this state with safety to himself or herself and other persons and property. All examinations shall be administered as provided in this act. The requirement of a motorcycle driving skills test shall be waived for an applicant who has successfully completed a motorcycle safety course conducted by a school or business enterprise as provided in section 811a or 811b. The motorcycle safety course skills test shall meet or exceed the motorcycle skills test from the secretary of state. The requirement of a motorcycle driving skills test may be waived if the applicant has a valid license or endorsement to operate a motorcycle from another state.

(3) A motorcycle endorsement issued to a person who operates a 3-wheeled motorcycle or an autocycle shall be restricted to operation of that type of motorcycle and does not permit operation of a 2-wheeled motorcycle. The secretary of state shall develop a driving test specifically pertaining to an autocycle or a 3-wheeled motorcycle.

(4) The secretary of state is responsible for establishing and conducting the motorcycle operator driving skills test and shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for purposes of this subsection. An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirement that funds are being withdrawn only in relation to this act. A copy of the audit shall be transmitted to the legislature upon completion.

(5) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and federal bureau of investigation fingerprint based criminal history check through the department of state police. In an agreement with another public or private corporation or agency to conduct a driving skills test under this section, the secretary of state shall prescribe the method and examination criteria to be followed by the corporation, agency, or examiner when conducting the driving skills test and the form of the certification to be issued to a person who satisfactorily completes a driving skills test. For administering and overseeing a third party motorcycle testing program, the secretary of state shall be reimbursed from the motorcycle safety fund a total amount that does not exceed 50% of the department's 1995-1996 fiscal year appropriation for motorcycle testing under this section.

(6) A person who corrupts or attempts to corrupt a corporation, agency, or examiner that conducts a driving skills test under an agreement entered into with the secretary of state under this section by giving, offering, or promising any gift or gratuity with the intent to influence the opinion or decision of the corporation, agency, or examiner conducting the driving skills test is guilty of a felony.

(7) A designated examining officer appointed or designated by the secretary of state who conducts a driving skills test under an agreement entered into under this section and who varies from, shortens, or in any other way changes the method or examination criteria prescribed to be followed under that agreement in conducting a driving skills test under this section is guilty of a felony.

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(8) A person who forges, counterfeits, or alters a satisfactorily completed driving skills test certification issued by a designated examining officer appointed or designated by the secretary of state under this section is guilty of a felony.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1974, Act 108, Imd. Eff. May 21, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 85, Imd. Eff. June 29, 1987;—Am. 1988, Act 68, Imd. Eff. Mar. 25, 1988;—Am. 1988, Act 495, Eff. Apr. 1, 1989;—Am. 1992, Act 59, Imd. Eff. May 20, 1992;—Am. 1996, Act 345, Imd. Eff. June 28, 1996;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2003, Act 103, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 187 of 1982 provides:
"(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.
"(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982."

Administrative rules: R 257.971 et seq. of the Michigan Administrative Code.

257.312c Motorcycle endorsement; application; fee; disposition of money.

Sec. 312c. (1) Every application for a motorcycle endorsement on an operator's or chauffeur's license for operation of motorcycles as provided in section 312a shall be accompanied by the following fees which shall be in addition to any other original or renewal operator or chauffeur license fee:

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Original motorcycle endorsement............... $   13.50
Renewal of motorcycle endorsement............. $    5.00
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(2) Except as otherwise provided in this subsection, the money received and collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality, acting as an examining officer or examining bureau, $3.00 for each applicant examined for a first endorsement to a 3- or 4-year operator's or chauffeur's license, $2.50 for each original endorsement to a 2-year operator's or chauffeur's license, $1.50 for each renewal endorsement to a 2-year operator's or chauffeur's license, and $1.50 for every other applicant examined whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. Ten dollars of each original motorcycle endorsement and $3.00 of each renewal motorcycle endorsement shall be placed in a motorcycle safety fund in the state treasury and shall be used only by the secretary of state for the motorcycle safety education program as provided under section 811a.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1988, Act 495, Eff. Apr. 1, 1989;—Am. 1996, Act 345, Imd. Eff. June 28, 1996;—Am. 2003, Act 103, Eff. Oct. 1, 2003.

257.312d Reference to operator's or chauffeur's license as including motorcycle or vehicle indorsement or vehicle group designation.

Sec. 312d. If a reference is made in this act to operator's or chauffeur's license, or both, the reference includes a motorcycle or vehicle indorsement or vehicle group designation under section 312e on the operator's or chauffeur's license.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1988, Act 346, Eff. Jan. 1, 1990.

Compiler's note: Section 2 of Act 346 of 1988 provides:
"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.
"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.
"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."
Section 2 of Act 173 of 1989 provides:
"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.
"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.312e Group commercial motor vehicle designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and indorsement; F vehicle indorsement; exceptions; former indorsements; requirement for certain indorsements to operate school bus; waiver of driving skills test; expiration; disposition of money collected under subsection (8); refund to county or municipality; compliance with MCL 257.303 and 257.319b; requirements for implementing and enforcing

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federal law.

Sec. 312e. (1) Except as otherwise provided in this section, a person, before operating a commercial motor vehicle, shall obtain the required vehicle group designation as follows:

(a) A person, before operating a combination of vehicles with a gross combination weight rating of 26,001 pounds or more including a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, shall procure a group A vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group A vehicle may operate a group B or C vehicle without taking another test.

(b) A person, before operating a vehicle having a gross vehicle weight rating of 26,001 pounds or more, shall procure a group B vehicle designation on his or her operator's or chauffeur's license. Unless an indorsement or the removal of restrictions is required, a person licensed to operate a group B vehicle may operate a group C vehicle without taking another test.

(c) A person, before operating a single vehicle having a gross vehicle weight rating under 26,001 pounds or a vehicle having a gross vehicle weight rating under 26,001 pounds towing a trailer or other vehicle and carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, or designed to transport 16 or more passengers including the driver, shall procure a group C vehicle designation and a hazardous material or passenger vehicle indorsement on his or her operator's or chauffeur's license.

(2) An applicant for a vehicle group designation shall take knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383 as required under this act.

(3) The license shall be issued, suspended, revoked, canceled, or renewed in accordance with this act.

(4) Except as provided in this subsection, all of the following apply:

(a) If a person operates a group B passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group B or C passenger vehicles under that P indorsement. If a person operates a group B school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group B or C school buses under that S indorsement.

(b) If a person operates a group C passenger vehicle while taking his or her driving skills test for a P indorsement, he or she is restricted to operating only group C passenger vehicles under that P indorsement. If a person operates a group C school bus while taking his or her driving skills test for an S indorsement, he or she is restricted to operating only group C school buses under that S indorsement.

(c) A person who fails the air brake portion of the written or driving skills test provided under section 312f or who takes the driving skills test provided under that section in a commercial motor vehicle that is not equipped with air brakes shall not operate a commercial motor vehicle equipped with air brakes.

(5) A person, before operating a commercial motor vehicle, shall obtain required vehicle indorsements as follows:

(a) A person, before operating a commercial motor vehicle pulling double trailers, shall procure the appropriate vehicle group designation and a T vehicle indorsement under this act.

(b) A person, before operating a commercial motor vehicle that is a tank vehicle, shall procure the appropriate vehicle group designation and an N vehicle indorsement under this act.

(c) A person, before operating a commercial motor vehicle carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall procure the appropriate vehicle group designation and an H vehicle indorsement under this act.

(d) A person, before operating a commercial motor vehicle that is a tank vehicle carrying hazardous material, shall procure the appropriate vehicle group designation and both an N and H vehicle indorsement, which shall be designated by the code letter X on the person's operator's or chauffeur's license.

(e) A person, before operating a vehicle that is designed to transport 16 or more passengers including the driver but is not a school bus shall procure the appropriate vehicle group designation and a P vehicle indorsement under this act. An applicant for a P vehicle indorsement shall take the driving skills test in a vehicle designed to transport 16 or more passengers including the driver.

(f) A person who does not currently possess a P indorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge tests for the P and S indorsements, and procure the P and S vehicle indorsements under this act. An applicant for an S vehicle indorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(g) A person who currently possesses a P indorsement, before operating a school bus designed to transport 16 or more passengers, including the driver, shall procure the appropriate vehicle group designation, pass the knowledge test for an S indorsement, and procure an S vehicle indorsement under this act. An applicant for an

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S vehicle indorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus.

(6) Until September 30, 2005, the secretary of state may waive the driving skills test for an applicant for an S indorsement if the applicant certifies, and the secretary of state verifies, that during the 2-year period immediately prior to applying for the school bus indorsement the applicant met all of the following conditions:

(a) The applicant holds a valid driver license with a vehicle group designation and a P indorsement.

(b) The applicant has not had an operator's, chauffeur's, or commercial motor vehicle driver license suspended, revoked, denied, or canceled.

(c) The applicant has not been disqualified by the United States secretary of transportation from operating a commercial motor vehicle.

(d) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a commercial motor vehicle.

(e) The applicant has not been convicted of any disqualifying offense listed in 49 CFR 383.51(b) while operating a noncommercial motor vehicle that would be a disqualifying offense under 49 CFR 383.51(b) if the applicant had committed the offense while operating a commercial motor vehicle.

(f) The applicant has not had more than 1 conviction for a serious traffic violation as defined in 49 CFR 383.51 while operating any type of motor vehicle.

(g) Except for parking violations, the applicant has not had any conviction for a violation of any state or local motor vehicle traffic control law involving a vehicle accident and has not been found at fault in a vehicle accident.

(h) The applicant has been regularly employed as a school bus driver for the past 2 years and has, for those 2 years, operated a school bus representing the type of school bus that the applicant intends to operate, and the applicant provides satisfactory evidence of that employment to the secretary of state.

(7) An applicant for an indorsement shall take the knowledge and driving skills tests described and required under 49 CFR part 383.

(8) The holder of an unexpired operator's or chauffeur's license may be issued a vehicle group designation and indorsement valid for the remainder of the license upon meeting the qualifications of section 312f and payment of the original vehicle group designation fee of $25.00 and an indorsement fee of $5.00 per indorsement, and a corrected license fee of $18.00. A person required to procure an F vehicle indorsement under subsection (10) shall pay an indorsement fee of $5.00.

(9) Except as otherwise provided in subsections (10) and (11), this section does not apply to a driver or operator of a vehicle under all of the following conditions:

(a) The vehicle is controlled and operated by a farmer or an employee or family member of the farmer.

(b) The vehicle is used to transport agricultural products, farm machinery, farm supplies, or a combination of these items, to or from a farm.

(c) The vehicle is not used in the operation of a common or contract motor carrier.

(d) The vehicle is operated within 150 miles of the farm.

(10) A person, before driving or operating a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d), shall obtain an F vehicle indorsement. The F vehicle indorsement shall be issued upon successful completion of a knowledge test only.

(11) A person, before driving or operating a single vehicle truck having a gross vehicle weight rating of 26,001 pounds or more or a combination of vehicles having a gross vehicle weight rating of 26,001 pounds or more on the power unit that is used as described in subsection (9)(a) to (d) for carrying hazardous materials on which a placard is required under 49 CFR parts 100 to 199, shall successfully complete both a knowledge test and a driving skills test. Upon successful completion of the knowledge test and driving skills test, the person shall be issued the appropriate vehicle group designation and any vehicle indorsement necessary under this act.

(12) This section does not apply to a police officer operating an authorized emergency vehicle or to a firefighter operating an authorized emergency vehicle who has met the driver training standards published under the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

(13) This section does not apply to a person operating a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

(14) The money collected under subsection (8) for a vehicle group designation or indorsement shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau $3.00 for

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each applicant examined for a first designation or indorsement to an operator's or chauffeur's license and $1.50 for each renewal designation or indorsement to an operator's or chauffeur's license, whose application is not denied, on the condition that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

(15) Notwithstanding any other provision of this section, a person operating a vehicle described in subsections (9) and (10) is subject to the provisions of sections 303 and 319b.

(16) This state shall comply with the requirements of the American association of motor vehicle administrators' AAMVAnet, incorporated's "Commercial Driver License Information System (CDLIS) State Procedures Manual" that the secretary of state determines are required for implementing and enforcing federal law.

History: Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 1, Imd. Eff. Jan. 25, 1980;—Am. 1980, Act 123, Imd. Eff. May 21, 1980;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2000, Act 158, Imd. Eff. June 14, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2002, Act 652, Eff. Jan. 1, 2003;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 212, Imd. Eff. June 19, 2006;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.312f Vehicle group designation or indorsement on operator's or chauffeur's license; hazardous material indorsement; age; tests; waiver; conditions prohibiting issuance of vehicle group designation; determining applicability of subsection (5); "farm related service industry" defined.

Sec. 312f. (1) Except as otherwise provided in this section, a person shall be not less than 18 years of age before he or she is issued a vehicle group designation or indorsement, other than a motorcycle indorsement, or not less than 21 years of age before he or she is issued a hazardous material indorsement on an operator's or chauffeur's license and, as provided in this section, the person shall pass knowledge and driving skills tests that comply with minimum federal standards prescribed in 49 CFR part 383. A person who is 18 years of age or older operating a vehicle to be used for farming purposes only may obtain an A or B vehicle group designation or an F vehicle indorsement. Each written examination given an applicant for a vehicle group designation or indorsement shall include subjects designed to cover the type or general class of vehicle to be operated. A person shall pass an examination that includes a driving skills test designed to test competency of the applicant for an original vehicle group designation and passenger indorsement on an operator's or chauffeur's license to drive that type or general class of vehicle upon the highways of this state with safety to persons and property. The secretary of state shall waive the driving skills test for a person operating a vehicle that is used under the conditions described in section 312e(9)(a) to (d) unless the vehicle has a gross vehicle weight rating of 26,001 pounds or more on the power unit and is to be used to carry hazardous materials on which a placard is required under 49 CFR parts 100 to 199. The driving skills test may be waived if the applicant has a valid license with the appropriate vehicle group designation, passenger vehicle indorsement, or school bus indorsement in another state issued in compliance with 49 USC 31301 to 31317.

(2) Except for a person who has held an operator's or chauffeur's license for less than 1 year, the secretary of state shall waive the knowledge test and the driving skills test and issue a 1-year seasonal restricted vehicle group designation to an otherwise qualified applicant to operate a group B or a group C vehicle for a farm related service industry if all of the following conditions are met:

(a) The applicant meets the requirements of 49 CFR 383.77.

(b) The seasons for which the seasonal restricted vehicle group designation is issued are from April 2 to June 30 and from September 2 to November 30 only of a 12-month period or, at the option of the applicant, for not more than 180 days from the date of issuance in a 12-month period.

(c) The commercial motor vehicle for which the seasonal restricted vehicle group designation is issued shall be operated only if all the following conditions are met:

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(*i*) The commercial motor vehicle is operated only on routes within 150 miles from the place of business to the farm or farms being served.

(*ii*) The commercial motor vehicle does not transport a quantity of hazardous materials on which a placard under 49 CFR parts 100 to 199 is required except for the following:

(A) Diesel motor fuel in quantities of 1,000 gallons or less.

(B) Liquid fertilizers in quantities of 3,000 gallons or less.

(C) Solid fertilizers that are not transported with any organic substance.

(*iii*) The commercial motor vehicle does not require the H, N, P, S, T, or X vehicle indorsement.

(3) A seasonal restricted vehicle group designation under this section shall be issued, suspended, revoked, canceled, denied, or renewed in accordance with this act.

(4) The secretary of state may enter into an agreement with another public or private corporation or agency to conduct a driving skills test required under this section, section 312e, or 49 CFR part 383. Before the secretary of state authorizes a person to administer a corporation's or agency's driver skills testing operations or authorizes an examiner to conduct a driving skills test, that person or examiner must complete both a state and federal bureau of investigation fingerprint based criminal history check through the department of state police.

(5) The secretary of state shall not issue a vehicle group designation or a vehicle indorsement to an applicant for an original vehicle group designation or vehicle indorsement under section 312e to whom 1 or more of the following apply:

(a) The applicant has had his or her license suspended or revoked for a reason other than as provided in section 321a, 515, or 801c in the 36 months immediately preceding application, except that a vehicle group designation may be issued if the suspension or revocation was due to a temporary medical condition or failure to appear at a reexamination as provided in section 320.

(b) The applicant was convicted of or incurred a bond forfeiture in relation to a 6-point violation as provided in section 320a in the 24 months immediately preceding application if the violation occurred while the applicant was operating a commercial motor vehicle, or a violation of section 625(3) or former section 625b, or a local ordinance substantially corresponding to section 625(3) or former section 625b in the 24 months immediately preceding application, if the applicant was operating any type of motor vehicle.

(c) The applicant is listed on the national driver register, the commercial driver license information system, or the driving records of the state in which the applicant was previously licensed as being disqualified from operating a commercial motor vehicle or as having a license or driving privilege suspended, revoked, canceled, or denied.

(d) The applicant is listed on the national driver register, the commercial driver license information system, or the driving records of the state in which the applicant was previously licensed as having had a license suspended, revoked, or canceled in the 36 months immediately preceding application if a suspension or revocation would have been imposed under this act had the applicant been licensed in this state in the original instance. This subdivision does not apply to a suspension or revocation that would have been imposed due to a temporary medical condition or pursuant to section 321a, 515, or 801c.

(e) The applicant is subject to a suspension or revocation under section 319b or would have been subject to a suspension or revocation under section 319b if the applicant had been issued a vehicle group designation or vehicle indorsement.

(f) The applicant has been disqualified from operating a commercial motor vehicle under 49 USC 31301 to 31317 or the applicant's license to operate a commercial motor vehicle has been suspended, revoked, denied, or canceled within 36 months immediately preceding the date of application.

(g) The United States secretary of transportation has disqualified the applicant from operating a commercial motor vehicle.

(6) The secretary of state shall not renew or upgrade a vehicle group designation if the United States secretary of transportation has disqualified the applicant from operating a commercial motor vehicle, or the applicant is listed on the national driver register or the commercial driver license information system as being disqualified from operating a commercial motor vehicle or as having a driver license or driving privilege suspended, revoked, canceled, or denied.

(7) The secretary of state shall only consider bond forfeitures under subsection (5)(b) for violations that occurred on or after January 1, 1990 when determining the applicability of subsection (5).

(8) If an applicant for an original vehicle group designation was previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's driving record from that jurisdiction. If 1 or more of the conditions described in subsection (5) exist in that jurisdiction when the secretary of state receives the copy, the secretary of state shall cancel all vehicle group designations on the person's operator's or chauffeur's license.

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(9) The secretary of state shall cancel all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice from the United States secretary of transportation, the national driver register, the commercial driver license system, or another state or jurisdiction that 1 or more of the conditions described in subsection (5) existed at the time of the person's application in this state.

(10) The secretary of state shall cancel all vehicle group designations on the person's operator's or chauffeur's license upon receiving proper notice that the person no longer meets the federal driver qualification requirements under 49 CFR part 391 to operate a commercial motor vehicle in interstate commerce, or the person no longer meets the driver qualification requirements to operate a commercial motor vehicle in intrastate commerce under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(11) Subsection (5)(a), (b), (d), and (f) do not apply to an applicant for an original vehicle group designation who at the time of application has a valid license to operate a commercial motor vehicle issued by any state in compliance with 49 USC 31301 to 31317.

(12) As used in this section, "farm related service industry" means custom harvesters, farm retail outlets and suppliers, agri-chemical business, or livestock feeders.

History: Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1981, Act 92, Imd. Eff. July 2, 1981;—Am. 1984, Act 306, Imd. Eff. Dec. 21, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1992, Act 179, Imd. Eff. July 31, 1992;—Am. 1992, Act 180, Eff. Jan. 1, 1993;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.312g Transportation of hazardous material; hazardous material endorsement on operator's or chauffeur's license required; violation; penalty.

Sec. 312g. A person shall not transport or require, permit, or knowingly allow to be transported a hazardous material for which a placard is required under 49 CFR parts 100 to 199 in a commercial motor vehicle if the operator of the vehicle does not have a hazardous material endorsement on his or her operator's or chauffeur's license. A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $500.00, or both.

History: Add. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

Compiler's note: Former MCL 257.312g, which pertained to disposition and refund of fees, was repealed by Act 280 of 1989, Imd. Eff. Dec. 26, 1989.

257.312h Vehicle group designation and indorsement on chauffeur's license; person issued original chauffeur's license or person 60 or older; additional fees; duration of indorsement; disposition and refund of fees.

Sec. 312h. (1) A person who is issued an original chauffeur's license as described in section 314(3), upon payment of a fee of $25.00 for a vehicle group designation and $5.00 for each indorsement in addition to any other chauffeur's license fees and compliance with section 312f, may be issued a vehicle group designation and indorsement for the same period.

(2) The money collected under this section shall be deposited in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau, $2.00 for each applicant examined for a vehicle group designation or indorsement to a first chauffeur's license whose application is not denied, on the condition, however, that the money refunded shall be paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving that money for the purpose of carrying out this act.

History: Add. 1978, Act 139, Eff. May 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: Section 2 of Act 346 of 1988 provides:

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"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.312i Pickup truck with fifth wheel assembly and attached semitrailer; R vehicle indorsement required; prohibition; written examination; fee; exemption.

Sec. 312i. (1) A person, before operating a pickup truck equipped with a fifth wheel assembly with an attached semitrailer designed for recreational living purposes and towing an additional trailer or semitrailer, shall procure an R vehicle indorsement on the operator's or chauffeur's license. An R vehicle indorsement shall not be issued to a person who is 17 years of age or less.

(2) Before a person is issued an original R vehicle indorsement on an operator's or chauffeur's license, the person shall pass a written examination which shall include subjects designed to cover knowledge needed to tow a double trailer combination. All examinations shall be administered as provided in this act.

(3) Every application for an R vehicle indorsement on an operator's or chauffeur's license for operation of a pickup truck as provided in this section shall be accompanied by a fee of $10.00 which shall be in addition to any other original or renewal operator or chauffeur license fee.

(4) A person who is licensed under this act to operate either a group A designated vehicle with a T vehicle indorsement or a group B designated vehicle with a T vehicle indorsement is exempt from the requirements of this section.

History: Add. 1990, Act 75, Imd. Eff. May 17, 1990.

257.313 Operator's or chauffeur's license; loss, destruction, mutilation, or illegibility; duplicate; proof.

Sec. 313. (1) Except as provided in subsection (2) and section 812, if an operator's or chauffeur's license issued under this chapter is lost, destroyed, or mutilated, or becomes illegible, the person to whom the license was issued may obtain a duplicate upon the payment of the fee required in section 812, upon furnishing proof satisfactory to the secretary of state that the license has been lost, destroyed, or mutilated, or has become illegible, and upon certifying that the license is not being held by a court as a condition of that person's recognizance. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section.

(2) Subsection (1) does not apply if the operator's or chauffeur's license is destroyed pursuant to section 625g(1)(b)(*iii*).

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1983, Act 63, Eff. Mar. 29, 1984;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.314 Operator's or chauffeur's license; duration; expiration; identification of licensee less than 21; renewal; extension.

Sec. 314. (1) Except as otherwise provided in this section, operator's licenses and chauffeur's licenses expire on the birthday of the person to whom the license is issued in the fourth year following the date of the issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked before that date. A license shall not be issued for a period longer than 4 years. A person holding a license at any time 12 months before the expiration of his or her license may apply for a new license as provided for in this chapter. A knowledge test for an original group designation or indorsement may be taken at any time during this period and the results are valid for 12 months. A license renewed under this subsection shall be renewed for the time remaining on the license before its renewal combined with the 4-year renewal period.

(2) The first operator's license issued to a person who at the time of application is less than 20-1/2 years of age expires on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked.

(3) The first chauffeur's license issued to a person expires on the licensee's birthday in the fourth year following the date of issuance or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date. The chauffeur's license of a person who at the time of application is less than 20-1/2 years of age expires

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on the licensee's twenty-first birthday or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless suspended or revoked. A subsequent chauffeur's license expires on the birthday of the person to whom the license is issued in the fourth year following the date of issuance of the license or on the date the person is no longer considered to be legally present in the United States under section 307, whichever is earlier, unless the license is suspended or revoked before that date.

(4) A person may apply for an extension of his or her driving privileges if he or she is out of state on the date that his or her operator's or chauffeur's license expires. The extension may extend the license for 180 days beyond the expiration date or not more than 2 weeks after the applicant returns to Michigan, whichever occurs first.

(5) Except for an operator's or chauffeur's license with a hazardous material indorsement, the secretary of state may issue a renewal operator's or chauffeur's license to a person who will be out of state for more than 180 days beyond the expiration date of his or her operator's or chauffeur's license, if the secretary of state has a digital image of the person on file. The applicant for this renewal shall submit a statement evidencing a vision examination in accordance with the rules promulgated by the secretary of state under section 309 and any other statement required by this act or federal law. A person is not eligible for consecutive renewals of a license under this subsection.

(6) The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a renewal under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1967, Act 78, Eff. Jan. 1, 1968;—Am. 1970, Act 124, Imd. Eff. July 23, 1970;—Am. 1972, Act 357, Imd. Eff. Jan. 9, 1973;—Am. 1974, Act 56, Imd. Eff. Apr. 1, 1974;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 30, Eff. Mar. 15, 1982;—Am. 1984, Act 289, Eff. Mar. 29, 1985;—Am. 1985, Act 67, Imd. Eff. July 1, 1985;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 2000, Act 173, Imd. Eff. June 20, 2000;—Am. 2002, Act 554, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Administrative rules: R 257.851 et seq. of the Michigan Administrative Code.

257.314a Repealed. 1978, Act 139, Eff. May 1, 1979.

Compiler's note: The repealed section provided for 3-year license to phase in 4-year license.

257.314b Repealed. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: The repealed section pertained to two-year license for certain licensed drivers.

257.315 Operator's and chauffeur's license; change of address; notice; use of residence address on qualified voter file; failure to report change; violation; penalty; nonappealability.

Sec. 315. (1) An operator or chauffeur who changes his or her residence before the expiration of a license granted under this chapter shall immediately notify the secretary of state of his or her new residence address. A change of address notification shall be in a manner prescribed by the secretary of state and may include notification by personally appearing at a branch office of the secretary of state or other location designated by the secretary of state, or a notification by mail, telephone, electronically, by submitting a voter registration application unless the person registers to vote in a city, village, or township that prohibits the operation of motor vehicles by law or ordinance, or by any other means prescribed by the secretary of state. The secretary of state shall provide the person changing his or her residence address the notice required by section 307(1)(c) that, under sections 509o and 509r of the Michigan election law, 1954 PA 116, MCL 168.509o and 168.509r, the secretary of state is required to use the residence address provided on this change of address application as the person's residence address on the qualified voter file for voter registration and voting. However, a person may submit to the secretary of state a mailing address that is different than his or her residence address.

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(2) Upon receiving a change of address notification, the secretary of state shall change the person's driver license record to indicate the new residence address. The secretary of state shall provide the person with a new license or a label or some other mechanism containing the new residence address. Upon receipt of the label or other mechanism, the person shall affix the label or mechanism to his or her operator's or chauffeur's license as prescribed by the secretary of state. If the secretary of state furnished the person with a new license, the person shall destroy his or her old license and replace it with the new license.

(3) If a person fails to report a change of his or her residence address as required under this section and subsequently there is no response to a notice mailed to the residence address shown by the record of the secretary of state or if the person has provided the secretary of state a mailing address different from his or her residence address and there is no response to a notice mailed to that mailing address, the secretary of state may immediately suspend or revoke his or her license. A person who fails to report a change of his or her residence address is responsible for a civil infraction.

(4) A person shall not knowingly report a change of address to the secretary of state for himself or herself that is not his or her residence address. A person shall not knowingly report a change of address to the secretary of state for another person without the consent of the other person. A person who is convicted of a violation of this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of $1,000.00, or both. Upon receiving the abstract of a conviction under this subsection, the secretary of state may suspend the person's operator's or chauffeur's license for 6 months. The secretary of state shall not issue a restricted license to the person during the suspension.

(5) Upon a second or subsequent conviction under subsection (4), a person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of $5,000.00, or both. Upon receiving the abstract of a second or subsequent conviction under subsection (4), the secretary of state shall revoke the person's operator's or chauffeur's license.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 206, Eff. Aug. 1, 1966;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.316 Operator's or chauffeur's license; filing and indexing applications; records.

Sec. 316. The secretary of state shall file each application for an operator's or chauffeur's license and index the application by name and number. The secretary of state shall maintain suitable records of licenses issued, applications for licenses denied, and a record of licenses which have been revoked, canceled, or suspended. The secretary of state shall note upon those records each conviction, civil infraction determination, and probate court finding of the person to whom the license is granted, as provided in this act, and shall preserve those records for not less than 6 years after the date of application.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.316a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.

Compiler's note: The repealed section pertained to qualifications of school bus drivers and substitutes.

CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES

257.317 Suspension or revocation of right of nonresident to operate vehicle in state; driving while privilege suspended, revoked, or denied; forwarding certified copy of record; notification to other states.

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

(2) The secretary of state, upon receiving a record of the conviction, civil infraction determination, suspension, revocation, or forfeiture of bail in this state of a nonresident of a violation the record of which is required to be maintained under section 204a, shall forward a certified copy of the record to the motor vehicle administrator or other appropriate officer in the state in which the person is a resident.

(3) Beginning October 1, 2005, within 30 days after an appeal is completed or the appeal period has expired if an appeal is not made in a conviction, civil infraction determination, or bond forfeiture entered against a nonresident in this state for a violation committed while operating a commercial motor vehicle or any violation for a commercial driver license holder regardless of vehicle type, except a parking violation, the

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secretary of state shall notify the motor vehicle administration or other appropriate officer of the state where the nonresident is licensed of that conviction, determination, or forfeiture. Beginning October 1, 2008, the secretary of state must give notice under this subsection within 10 days after an appeal is completed or the appeal period has expired if an appeal is not made.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

257.318 Suspension or revocation of license of person convicted or determined responsible for violation in another state.

Sec. 318. The secretary of state may suspend or revoke the license issued under this act upon receiving notice of the conviction of that person in another state of an offense in that state, or the determination of responsibility of that person in an administrative adjudication in another state for a violation in that state which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

***** *257.319 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.319.amended* *****

257.319 Mandatory suspension of license; record of conviction for certain crimes; waiver; restricted license; prior convictions.

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section upon receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state.

(2) The secretary of state shall suspend the person's license for 1 year for any of the following crimes:

(a) Fraudulently altering or forging documents pertaining to motor vehicles in violation of section 257.

(b) A violation of section 413 of the Michigan penal code, 1931 PA 328, MCL 750.413.

(c) A violation of section 1 of former 1931 PA 214, MCL 752.191, or section 626c.

(d) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(*i*) The vehicle was used as an instrument of the felony.

(*ii*) The vehicle was used to transport a victim of the felony.

(*iii*) The vehicle was used to flee the scene of the felony.

(*iv*) The vehicle was necessary for the commission of the felony.

(e) A violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(3) The secretary of state shall suspend the person's license for 90 days for any of the following crimes:

(a) Failing to stop and disclose identity at the scene of an accident resulting in injury in violation of section 617a.

(b) A violation of section 601b(2), section 601c(1), section 626, or section 653a(3).

(c) Malicious destruction resulting from the operation of a vehicle under section 382(1)(b), (c), or (d) of the Michigan penal code, 1931 PA 328, MCL 750.382.

(d) A violation of section 703(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(4) The secretary of state shall suspend the person's license for 30 days for malicious destruction resulting from the operation of a vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328, MCL

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750.382.

(5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance substantially corresponding to section 324(1), the secretary shall suspend the person's license as follows:

(a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 90 days.

(b) If the person has 1 or more prior convictions for an offense described in this subsection within 7 years, for 1 year.

(6) For a violation of section 414 of the Michigan penal code, 1931 PA 328, MCL 750.414, the secretary of state shall suspend the person's license as follows:

(a) If the person has no prior conviction for that offense within 7 years, for 90 days.

(b) If the person has 1 or more prior convictions for that offense within 7 years, for 1 year.

(7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:

(a) If the person has 1 prior conviction for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.

(b) If the person has 2 or more prior convictions for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue the person a restricted license after the first 60 days of suspension.

(8) The secretary of state shall suspend the person's license for a violation of section 625 or 625m as follows:

(a) For 180 days for a violation of section 625(1) or (8) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.

(b) For 90 days for a violation of section 625(3) if the person has no prior convictions within 7 years. However, if the person is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(c) For 30 days for a violation of section 625(6) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(d) For 90 days for a violation of section 625(6) if the person has 1 or more prior convictions for that offense within 7 years.

(e) For 180 days for a violation of section 625(7) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license after the first 90 days of suspension.

(f) For 90 days for a violation of section 625m if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(9) For a violation of section 367c of the Michigan penal code, 1931 PA 328, MCL 750.367c, the secretary of state shall suspend the person's license as follows:

(a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 6 months.

(b) If the person has 1 or more convictions for an offense described in this subsection within 7 years, for 1 year.

(10) For a violation of section 315(4), the secretary of state may suspend the person's license for 6 months.

(11) For a violation or attempted violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school, the secretary of state shall suspend the license of a person 14 years of age or over but less than 21 years of age until 3 years after the date of the conviction or juvenile disposition for the violation. The secretary of state may issue the person a restricted license after the first 365 days of suspension.

(12) Except as provided in subsection (14), a suspension under this section shall be imposed notwithstanding a court order unless the court order complies with section 323.

(13) If the secretary of state receives records of more than 1 conviction of a person resulting from the same incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

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(14) The secretary of state may waive a restriction, suspension, or revocation of a person's license imposed under this act if the person submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

(15) The secretary of state shall not issue a restricted license to a person whose license is suspended under this section unless a restricted license is authorized under this section and the person is otherwise eligible for a license.

(16) The secretary of state shall not issue a restricted license to a person under subsection (8) that would permit the person to operate a commercial motor vehicle.

(17) A restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to drive under 1 or more of the following circumstances:

(a) In the course of the person's employment or occupation.

(b) To and from any combination of the following:

(*i*) The person's residence.

(*ii*) The person's work location.

(*iii*) An alcohol or drug education or treatment program as ordered by the court.

(*iv*) The court probation department.

(*v*) A court-ordered community service program.

(*vi*) An educational institution at which the person is enrolled as a student.

(*vii*) A place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

(18) While driving with a restricted license, the person shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof upon a peace officer's request.

(19) Subject to subsection (21), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (20), a violation or attempted violation of any of the following:

(*i*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) Section 625m.

(*iii*) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(20) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(21) If 2 or more convictions described in subsection (19) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”

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257.319.amended Mandatory suspension of license; record of conviction for certain crimes; waiver; restricted license; prior convictions.

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section upon receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or a law of the United States substantially corresponding to a law of this state.

(2) The secretary of state shall suspend the person's license for 1 year for any of the following crimes:

(a) Fraudulently altering or forging documents pertaining to motor vehicles in violation of section 257.

(b) A violation of section 413 of the Michigan penal code, 1931 PA 328, MCL 750.413.

(c) A violation of section 1 of former 1931 PA 214, MCL 752.191, or section 626c.

(d) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(*i*) The vehicle was used as an instrument of the felony.

(*ii*) The vehicle was used to transport a victim of the felony.

(*iii*) The vehicle was used to flee the scene of the felony.

(*iv*) The vehicle was necessary for the commission of the felony.

(e) A violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

(f) A violation of section 601d.

(3) The secretary of state shall suspend the person's license for 90 days for any of the following crimes:

(a) Failing to stop and disclose identity at the scene of an accident resulting in injury in violation of section 617a.

(b) A violation of section 601b(2), section 601c(1), section 626(2), or section 653a(3).

(c) Malicious destruction resulting from the operation of a vehicle under section 382(1)(b), (c), or (d) of the Michigan penal code, 1931 PA 328, MCL 750.382.

(d) A violation of section 703(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(4) The secretary of state shall suspend the person's license for 30 days for malicious destruction resulting from the operation of a vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.382.

(5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance substantially corresponding to section 324(1), the secretary shall suspend the person's license as follows:

(a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 90 days.

(b) If the person has 1 or more prior convictions for an offense described in this subsection within 7 years, for 1 year.

(6) For a violation of section 414 of the Michigan penal code, 1931 PA 328, MCL 750.414, the secretary of state shall suspend the person's license as follows:

(a) If the person has no prior conviction for that offense within 7 years, for 90 days.

(b) If the person has 1 or more prior convictions for that offense within 7 years, for 1 year.

(7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:

(a) If the person has 1 prior conviction for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.

(b) If the person has 2 or more prior convictions for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue the person a restricted license after the first 60 days of suspension.

(8) The secretary of state shall suspend the person's license for a violation of section 625 or 625m as follows:

(a) For 180 days for a violation of section 625(1)(a) or (b) or (8) if the person has no prior convictions

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within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.

(b) For 90 days for a violation of section 625(3) if the person has no prior convictions within 7 years. However, if the person is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(c) For 30 days for a violation of section 625(6) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(d) For 90 days for a violation of section 625(6) if the person has 1 or more prior convictions for that offense within 7 years.

(e) For 180 days for a violation of section 625(7) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license after the first 90 days of suspension.

(f) For 90 days for a violation of section 625m if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(g) For 1 year for a violation of section 625(1)(c) if the person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) The department shall order a person convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625*l*. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the person has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath.

(i) If an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not apply to a start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that term as defined in R 257.313a of the Michigan administrative code.

(9) For a violation of section 367c of the Michigan penal code, 1931 PA 328, MCL 750.367c, the secretary of state shall suspend the person's license as follows:

(a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 6 months.

(b) If the person has 1 or more convictions for an offense described in this subsection within 7 years, for 1 year.

(10) For a violation of section 315(4), the secretary of state may suspend the person's license for 6 months.

(11) For a violation or attempted violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school, the secretary of state shall suspend the license of a person 14 years of age or over but less than 21 years of age until 3 years after the date of the conviction or juvenile disposition for the violation. The secretary of state may issue the person a restricted license after the first 365 days of suspension.

(12) Except as provided in subsection (14), a suspension under this section shall be imposed notwithstanding a court order unless the court order complies with section 323.

(13) If the secretary of state receives records of more than 1 conviction of a person resulting from the same incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

(14) The secretary of state may waive a restriction, suspension, or revocation of a person's license imposed under this act if the person submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

(15) The secretary of state shall not issue a restricted license to a person whose license is suspended under this section unless a restricted license is authorized under this section and the person is otherwise eligible for a license.

(16) The secretary of state shall not issue a restricted license to a person under subsection (8) that would

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permit the person to operate a commercial motor vehicle.

(17) Except as provided in subsection (16), a restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

(a) In the course of the person's employment or occupation.

(b) To and from any combination of the following:

(*i*) The person's residence.

(*ii*) The person's work location.

(*iii*) An alcohol or drug education or treatment program as ordered by the court.

(*iv*) The court probation department.

(*v*) A court-ordered community service program.

(*vi*) An educational institution at which the person is enrolled as a student.

(*vii*) A place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

(18) While driving with a restricted license, the person shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof upon a peace officer's request.

(19) Subject to subsection (21), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (20), a violation or attempted violation of any of the following:

(*i*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) Section 625m.

(*iii*) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(c) A violation of section 601d or section 626(3) or (4).

(20) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(21) If 2 or more convictions described in subsection (19) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 226, Eff. Nov. 2, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1981, Act 222, Imd. Eff. Jan. 5, 1982;—Am. 1982, Act 64, Eff. Mar. 30, 1983;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1986, Act 177, Imd. Eff. July 7, 1986;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 118, Eff. Apr. 1, 2000;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 152, Imd. Eff. June 12, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”

257.319a Repealed. 2002, Act 534, Eff. Oct. 1, 2002.

Compiler's note: The repealed section pertained to suspension of class 1, class 2, or class 3 indorsement on license.

****** 257.319b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.319b.amended ******

257.319b Suspension or revocation of vehicle group designations on operator's or

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chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material indorsement; notice of security risk; applicability of conditions; definitions.

Sec. 319b. (1) The secretary of state shall immediately suspend or revoke, as applicable, all vehicle group designations on the operator's or chauffeur's license of a person upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation described in this subsection of a law of this state, a local ordinance substantially corresponding to a law of this state while the person was operating a commercial motor vehicle, or a law of another state substantially corresponding to a law of this state, or notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, breath, or urine while the person was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows:

(a) Suspension for 60 days if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle:

(*i*) Two serious traffic violations arising from separate incidents within 36 months.

(*ii*) A violation of section 667, 668, 669, or 669a.

(*iii*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(*iv*) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(*v*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(*vi*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (*iii*), (*iv*), or (*v*).

(b) Suspension for 120 days if the person is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:

(*i*) Three serious traffic violations.

(*ii*) Any combination of 2 violations described in subdivision (a)(*ii*).

(c) Suspension for 1 year if the person is convicted of or found responsible for 1 of the following:

(*i*) A violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.

(*ii*) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.

(*iii*) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(*iv*) A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.

(*v*) Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(*vi*) Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(*vii*) A 6-point violation as provided in section 320a while operating a commercial motor vehicle.

(*viii*) Any combination of 3 violations described in subdivision (a)(*ii*) arising from separate incidents within 36 months while operating a commercial motor vehicle.

(d) Suspension for 3 years if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(*i*) to (*vii*) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under 49 CFR parts 100 to 199.

(e) Revocation for life, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following:

(*i*) Section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former

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section 625b, while operating a commercial or noncommercial motor vehicle.

(*ii*) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee.

(*iii*) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(*iv*) A refusal of a request of a police officer to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.

(*v*) Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(*vi*) Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(*vii*) Six-point violations as provided in section 320a while operating a commercial motor vehicle.

(f) Revocation for life if a person is convicted of or found responsible for any of the following:

(*i*) One violation of a felony in which a commercial motor vehicle was used and that involved the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(*ii*) A conviction of any offense described in subdivision (c) or (d) after having been approved for the reissuance of a vehicle group designation under subdivision (e).

(*iii*) A conviction of a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

(2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material indorsement on the operator's or chauffeur's license of a person with a vehicle group designation upon receiving notice from a federal government agency that the person poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the person does not pose a security risk in the transportation of hazardous materials.

(3) The secretary of state shall immediately suspend all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, Mexico, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f, while operating a commercial motor vehicle. The period of suspension or revocation is as follows:

(a) Suspension for 90 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle.

(b) Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle that is either carrying hazardous material required to have a placard under 49 CFR parts 100 to 199 or designed to carry 16 or more passengers, including the driver.

(c) Suspension for 1 year if the person is convicted of or found responsible for 2 violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 2 or more separate incidents during a 10-year period.

(d) Suspension for 3 years if the person is convicted of or found responsible for 3 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 3 or more separate incidents during a 10-year period.

(e) Suspension for 3 years if the person is convicted of or found responsible for 2 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle carrying hazardous material required to have a placard under 49 CFR parts 100 to 199, or designed to carry 16 or more passengers, including the driver, arising from 2 or more separate incidents during a 10-year period.

(4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee.

(5) For the purpose of this section only, a bond forfeiture or a determination by a court of original

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jurisdiction or an authorized administrative tribunal that a person has violated the law is considered a conviction.

(6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material indorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under another section of this act or a court order issued under another section of this act or a local ordinance substantially corresponding to another section of this act.

(7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found a person responsible for a violation described in this subsection while the person was operating a noncommercial motor vehicle counts against the person who holds a license to operate a commercial motor vehicle the same as if the person had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state jurisdiction substantially corresponding to any of those violations:

(a) Operating a vehicle in violation of section 625.

(b) Refusing to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or the presence of a controlled substance or both in the person's blood, breath, or urine as required by a law or local ordinance of this or another state.

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

(8) When determining the applicability of conditions listed in this section, the secretary of state shall consider only violations that occurred after January 1, 1990.

(9) When determining the applicability of conditions listed in subsection (1)(a) or (b), the secretary of state shall count only from incident date to incident date.

(10) As used in this section:

(a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(*i*) The vehicle was used as an instrument of the felony.

(*ii*) The vehicle was used to transport a victim of the felony.

(*iii*) The vehicle was used to flee the scene of the felony.

(*iv*) The vehicle was necessary for the commission of the felony.

(b) "Serious traffic violation" means any of the following:

(*i*) A traffic violation that occurs in connection with an accident in which a person died.

(*ii*) Careless driving.

(*iii*) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.

(*iv*) Improper lane use.

(*v*) Following too closely.

(*vi*) Effective October 1, 2005, driving a commercial motor vehicle without obtaining any vehicle group designation on the person's license.

(*vii*) Effective October 1, 2005, driving a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and indorsement on the date that the citation was issued.

(*viii*) Effective October 1, 2005, driving a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or indorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.

(*ix*) Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 1998, Act 356, Eff. Oct. 1, 1999;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

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Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

****** 257.319b.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.319b.amended Suspension or revocation of vehicle group designations on operator's or chauffeur's license; notice of conviction, bond forfeiture, civil infraction determination, violation of law, or refusal to submit to chemical test; period of suspension or revocation; denial, cancellation, or revocation of hazardous material indorsement; notice of security risk; applicability of conditions; definitions.

Sec. 319b. (1) The secretary of state shall immediately suspend or revoke, as applicable, all vehicle group designations on the operator's or chauffeur's license of a person upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation described in this subsection of a law of this state, a local ordinance substantially corresponding to a law of this state while the person was operating a commercial motor vehicle, or a law of another state substantially corresponding to a law of this state, or notice that the person has refused to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in the person's blood, breath, or urine while the person was operating a commercial motor vehicle as required by a law or local ordinance of this or another state. The period of suspension or revocation is as follows:

(a) Suspension for 60 days if the person is convicted of or found responsible for 1 of the following while operating a commercial motor vehicle:

(*i*) Two serious traffic violations arising from separate incidents within 36 months.

(*ii*) A violation of section 667, 668, 669, or 669a.

(*iii*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(*iv*) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(*v*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(*vi*) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subparagraph (*iii*), (*iv*), or (*v*).

(b) Suspension for 120 days if the person is convicted of or found responsible for 1 of the following arising from separate incidents within 36 months while operating a commercial motor vehicle:

(*i*) Three serious traffic violations.

(*ii*) Any combination of 2 violations described in subdivision (a)(*ii*).

(c) Suspension for 1 year if the person is convicted of or found responsible for 1 of the following:

(*i*) A violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.

(*ii*) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the person.

(*iii*) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(*iv*) A refusal of a peace officer's request to submit to a chemical test of his or her blood, breath, or urine to determine the amount of alcohol or presence of a controlled substance or both in his or her blood, breath, or urine while he or she was operating a commercial or noncommercial motor vehicle as required by a law or local ordinance of this state or another state.

(*v*) Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(*vi*) Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(*vii*) A 6-point violation as provided in section 320a while operating a commercial motor vehicle.

(*viii*) Any combination of 3 violations described in subdivision (a)(*ii*) arising from separate incidents

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within 36 months while operating a commercial motor vehicle.

(d) Suspension for 3 years if the person is convicted of or found responsible for an offense enumerated in subdivision (c)(*i*) to (*vii*) in which a commercial motor vehicle was used if the vehicle was carrying hazardous material required to have a placard under 49 CFR parts 100 to 199.

(e) Revocation for life, but with eligibility for reissue of a group vehicle designation after not less than 10 years and after approval by the secretary of state, if the person is convicted of or found responsible for 2 violations or a combination of any 2 violations arising from 2 or more separate incidents involving any of the following:

(*i*) Section 625(1), (3), (4), (5), (6), (7), or (8), section 625m, or former section 625(1) or (2), or former section 625b, while operating a commercial or noncommercial motor vehicle.

(*ii*) Leaving the scene of an accident involving a commercial or noncommercial motor vehicle operated by the licensee.

(*iii*) Except for a felony described in 49 CFR 383.51(b)(9), a felony in which a commercial or noncommercial motor vehicle was used.

(*iv*) A refusal of a request of a police officer to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood while he or she was operating a commercial or noncommercial motor vehicle in this state or another state.

(*v*) Effective October 1, 2005, operating a commercial motor vehicle in violation of a suspension, revocation, denial, or cancellation that was imposed for previous violations committed while operating a commercial motor vehicle.

(*vi*) Effective October 1, 2005, causing a fatality through the negligent or criminal operation of a commercial motor vehicle, including, but not limited to, the crimes of motor vehicle manslaughter, motor vehicle homicide, and negligent homicide.

(*vii*) Six-point violations as provided in section 320a while operating a commercial motor vehicle.

(f) Revocation for life if a person is convicted of or found responsible for any of the following:

(*i*) One violation of a felony in which a commercial motor vehicle was used and that involved the manufacture, distribution, or dispensing of a controlled substance or possession with intent to manufacture, distribute, or dispense a controlled substance.

(*ii*) A conviction of any offense described in subdivision (c) or (d) after having been approved for the reissuance of a vehicle group designation under subdivision (e).

(*iii*) A conviction of a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

(2) The secretary of state shall immediately deny, cancel, or revoke a hazardous material indorsement on the operator's or chauffeur's license of a person with a vehicle group designation upon receiving notice from a federal government agency that the person poses a security risk warranting denial, cancellation, or revocation under the uniting and strengthening America by providing appropriate tools required to intercept and obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The denial, cancellation, or revocation cannot be appealed under section 322 or 323 and remains in effect until the secretary of state receives a federal government notice that the person does not pose a security risk in the transportation of hazardous materials.

(3) The secretary of state shall immediately suspend all vehicle group designations on a person's operator's or chauffeur's license upon receiving notice of a conviction, bond forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for a violation of section 319d(4) or 319f, a local ordinance substantially corresponding to section 319d(4) or 319f, or a law or local ordinance of another state, the United States, Canada, Mexico, or a local jurisdiction of either of these countries substantially corresponding to section 319d(4) or 319f, while operating a commercial motor vehicle. The period of suspension or revocation is as follows:

(a) Suspension for 90 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle.

(b) Suspension for 180 days if the person is convicted of or found responsible for a violation of section 319d(4) or 319f while operating a commercial motor vehicle that is either carrying hazardous material required to have a placard under 49 CFR parts 100 to 199 or designed to carry 16 or more passengers, including the driver.

(c) Suspension for 1 year if the person is convicted of or found responsible for 2 violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 2 or more separate incidents during a 10-year period.

(d) Suspension for 3 years if the person is convicted of or found responsible for 3 or more violations, in

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any combination, of section 319d(4) or 319f while operating a commercial motor vehicle arising from 3 or more separate incidents during a 10-year period.

(e) Suspension for 3 years if the person is convicted of or found responsible for 2 or more violations, in any combination, of section 319d(4) or 319f while operating a commercial motor vehicle carrying hazardous material required to have a placard under 49 CFR parts 100 to 199, or designed to carry 16 or more passengers, including the driver, arising from 2 or more separate incidents during a 10-year period.

(4) The secretary of state shall suspend or revoke, as applicable, any privilege to operate a commercial motor vehicle as directed by the federal government or its designee.

(5) For the purpose of this section only, a bond forfeiture or a determination by a court of original jurisdiction or an authorized administrative tribunal that a person has violated the law is considered a conviction.

(6) The secretary of state shall suspend or revoke a vehicle group designation under subsection (1) or deny, cancel, or revoke a hazardous material indorsement under subsection (2) notwithstanding a suspension, restriction, revocation, or denial of an operator's or chauffeur's license or vehicle group designation under another section of this act or a court order issued under another section of this act or a local ordinance substantially corresponding to another section of this act.

(7) A conviction, bond forfeiture, or civil infraction determination, or notice that a court or administrative tribunal has found a person responsible for a violation described in this subsection while the person was operating a noncommercial motor vehicle counts against the person who holds a license to operate a commercial motor vehicle the same as if the person had been operating a commercial motor vehicle at the time of the violation. For the purpose of this subsection, a noncommercial motor vehicle does not include a recreational vehicle used off-road. This subsection applies to the following state law violations or a local ordinance substantially corresponding to any of those violations or a law of another state or out-of-state jurisdiction substantially corresponding to any of those violations:

(a) Operating a vehicle in violation of section 625.

(b) Refusing to submit to a chemical test of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or the presence of a controlled substance or both in the person's blood, breath, or urine as required by a law or local ordinance of this or another state.

(c) Leaving the scene of an accident.

(d) Using a vehicle to commit a felony.

(8) When determining the applicability of conditions listed in this section, the secretary of state shall consider only violations that occurred after January 1, 1990.

(9) When determining the applicability of conditions listed in subsection (1)(a) or (b), the secretary of state shall count only from incident date to incident date.

(10) As used in this section:

(a) "Felony in which a commercial motor vehicle was used" means a felony during the commission of which the person convicted operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(*i*) The vehicle was used as an instrument of the felony.

(*ii*) The vehicle was used to transport a victim of the felony.

(*iii*) The vehicle was used to flee the scene of the felony.

(*iv*) The vehicle was necessary for the commission of the felony.

(b) "Serious traffic violation" means any of the following:

(*i*) A traffic violation that occurs in connection with an accident in which a person died.

(*ii*) Careless driving.

(*iii*) Excessive speeding as defined in regulations promulgated under 49 USC 31301 to 31317.

(*iv*) Improper lane use.

(*v*) Following too closely.

(*vi*) Effective October 1, 2005, driving a commercial motor vehicle without obtaining any vehicle group designation on the person's license.

(*vii*) Effective October 1, 2005, driving a commercial motor vehicle without either having an operator's or chauffeur's license in the person's possession or providing proof to the court, not later than the date by which the person must appear in court or pay a fine for the violation, that the person held a valid vehicle group designation and indorsement on the date that the citation was issued.

(*viii*) Effective October 1, 2005, driving a commercial motor vehicle while in possession of an operator's or chauffeur's license that has a vehicle group designation but does not have the appropriate vehicle group designation or indorsement required for the specific vehicle group being operated or the passengers or type of cargo being transported.

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(*ix*) Any other serious traffic violation as defined in 49 CFR 383.5 or as prescribed under this act.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 1998, Act 356, Eff. Oct. 1, 1999;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

MCL 257.319b, as amended by 2008 PA 463, contains no changes from the 2006 PA 298 amendment.

257.319c Providing United States department of transportation with information pertaining to operator's or chauffeur's license with vehicle group designation; notification of motor vehicle administrator or other appropriate officer.

Sec. 319c. (1) The secretary of state shall provide the United States department of transportation with the following information pertaining to an operator's or chauffeur's license with a vehicle group designation:

(a) A notice of the issuance of an operator's or chauffeur's license with a vehicle group designation within 10 days after the issuance of the license.

(b) A notice of a suspension, revocation, or denial of a license within 10 days after the suspension, revocation, or denial.

(2) Within 10 days after receiving a record of conviction, civil infraction determination, or forfeiture of bail in this state of a nonresident driver of a commercial motor vehicle for a violation under the motor vehicle laws of this state, other than a parking violation, the secretary of state shall notify the motor vehicle administrator or other appropriate officer in the state in which the person is licensed.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.319d Operation of commercial motor vehicle by person with certain alcohol content; out-of-service order; violations; penalty.

Sec. 319d. (1) A person, whether licensed or not, shall not operate a commercial motor vehicle within this state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) A peace officer who has reasonable cause to believe that a person was operating a commercial motor vehicle within the state with an alcohol content of 0.015 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, as measured by a preliminary chemical breath analysis or a chemical test provided under section 625a, shall order the person out-of-service immediately for 24 hours, which shall begin upon issuance of the order.

(3) A peace officer shall immediately order a person who refuses to submit to a preliminary chemical breath analysis requested or a chemical test provided under section 625a out-of-service for 24 hours, which shall begin when the order is issued.

(4) A person ordered out-of-service under this section, a local ordinance substantially corresponding to this section, or a law or local ordinance of another state substantially corresponding to this section shall not operate a commercial motor vehicle within this state during the 24-hour out-of-service period.

(5) A peace officer who issues an out-of-service order under this section shall provide for the safe and

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expeditious disposition of a product carried by a commercial motor vehicle that is hazardous or would result in damage to the vehicle, human health, or the environment.

(6) Failure to comply with subsection (1) is not a civil infraction or criminal violation of this act.

(7) A person who violates subsection (4) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

History: Add. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 404, Eff. Dec. 21, 1996.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.319e Receipt of abstract of conviction; suspension of license; waiver or restrictions; conditions; suspension of license prohibited; definitions.

Sec. 319e. (1) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, the secretary of state shall immediately suspend the license of the person for the period specified in the abstract of conviction.

(2) Except as otherwise provided in this section, upon receipt of an abstract of conviction for a person for an attempt to violate, a conspiracy to violate, or a violation of a law of another state that regulates the possession, distribution, manufacture, cultivation, sale, or transfer of a substance the possession of which is prohibited under the controlled substances act; or for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242, the secretary of state shall immediately suspend the license of the person, as follows:

(a) For a period of 6 months, if the person does not have a prior conviction within 7 years of the violation.

(b) For a period of 1 year, if the person has 1 or more prior convictions within 7 years of the violation.

(3) The secretary of state may waive the suspension of a person's license imposed under subsection (2) or grant restrictions if the person convicted of a violation described in subsection (2) submits proof that he or she served a term of imprisonment that exceeded 1 year for the violation, or submits proof of both of the following:

(a) That a court revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a suspension prescribed under subsection (2) for the violation.

(b) That the revocation, suspension, or restriction described in subdivision (a) was served for the violation.

(4) The secretary of state shall not suspend the license of a person if the person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and section 333.17766a of the Michigan Compiled Laws, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(5) As used in this section:

(a) "Prior conviction" means either of the following:

(*i*) A conviction for an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a law of another state that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978.

(*ii*) A conviction for an attempt to violate, a conspiracy to violate, or a violation of the controlled substances act, title II of the comprehensive drug abuse prevention and control act of 1970, Public Law 91-513, 84 Stat. 1242.

(b) "Substance the possession of which is prohibited under the controlled substances act" means that term as defined in 23 C.F.R. 1212.3.

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History: Add. 1993, Act 359, Eff. Sept. 1, 1994.

257.319f Operation of commercial motor vehicle in violation of out-of-state service order; prohibition; suspension; definitions.

Sec. 319f. (1) A person shall not operate a commercial motor vehicle in this state in violation of an out-of-service order.

(2) Except as otherwise provided in this subsection, the secretary of state shall immediately suspend all vehicle group designations on the operator's or chauffeur's license of a person convicted of violating a driver out-of-service or vehicle out-of-service order as follows:

(a) If the violation occurred while the person was transporting nonhazardous material, the vehicle group designations shall be suspended as follows:

(*i*) Except as provided in subparagraphs (*ii*) and (*iii*), suspension for not less than 90 days or more than 1 year.

(*ii*) If the violation is the person's second violation within a 10-year period, suspension for not less than 1 year or more than 5 years.

(*iii*) If the violation is the person's third or subsequent violation within a 10-year period, suspension for not less than 3 years or more than 5 years.

(b) If the violation occurred while the person was transporting hazardous materials required to be placarded under 49 CFR parts 100 to 199 or while operating a vehicle designed to transport 16 or more passengers, including the driver, the vehicle group designations shall be suspended as follows:

(*i*) Except as otherwise provided in subparagraph (*ii*), suspension for not less than 180 days or more than 2 years.

(*ii*) For a second or subsequent violation within a 10-year period, suspension for not less than 3 years or more than 5 years.

(3) A person who violates an out-of-service order shall be ordered to pay a civil fine of not less than $1,100.00 or more than $2,750.00.

(4) As used in this section:

(a) "Out-of-service order" means a declaration by an authorized enforcement officer that a driver of a commercial motor vehicle as defined in subdivision (b), or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria, or a law or local ordinance of a state, the United States, Canada, Mexico, or a local jurisdiction thereof, substantially corresponding to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria.

(b) "Commercial motor vehicle" means that term as defined in section 7a and any motor vehicle having a GVWR or GCWR of 10,001 pounds or more.

History: Add. 1996, Act 404, Eff. Dec. 21, 1996;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.319g Prohibitions; violations; civil infraction; "out-of-service order" defined.

Sec. 319g. (1) An employer shall not knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any of the following:

(a) Section 667, 668, 669, 669a, or 670 or a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(b) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(c) Section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(d) Motor carrier safety regulations 49 CFR 392.10 or 392.11, as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(e) Motor carrier safety regulations 49 CFR 392.10 or 392.11 while operating a commercial motor vehicle other than a vehicle covered under subdivision (b), (c), or (d).

(f) Transportation security regulations 49 CFR parts 1570 and 1572 or motor carrier safety regulations 49 CFR parts 383 and 384 that regulate who may operate a commercial motor vehicle that is used to transport hazardous material.

(g) An out-of-service order.

(2) Except as otherwise provided in subdivisions (a) and (b), a person who violates this section is responsible for a civil infraction:

(a) An employer who violates subsection (1)(a) is responsible for a civil infraction and liable to pay a civil fine of not more than $10,000.00.

(b) An employer who violates subsection (1)(g) is responsible for a civil infraction and liable to pay a civil

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fine of not less than $2,750.00 or more than $11,000.00.

(3) As used in this section, "out-of-service order" means a declaration by an authorized enforcement officer that a driver of a commercial motor vehicle or a motor carrier operation is out-of-service pursuant to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria, or a law or local ordinance of a state, the United States, Canada, Mexico, or a local jurisdiction thereof substantially corresponding to 49 CFR 386.72, 392.5, 395.13, or 396.9, or the North American uniform out-of-service criteria.

History: Add. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 495, Eff. Jan. 31, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.320 Investigation and reexamination of person; notice; restricting, suspending, revoking, or imposing other terms and conditions on license; service of notice; suspension of license for more than 1 year prohibited; reexamination; failure to appear for scheduled reexamination; prohibited restricted license.

Sec. 320. (1) The secretary of state after notice as provided in this section may conduct an investigation and reexamination of a person, based upon 1 or more of the following:

(a) The secretary of state has reason to believe that the person is incompetent to drive a motor vehicle or is afflicted with a mental or physical infirmity or disability rendering it unsafe for that person to drive a motor vehicle.

(b) The person, as a driver, has in 1 or more instances been involved in an accident resulting in the death of a person.

(c) The person, within a 24-month period, has been involved in 3 accidents resulting in personal injury or damage to the property of a person, and the official police report indicates a moving violation on the part of the driver in each of the accidents.

(d) The person has charged against him or her a total of 12 or more points as provided in section 320a within a period of 2 years.

(e) The person has been convicted of violating restrictions, terms, or conditions of the person's license.

(2) The secretary of state, upon good cause, may restrict, suspend, revoke, or impose other terms and conditions on the license of a person subject to reexamination and require the immediate surrender of the license of that person. The secretary of state shall, in all cases, prescribe the period of restriction, suspension, revocation, or other terms and conditions.

(3) Service of notice shall be made by regular mail to the last known address of the licensee as shown on the most recent license application or change of address on the license as provided by section 315.

(4) A license shall not be suspended under this section for a period of more than 1 year.

(5) The reexamination may be held by the secretary of state pursuant to this section notwithstanding any restriction, suspension, revocation, or denial of a license under this section, section 303 or 319, chapter V, section 625 or 625b, or under any other law of this state. A suspension ordered pursuant to this section shall be in addition to other suspensions.

(6) If a licensed operator or chauffeur fails to appear for a reexamination scheduled by the secretary of state pursuant to this section, the licensed operator's or chauffeur's license may be suspended immediately and shall remain suspended until the licensed operator or chauffeur appears for a reexamination by the secretary of state. However, the secretary of state may restrict, suspend, or revoke the license based solely on the licensed operator's or chauffeur's driving record.

(7) Notwithstanding any other provision of this act, the secretary of state shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1967, Act 132, Eff. Nov. 2, 1967;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 316, Imd. Eff. Dec. 15, 1974;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

****** 257.320a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.320a.amended ******

257.320a Recording date of conviction, civil infraction determination, or probate court disposition and number of points; formula; interview; violation committed in another state.

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Sec. 320a. (1) Until October 1, 2005, within 10 days after the receipt of a properly prepared abstract from this state or another state, or, beginning October 1, 2005, within 5 days after the receipt of a properly prepared abstract from this state or another state, the secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

(a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.....6 points

(b) A violation of section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).....6 points

(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8) or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127.....6 points

(d) Failing to stop and disclose identity at the scene of an accident when required by law.....6 points

(e) Operating a motor vehicle in violation of section 626.....6 points

(f) Fleeing or eluding an officer.....6 points

(g) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour.....5 points

(h) A violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour.....4 points

(i) A violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127.....4 points

(j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....4 points

(k) A violation of section 653a(2).....4 points

(*l*) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour.....4 points

(m) A violation of any law other than the law described in subdivision (*l*) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....3 points

(n) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by 10 miles per hour or less.....3 points

(o) A violation of any law other than the law

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described in subdivision (n) or ordinance pertaining
to speed by exceeding the lawful maximum
by 10 miles per hour or less.........................2 points
     (p) Disobeying a traffic signal or stop sign,
or improper passing.................................3 points
     (q) A violation of section 624a, 624b, or a law
or ordinance substantially corresponding to
section 624a or 624b................................2 points
     (r) A violation of section 310e(4) or (6) or
a law or ordinance substantially corresponding to
section 310e(4) or (6)..............................2 points
     (s) All other moving violations pertaining to
the operation of motor vehicles reported under
this section........................................2 points
     (t) A refusal by a person less than 21 years of
age to submit to a preliminary breath test required
by a peace officer under section 625a................2 points
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(2) Points shall not be entered for a violation of section 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for defective equipment.

(5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

(7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).

(8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

History: Add. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1960, Act 82, Eff. Aug. 17, 1960;—Am. 1963, Act 34, Eff. Sept. 6, 1963;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 351, Imd. Eff. July 23, 1965;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 25, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 72, Imd. Eff. June 30, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff. Oct. 1, 2000;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2002, Act 149, Eff. July 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

****** 257.320a.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.320a.amended Recording date of conviction, civil infraction determination, or probate court disposition and number of points; formula; interview; violation committed in another state.

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Sec. 320a. (1) Until October 1, 2005, within 10 days after the receipt of a properly prepared abstract from this state or another state, or, beginning October 1, 2005, within 5 days after the receipt of a properly prepared abstract from this state or another state, the secretary of state shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

(a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle, ORV, or snowmobile.....6 points

(b) A violation of section 601b(2) or (3), 601c(1) or (2), 601d, or 653a(3) or (4).....6 points

(c) A violation of section 625(1), (4), (5), (7), or (8), section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127, or a law or ordinance substantially corresponding to section 625(1), (4), (5), (7), or (8), or section 81134 or 82127(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.82127.....6 points

(d) Failing to stop and disclose identity at the scene of an accident when required by law.....6 points

(e) Operating a motor vehicle in violation of section 626.....6 points

(f) Fleeing or eluding an officer.....6 points

(g) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 15 miles per hour.....5 points

(h) A violation of any law other than the law described in subdivision (g) or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour.....4 points

(i) A violation of section 625(3) or (6), section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127, or a law or ordinance substantially corresponding to section 625(3) or (6) or section 81135 or 82127(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81135 and 324.82127.....4 points

(j) A violation of section 626a or a law or ordinance substantially corresponding to section 626a.....4 points

(k) A violation of section 653a(2).....4 points

(*l*) A violation of section 627(9) pertaining to speed in a work zone described in that section by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour.....4 points

(m) A moving violation resulting in an at-fault collision with another vehicle, a person, or any other object.....4 points

(n) A violation of any law other than the law described in subdivision (*l*) or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b.....3 points

(o) A violation of section 627(9) pertaining to speed in a work zone described in that section

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by exceeding the lawful maximum by 10 miles per hour or less.....3 points

(p) A violation of any law other than the law described in subdivision (o) or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less.....2 points

(q) Disobeying a traffic signal or stop sign, or improper passing.....3 points

(r) A violation of section 624a, 624b, or a law or ordinance substantially corresponding to section 624a or 624b.....2 points

(s) A violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6).....2 points

(t) All other moving violations pertaining to the operation of motor vehicles reported under this section.....2 points

(u) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a.....2 points

(2) Points shall not be entered for a violation of section 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for defective equipment.

(5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

(7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of state shall enter points for the violation pursuant to subsection (1).

(8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

History: Add. 1958, Act 180, Eff. Sept. 13, 1958;—Am. 1960, Act 82, Eff. Aug. 17, 1960;—Am. 1963, Act 34, Eff. Sept. 6, 1963;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 351, Imd. Eff. July 23, 1965;—Am. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 25, Eff. Mar. 31, 1981;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1981, Act 72, Imd. Eff. June 30, 1981;—Am. 1981, Act 159, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 1996, Act 471, Eff. Apr. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 21, Eff. Oct. 1, 2000;—Am. 1999, Act 40, Imd. Eff. June 9, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2002, Act 149, Eff. July 1, 2002;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.320b Driver safety school; establishment; supervision; courses; referrals; voluntary attendance; staying imposition of sentence; fee; approval of school.

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Sec. 320b. (1) A driver safety school may be established in a county by an advisory board consisting of the superintendent of schools of the largest school district in the county who shall act as chairperson and fiscal agent, the county superintendent of schools, a judge of the family division of circuit court, the prosecuting attorney, the sheriff, the chief of police of the largest city in the county; and a judge of a court having jurisdiction over traffic offenses or civil infractions, and 2 citizens at large, who shall be appointed by the county board of commissioners. A school so established shall be conducted under the supervision of the superintendent of public instruction and pursuant to the rules prescribed by the superintendent.

(2) Courses, as prescribed by the superintendent of public instruction, shall be offered for the purpose of developing good driving habits and promoting highway traffic safety. The courses shall be open to the following persons:

(a) A person who is referred to a school by a court having jurisdiction over traffic violations after 2 or more convictions or civil infraction determinations of a moving traffic violation within a 12-month period and who, in the determination of the court, is in need of the remedial education.

(b) A person who, after a hearing as provided in section 320, is referred to a school by the secretary of state.

(c) A person who voluntarily chooses to attend.

(3) For the purpose of referral as provided in this section, the court, after entry of judgment of conviction for a misdemeanor, may stay the imposition of sentence until the violator has attended the school. A person referred to a school by a court or by the secretary of state may attend any school in the state which has been established in conformity with this section.

(4) A fee not to exceed $10.00 may be charged for attendance at the school. The fees shall be established by the advisory board and shall be used to defray the cost of instruction, materials, and clinical services.

(5) A person shall not be referred to a school which has not been approved by the advisory board and the superintendent of public instruction.

History: Add. 1957, Act 230, Eff. Sept. 27, 1957;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1998, Act 358, Eff. Oct. 1, 1999.

Administrative rules: R 340.431 et seq. of the Michigan Administrative Code.

257.320c Issuance of license after suspension or revocation; examination; qualifications; exception.

Sec. 320c. Before a license is issued to a person whose license has been suspended or revoked, the person may be examined in a manner prescribed by the secretary of state and shall be required to meet all of the qualifications prescribed in section 309. An examination shall not be required if the license has been suspended pursuant to section 321a.

History: Add. 1966, Act 174, Imd. Eff. July 1, 1966;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

****** 257.320d.added THIS ADDED SECTION IS EFFECTIVE DECEMBER 31, 2010 ******

257.320d.added Basic driver improvement course; eligibility; database; fees; entering points for moving violation; basic driver improvement course fund; study; report; approval of basic driver improvement course sponsors; "approved sponsor" defined.

Sec. 320d. (1) The secretary of state shall not enter the points corresponding to a moving violation committed by an individual the secretary of state determines to be eligible under this section on the individual's driving record or make information concerning that violation available to any insurance company if the individual attends and successfully completes a basic driver improvement course under this section and provides a certificate of successful completion of that course to the secretary of state within 60 days of the date on which the secretary of state notified the individual that he or she was eligible to take a basic driver improvement course.

(2) The secretary of state shall determine if an individual is eligible under subsection (3) to attend a basic driver improvement course upon receipt of an abstract of a moving violation. If the secretary of state determines that an individual is eligible to attend a basic driver improvement course, the secretary of state shall do all of the following:

(a) Except as otherwise provided under subsection (8), postpone both of the following for a period of not less than 10 business days:

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(*i*) The entry of points under section 320a for the moving violation.

(*ii*) Making information contained in the abstract of the moving violation available to the individual's insurance company.

(b) Notify the individual of his or her eligibility by first-class mail at the individual's last known address as indicated on the individual's operator's or chauffeur's license, and inform the individual of the location of basic driver improvement courses, and inform the individual of the manner and time within which the individual is required to notify the secretary of state of the individual's intent to attend a basic driver improvement course.

(c) Notify the individual that if the individual fails to notify the secretary of state of the individual's intent to attend a basic driver improvement course as described under subdivision (b), points will be entered for the moving violation as described in subsection (8).

(3) An individual is ineligible to take a basic driver improvement course if any of the following apply:

(a) The violation occurred while the individual was operating a commercial motor vehicle or was licensed as a commercial driver while operating a noncommercial motor vehicle at the time of the offense.

(b) The violation is a criminal offense.

(c) The violation is a violation for which 4 or more points may be assessed under section 320a.

(d) The violation is a violation of section 626b, 627(9), 627a, or 682.

(e) The individual was cited for more than 1 moving violation arising from the same incident.

(f) The individual's license was suspended under section 321a(2) in connection with the violation.

(g) The individual previously successfully completed a basic driver improvement course.

(h) The individual has 3 or more points on his or her driving record.

(i) The individual's operator's or chauffeur's license is restricted, suspended, or revoked, or the individual was not issued an operator's or chauffeur's license.

(4) The secretary of state shall maintain a computerized database of the following:

(a) Individuals who have attended a basic driver improvement course.

(b) Individuals who have successfully completed a basic driver improvement course.

(5) The database maintained under subsection (4) shall only be used for determining eligibility under subsection (3). The secretary of state shall only make the information contained in the database available to approved sponsors under subsection (10). Information in this database concerning an individual shall be maintained for the life of that individual.

(6) An individual shall be charged a fee of not more than $100.00 to participate in a basic driver improvement course and, if applicable, to obtain a certificate in a form as approved by the secretary of state demonstrating that he or she successfully completed the course.

(7) Fees collected under this subsection shall be credited to the basic driver improvement course fund created under subsection (9).

(8) The secretary of state shall immediately enter the points for the moving violation on the individual's driving record as follows:

(a) Ten business days after an individual described in subsection (2) fails to notify the secretary of state that he or she desires to attend a basic driver improvement course.

(b) Sixty days after an individual described in subsection (2) who has properly notified the secretary of state that he or she desires to attend a basic driver improvement course but has failed to submit a certificate of successful completion of a basic driver improvement course.

(9) The basic driver improvement course fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The secretary of state shall be the administrator of the fund for auditing purposes. The secretary of state shall expend money from the fund, upon appropriation, only to pay the costs of administering this section.

(10) An approved sponsor shall conduct a study of the effect, if any, that the successful completion of its basic driver improvement course has on reducing collisions, moving violations, or both for students completing its course in this state. An approved sponsor shall conduct this study every 5 years on each of the course delivery modalities employed by the approved sponsor. The secretary of state shall make all of the following information available to the approved course sponsor for that purpose, subject to applicable state and federal laws governing the release of information:

(a) The number of individuals who successfully complete a basic driver improvement course under this section.

(b) The number of individuals who are eligible to take a basic driver improvement course under this section but who do not successfully complete that course.

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(c) The number and type of moving violations committed by individuals after successfully completing a basic driver improvement course under this section in comparison to the number and type of moving violations committed by individuals who have not taken a basic driver improvement course.

(11) The secretary of state shall report on the findings of all studies conducted under subsection (10) to the standing committees of the house of representatives and senate on transportation issues.

(12) The secretary of state shall approve basic driver improvement course sponsors if the basic driver improvement course offered by that sponsor satisfies the requirements listed in section 3a.

(13) As used in this section, "approved sponsor" means a sponsor of a basic driver improvement course that is approved by the secretary of state under subsection (12).

History: Add. 2008, Act 568, Eff. Dec. 31, 2008.

Compiler's note: The repealed section stated that violation relating to equipment shall not be considered moving violation.

257.320e Payment of reinstatement fee for suspended, revoked, or restricted operator's or chauffeur's license; waiver of fee; assessment of points and licensing action by secretary of state; judicial review of administrative licensing sanction.

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

(2) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319(7) shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the person. The fee shall be waived if the license was suspended or restricted because of the person's mental or physical infirmity or disability.

(3) A person whose operator's or chauffeur's license is suspended, revoked, or restricted pursuant to section 319e shall pay a license reinstatement fee of $125.00 to the secretary of state before a license is issued or returned to the person. Of the $125.00 fee, $95.00 shall be allocated to the department of state and $30.00 shall be deposited by the department of treasury in the drug case information management fund created under section 323d.

(4) A person whose operator's or chauffeur's license is suspended as provided in section 321c shall pay a license reinstatement fee of $85.00 to the secretary of state before a license is issued or returned to the person. The fee shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

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

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

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1983, Act 18, Imd. Eff. Mar. 29, 1983;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1991, Act 98, Eff. Oct. 1, 1991;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.321 Surrender of license; replacement.

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Sec. 321. Upon suspending or revoking a license, the department shall require that the license be surrendered to and be destroyed by the department. At the end of the suspension period, the licensee may obtain a replacement license.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.321a Failure to answer citation or notice to appear in court; failure to comply with order or judgment; misdemeanor; notice and duration of suspension; exceptions; effect of failure to appear; giving copy of information transmitted to secretary of state to person; driver license reinstatement fees; suspension of chauffeur's license.

Sec. 321a. (1) A person who fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, or for any matter pending, or who fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both. A violation of this subsection or failure to answer a citation or notice to appear for a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to either of those sections shall not be considered a violation for any purpose under section 320a.

(2) Except as provided in subsection (3), 28 days or more after a person fails to answer a citation, or a notice to appear in court for a violation reportable to the secretary of state under section 732 or a local ordinance substantially corresponding to a violation of a law of this state reportable to the secretary of state under section 732, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, fees, and assessments, the court shall give notice by mail at the last known address of the person that if the person fails to appear or fails to comply with the order or judgment within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear or fails to comply with the order or judgment within the 14-day period, the court shall, within 14 days, inform the secretary of state, who shall immediately suspend the license of the person. The secretary of state shall immediately notify the person of the suspension by regular mail at the person's last known address.

(3) If the person is charged with, or convicted of, a violation of section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8) and the person fails to answer a citation or a notice to appear in court, or for any matter pending, or fails to comply with an order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines, costs, and crime victim rights assessments, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(4) If the person is charged with, or convicted of, a violation of section 33b(1) of former 1933 (Ex Sess) PA 8, section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections and the person fails to answer a citation or a notice to appear in court issued pursuant to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections or fails to comply with an order or judgment of the court issued pursuant to section 33b of former 1933 (Ex Sess) PA 8, section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a, section 624b, or a local ordinance substantially corresponding to those sections including, but not limited to, paying all fines and costs, the court shall immediately give notice by first-class mail sent to the person's last known address that if the person fails to appear within 7 days after the notice is issued, or fails to comply with the order or judgment of the court, including, but not limited to, paying all fines and costs, within 14 days after the notice is issued, the secretary of state shall suspend the person's operator's or chauffeur's license. If the person fails to appear within the 7-day period, or fails to comply with the order or judgment of the court, including, but not limited to, paying

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all fines and costs, within the 14-day period, the court shall immediately inform the secretary of state who shall immediately suspend the person's operator's or chauffeur's license and notify the person of the suspension by first-class mail sent to the person's last known address.

(5) A suspension imposed under subsection (2) or (3) remains in effect until both of the following occur:

(a) The secretary of state is notified by each court in which the person failed to answer a citation or notice to appear or failed to pay a fine or cost that the person has answered that citation or notice to appear or paid that fine or cost.

(b) The person has paid to the court a $45.00 driver license clearance fee for each failure to answer a citation or failure to pay a fine or cost.

(6) The court shall not notify the secretary of state, and the secretary of state shall not suspend the person's license, if the person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving 1 or more of the following infractions:

(a) The parking or standing of a vehicle.

(b) A pedestrian, passenger, or bicycle violation, other than a violation of section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, section 624a or 624b, or a local ordinance substantially corresponding to section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b.

(7) The court may notify a person who has done either of the following, that if the person does not appear within 10 days after the notice is issued, the court will inform the secretary of state of the person's failure to appear:

(a) Failed to answer 2 or more parking violation notices or citations for violating a provision of this act or an ordinance substantially corresponding to a provision of this act pertaining to parking for persons with disabilities.

(b) Failed to answer 6 or more parking violation notices or citations regarding illegal parking.

(8) The secretary of state, upon being informed of the failure of a person to appear or comply as provided in subsection (7), shall not issue a license to the person or renew a license for the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding the notices or citations.

(b) The person has paid to the court a $45.00 driver license clearance fee. If the court determines that the person is responsible for only 1 parking violation under subsection (7)(a) or less than 6 parking violations under subsection (7)(b) for which the person's license was not issued or renewed under this subsection, the court may waive payment of the fee.

(9) Not less than 28 days after a person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction described in chapter 88 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8801 to 600.8835, the court shall give notice by ordinary mail, addressed to the person's last known address, that if the person fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the person until both of the following occur:

(a) The court informs the secretary of state that the person has resolved all outstanding matters regarding each notice or citation.

(b) The person has paid to the court a $45.00 driver license clearance fee. If the court determines that the person is not responsible for any violation for which the person's license was not issued or renewed under this subsection, the court shall waive the fee.

(10) For the purposes of subsections (5)(a), (8)(a), and (9)(a), the court shall give to the person a copy of the information being transmitted to the secretary of state. Upon showing that copy, the person shall not be arrested or issued a citation for driving on a suspended license, on an expired license, or without a license on the basis of any matter resolved under subsection (5)(a), (8)(a), or (9)(a), even if the information being sent to the secretary of state has not yet been received or recorded by the department.

(11) For each fee received under subsection (5)(b), (8)(b), or (9)(b), the court shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The funds received by the secretary of state under this subdivision shall be deposited in the state general fund and shall be used to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(b) Fifteen dollars to 1 of the following, as applicable:

(*i*) If the matter is before the circuit court, to the treasurer of the county for deposit in the general fund.

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(*ii*) If the matter is before the district court, to the treasurer of the district funding unit for that court, for deposit in the general fund. As used in this section, "district funding unit" means that term as defined in section 8104 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8104.

(*iii*) If the matter is before a municipal court, to the treasurer of the city in which the municipal court is located, for deposit in the general fund.

(c) Fifteen dollars to the juror compensation reimbursement fund created in section 151d of the revised judicature act of 1961, 1961 PA 236, MCL 600.151d.

(12) Section 819 does not apply to a reinstatement fee collected for an operator's or chauffeur's license that is not issued or renewed under section 8827 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8827.

(13) The secretary of state shall immediately suspend the operator's and chauffeur's license of a person licensed to operate a commercial motor vehicle, or a person who operates a commercial motor vehicle without a license to operate that vehicle, if the person fails to answer an out-state citation, or a notice to appear in a court or an authorized administrative tribunal for a violation reportable to the secretary of state under section 732(16), or fails to comply with an order or judgment of an out-state court or an authorized administrative tribunal reportable to the secretary of state under section 732(16), or fails to appear or fails to comply with the out-state court or an authorized administrative tribunal order or judgment reportable to the secretary of state under section 732(16), including, but not limited to, paying all fines, costs, fees, and assessments. For a suspension imposed under this subsection, the secretary of state shall immediately notify the person of the suspension by regular mail at the person's last known address.

(14) A suspension imposed under subsection (13) remains in effect until the secretary of state is notified by the court or authorized administrative tribunal of the other state in which the person failed to answer a citation, or notice to appear, or failed to pay a fine or cost, that the person has answered that citation or notice to appear or has paid the fine or cost.

(15) The secretary of state shall not suspend the person's license under subsection (13) if the person fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, the parking or standing of a vehicle.

(16) The secretary of state, upon being informed of the failure of a person to appear or comply as provided in subsection (13), shall not issue a license to the person or renew a license for the person until the court or authorized administrative tribunal of the other state informs the secretary of state that the person has resolved all outstanding matters regarding the notices, orders, or citations.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Oct. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1995, Act 55, Eff. Jan. 1, 1996;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1998, Act 343, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2002, Act 741, Eff. Jan. 1, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 205 of 1988 provides: “This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date.”

Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

“(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed.”

257.321b Suspended or revoked license; destruction.

Sec. 321b. Any policeman, law enforcing agent, or judicial officer who is informed by an official communication from the secretary of state that the secretary of state has suspended or revoked an operator's, moped, or chauffeur's license under the provisions of this act, shall obtain and destroy the suspended or revoked license.

History: Add. 1968, Act 332, Eff. Jan. 1, 1969;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.321c Notification by friend of the court of failure to appear for hearing, comply with repayment plan order, or respond to license suspension notice; duty of secretary of state

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to suspend operator's or chauffeur's license; duration; reinstatement; transmission of fees; amounts.

Sec. 321c. (1) If a friend of the court notifies the secretary of state that a licensee has failed to appear for a hearing, comply with a repayment plan order, or respond to a license suspension notice under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, the secretary of state shall immediately suspend the operator's or chauffeur's license of the licensee and shall notify the licensee of the suspension by first-class mail.

(2) If a person's license is suspended under subsection (1), the secretary of state shall not issue a license to the person if the person's license is already suspended, revoked, or denied or if the person does not have a license to suspend until the person is in compliance with subsection (3) and other provisions of this act.

(3) A suspension imposed under subsection (1) or (2) remains in effect until all of the following occur:

(a) The person obtains a certificate from the friend of the court showing that the person is complying with the custody, parenting time, or support order, and provides that certificate to the secretary of state within 10 days after the date of issuance noted on the certificate.

(b) The person pays to the circuit court clerk a $45.00 driver license clearance fee.

(c) The person pays the reinstatement fee imposed under section 320e.

(4) Unless a person's license is otherwise suspended, revoked, denied, or canceled, the license is immediately reinstated on satisfaction of the requirements of subsection (3). The secretary of state shall reissue the operator's or chauffeur's license of a person whose suspension is rescinded under subsection (3) within 30 days after receipt of the certificate obtained under subsection (3)(a), evidence of the payment of the fee under subsection (3)(b), and the fee imposed under section 320e.

(5) If a person provides a copy of a certificate obtained under subsection (3) to the secretary of state more than 10 days after the date of issuance noted on the certificate, the certificate is no longer valid, and the secretary of state shall not reinstate the person's license. A person who fails to provide a copy of the certificate to the secretary of state within 10 days after the date of issuance shall obtain another certificate from the friend of the court and satisfy the requirements of subsection (3) before the secretary of state shall reinstate that person's license.

(6) For each fee received under subsection (3)(b), the clerk shall transmit the following amounts on a monthly basis:

(a) Fifteen dollars to the secretary of state. The secretary of state shall deposit money received under this subdivision in the general fund. The money shall be expended to defray the expenses of the secretary of state in processing the suspension and reinstatement of driver licenses under this section.

(b) Thirty dollars to the treasurer of the county. The treasurer shall deposit money received under this subdivision in the county friend of the court fund created in section 2530 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2530.

History: Add. 1996, Act 240, Eff. Jan. 1, 1997;—Am. 2009, Act 194, Imd. Eff. Dec. 28, 2009.

****** 257.322 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.322.amended ******

257.322 Hearing officer; appointment; powers and duties as to appeals from final determination of secretary of state.

Sec. 322. (1) The secretary of state shall appoint a hearing officer to hear appeals from persons aggrieved by a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or other license action.

(2) The appeal shall be in writing and filed with the secretary of state within 14 days after the final determination. Upon notice of the appeal, the hearing officer shall require production of all documents filed in the matter, together with a transcript of any testimony taken.

(3) In a hearing or matter properly before the hearing officer, he or she may do any of the following:

(a) Issue subpoenas to compel attendance of witnesses.

(b) Issue process to compel attendance.

(c) Punish for contempt any witness failing to appear or testify in the same manner as provided by the rules and practice in the circuit court.

(d) Swear witnesses, administer oaths, and exemplify records in any matter before the officer.

(e) Take additional testimony he or she considers appropriate.

(4) A verbatim record shall be made of the hearing.

(5) After a hearing, the hearing officer may affirm, modify, or set aside a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or

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revoking an operator's or chauffeur's license, or any other license action. The hearing officer shall include his or her findings of fact and conclusions of law in the record.

(6) Except as provided in subsection (7), if a person whose license has been denied or revoked under section 303(2)(c), (d), or (g) applies for a license or reinstatement of a license after the time period specified in section 303(4) has elapsed, the hearing officer may issue a restricted license to that person, setting restrictions upon operating a vehicle as the hearing officer determines are appropriate. If the hearing officer issues a restricted license following a hearing held after October 1, 1999, he or she shall do both of the following:

(a) Require installation of a functioning ignition interlock device that meets or exceeds the model specifications of the national highway traffic safety administration set forth in 57 F.R. p.11772, April 7, 1992, on each motor vehicle the person owns or intends to operate, the costs of which shall be borne by the person whose license is restricted.

(b) Condition issuance of a restricted license upon verification by the secretary of state that an ignition interlock device has been installed.

(7) The hearing officer shall not issue a restricted license under subsection (6) that would permit the person to operate a commercial motor vehicle that hauls hazardous material.

(8) If the hearing officer issues a restricted license to a person who intends to operate a vehicle owned by his or her employer, the secretary of state shall notify the employer of the employee's license restriction that requires the installation of an ignition interlock device. An employer who receives notice under this subsection is not required to install an ignition interlock device on the employer-owned vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use.

(9) If the hearing officer issues a restricted license requiring an ignition interlock device, the initial period for requiring the device shall be 1 year. After that time, the hearing officer may continue the ignition interlock device requirement for any length of time.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001.

Transfer of powers: See MCL 16.129.

****** 257.322.amended THS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.322.amended Hearing officer; appointment; powers and duties as to appeals from final determination of secretary of state.

Sec. 322. (1) The secretary of state shall appoint a hearing officer to hear appeals from persons aggrieved by a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or other license action.

(2) The appeal shall be in writing and filed with the secretary of state within 14 days after the final determination. Upon notice of the appeal, the hearing officer shall require production of all documents filed in the matter, together with a transcript of any testimony taken.

(3) In a hearing or matter properly before the hearing officer, he or she may do any of the following:

(a) Issue subpoenas to compel attendance of witnesses.

(b) Issue process to compel attendance.

(c) Punish for contempt any witness failing to appear or testify in the same manner as provided by the rules and practice in the circuit court.

(d) Swear witnesses, administer oaths, and exemplify records in any matter before the officer.

(e) Take additional testimony he or she considers appropriate.

(4) A verbatim record shall be made of the hearing.

(5) After a hearing, the hearing officer may affirm, modify, or set aside a final determination of the secretary of state denying an application for an operator's or chauffeur's license, suspending, restricting, or revoking an operator's or chauffeur's license, or any other license action. The hearing officer shall include his or her findings of fact and conclusions of law in the record.

(6) Except as provided in subsection (7), if a person whose license has been denied or revoked under section 303(2)(c), (d), or (g) applies for a license or reinstatement of a license after the time period specified in section 303(4) has elapsed, the hearing officer may issue a restricted license to that person, setting restrictions upon operating a vehicle as the hearing officer determines are appropriate. If the hearing officer issues a restricted license following a hearing held after October 1, 1999, he or she shall do both of the following:

(a) Require a properly installed and functioning ignition interlock device on each motor vehicle the person

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owns or intends to operate, the costs of which shall be borne by the person whose license is restricted.

(b) Condition issuance of a restricted license upon verification by the secretary of state that an ignition interlock device has been installed.

(7) The hearing officer shall not issue a restricted license under subsection (6) that would permit the person to operate a commercial motor vehicle that hauls hazardous material.

(8) If the hearing officer issues a restricted license to a person who intends to operate a vehicle owned by his or her employer, the secretary of state shall notify the employer of the employee's license restriction that requires the installation of an ignition interlock device. An employer who receives notice under this subsection is not required to install an ignition interlock device on the employer-owned vehicle. This subsection does not apply to a vehicle that is operated by a self-employed individual who uses the vehicle for both business and personal use.

(9) If the hearing officer issues a restricted license requiring an ignition interlock device, the initial period for requiring the device shall be not less than 1 year.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2008, Act 462, Eff. Oct. 31, 2010.

Transfer of powers: See MCL 16.129.

****** 257.322a.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.322a.added Ignition interlock device; removal; issuance of order required.

Sec. 322a. A person who is issued a restricted license by the department requiring an ignition interlock device shall not remove the device or cause the device to be removed unless the department has issued an order authorizing its removal.

History: Add. 2008, Act 462, Eff. Oct. 31, 2010.

257.323 Denial, revocation, suspension, or restriction of license vehicle group designation or indorsement; final determination; petition for review of determination; order setting cause for hearing; service of order, petition, and affidavits on secretary of state's office; testimony and examination; order affirming, modifying, or setting aside restriction, suspension, or denial.

Sec. 323. (1) A person aggrieved by a final determination of the secretary of state denying the person an operator's or chauffeur's license, a vehicle group designation, or an indorsement on a license or revoking, suspending, or restricting an operator's or chauffeur's license, vehicle group designation, or an indorsement may petition for a review of the determination in the circuit court in the county where the person was arrested if the denial or suspension was imposed pursuant to section 625f or pursuant to the order of a trial court under section 328 or, in all other cases, in the circuit court in the person's county of residence. The person shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the person to file petition within 182 days after the determination is made. As provided in section 625f, a peace officer aggrieved by a determination of a hearing officer in favor of a person who requested a hearing under section 625f may, with the prosecuting attorney's consent, petition for review of the determination in the circuit court in the county where the arrest was made. The peace officer shall file the petition within 63 days after the determination is made except that for good cause shown the court may allow the peace officer to file the petition within 182 days after the determination is made.

(2) Except as otherwise provided in this section, the circuit court shall enter an order setting the cause for hearing for a day certain not more than 63 days after the order's date. The order, a copy of the petition that includes the person's full name, current address, birth date, and driver's license number, and all supporting affidavits shall be served on the secretary of state's office in Lansing not less than 20 days before the date set for the hearing. If the person is seeking a review of the record prepared pursuant to section 322 or section 625f, the service upon the secretary of state shall be made not less than 50 days before the date set for the hearing.

(3) The court may take testimony and examine all the facts and circumstances relating to the denial, suspension, or restriction of the person's license under sections 303(1)(d), 320, or 904(10) or (11), a licensing action under section 310d, or a suspension for a first violation under section 625f. The court may affirm, modify, or set aside the restriction, suspension, or denial, except the court shall not order the secretary of state to issue a restricted or unrestricted chauffeur's license that would permit the person to drive a commercial motor vehicle that hauls a hazardous material. The court shall enter the order and the petitioner shall file a certified copy of the order with the secretary of state's office in Lansing within 7 days after entry of the order.

(4) Except as otherwise provided in this section, in reviewing a determination resulting in a denial,

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suspension, restriction, or revocation under this act, the court shall confine its consideration to a review of the record prepared pursuant to section 322 or 625f or the driving record created under section 204a for a statutory legal issue, and shall not grant restricted driving privileges. The court shall set aside the secretary of state's determination only if the petitioner's substantial rights have been prejudiced because the determination is any of the following:

(a) In violation of the Constitution of the United States, the state constitution of 1963, or a statute.

(b) In excess of the secretary of state's statutory authority or jurisdiction.

(c) Made upon unlawful procedure resulting in material prejudice to the petitioner.

(d) Not supported by competent, material, and substantial evidence on the whole record.

(e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

(f) Affected by other substantial and material error of law.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 120, Eff. Oct. 2, 1953;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1981, Act 71, Imd. Eff. June 30, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1998, Act 346, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

Transfer of powers: See MCL 16.129.

257.323a Petition for order staying revocation or suspension of license; ex parte order; provisions inapplicable to violation of financial responsibility act.

Sec. 323a. (1) A person who is aggrieved by a final determination of the secretary of state suspending or revoking the operator's or chauffeur's license of the person may, within 63 days after the determination, petition the circuit court for the county in which the conviction or civil infraction determination resulting in the license being suspended or revoked was entered, or the circuit court for the county of residence of the person if the license was suspended or revoked as provided in section 318, or for the accumulation of 12 or more points as provided in sections 320 and 320a, for an order staying the revocation or suspension of the license. Except as provided in subsection (2), the court may enter an ex parte order staying the suspension or revocation subject to terms and conditions prescribed by the court until the determination of an appeal to the secretary of state or of an appeal or a review by the circuit court, or for a lesser time which the court considers proper, except that the court shall not enter an ex parte order staying the suspension or revocation of a person who drives a truck or truck tractor, including a trailer, which hauls hazardous material.

(2) The court shall not enter an ex parte order staying the suspension, denial, or revocation if the order is based upon a claim of undue hardship.

(3) This section shall not apply to a suspension for a violation of the financial responsibility act contained in chapter V.

History: Add. 1960, Act 78, Eff. Aug. 17, 1960;—Am. 1961, Act 19, Imd. Eff. May 10, 1961;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 139, Eff. May 1, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.323b Cancellation of minor's license.

Sec. 323b. The license of a minor shall be canceled by the secretary of state upon the written request of the custodial parent or parents or legal guardian of the minor. The secretary of state may reduce the graduated

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driver license level or delay advancement to the next level of a minor upon the written request of the custodial parent or parents or legal guardian of the minor.

History: Add. 1965, Act 306, Eff. Mar. 31, 1966;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001.

257.323c Restricted license; issuance by circuit court; limitations; exceptions; condition.

Sec. 323c. (1) A person denied a license to operate a motor vehicle or whose license for that purpose has been suspended by the secretary of state under section 625f has a right to a review of the matter in circuit court as provided in sections 323 and 323a. Except as provided in this section, the court may order the secretary of state to issue to the person a restricted license permitting the person to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or treatment program as ordered by a court; to and from the person's residence and the court probation department, or a court-ordered community service program, or both; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The restricted license shall permit the driver to take any driving skills test required by the secretary of state. If the denial, suspension, or revocation of a person's license or vehicle group designation under section 625f occurred in connection with the operation of a commercial motor vehicle, the court shall not order the secretary of state to issue a restricted license that would permit the person to operate a commercial motor vehicle. The court shall not order the secretary of state to issue a restricted operator's or chauffeur's license that would permit a person to operate a commercial motor vehicle hauling hazardous material. The court shall not order the secretary of state to issue a restricted license unless the person states under oath and the court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have a family member or other person able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this section, "work location" includes, as applicable, either or both of the following:

(a) The specific place or places of employment.

(b) The territory or territories regularly visited by the person in pursuance of the person's occupation.

(2) If the person's license has been suspended pursuant to section 625f within the immediately preceding 7-year period, a restricted license shall not be issued.

(3) Notwithstanding any other provision of this section, the court shall not issue a restricted license to a person who has accumulated over 24 points, as provided in section 320a, within the 2-year period preceding the date of the suspension of his or her license.

(4) Notwithstanding any other provision of this act, the court shall not issue a restricted license to a person to operate a commercial motor vehicle when a vehicle group designation is required to operate that vehicle.

History: Add. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

257.323d Drug case information management fund; creation; purpose; expenditure; crediting and investing money; reversion; distribution of amounts by state court administrator; reimbursement of costs.

Sec. 323d. (1) The drug case information management fund is created as a separate fund in the state treasury. The purpose of the fund is to help defray the costs of complying with requirements for the timely management and reporting to the secretary of state of information concerning cases involving an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws, or of a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. Money in the fund shall be expended only as provided in subsection (3).

(2) The state treasurer shall credit the drug case information management fund with the money collected from license reinstatement fees as provided in section 320e(2). The state treasurer may invest money contained in the drug case information management fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of

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money as required by this section. The state treasurer shall credit all earnings from the fund to the fund. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(3) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drug case information management fund the total amount available in a fiscal year to each circuit of the circuit court, each district of the district court, and each probate court as provided in this subsection. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drug case information management fund annually after costs are disbursed to each circuit of the circuit court, each district of the district court, and each probate court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978, in the prior calendar year in that circuit of the circuit court, that district of the district court, or that probate court, as certified by the state court administrator, and the denominator of which is the total number of cases in all circuits of the circuit court, all districts of the district court, and all probate courts in which the defendant was charged with an attempt to violate, a conspiracy to violate, or a violation of part 74 of section 17766a of Act No. 368 of the Public Acts of 1978, or a local ordinance that prohibits conduct prohibited under part 74 or section 17766a of Act No. 368 of the Public Acts of 1978. The state court administrative office shall be reimbursed annually from the drug case information management fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, forms development and conversion, and software development and conversion.

History: Add. 1993, Act 359, Eff. Sept. 1, 1994.

VIOLATION OF LICENSE PROVISIONS

257.324 Prohibited conduct; void or canceled license.

Sec. 324. (1) A person shall not do any of the following:

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

(b) Lend to or knowingly permit use of, by one not entitled to its use, the operator's or chauffeur's license issued to the person lending or permitting the use of the operator's or chauffeur's license.

(c) Display or to represent as one's own any operator's or chauffeur's license not issued to the person displaying the operator's or chauffeur's license.

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

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

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

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

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

(2) A license for an operator or chauffeur issued under this chapter upon an application that is untrue, or that contains false statements as to any material matters, is absolutely void from the date of issuance. The operator or chauffeur who was issued the license is considered unlicensed and the license issued shall be returned upon request or order of the department. A person whose commercial driver license application is voided or canceled under this subsection shall not reapply for a commercial driver license for at least 60 days after an application is voided or canceled.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1967, Act 17, Eff. Nov. 2, 1967;—Am. 1985, Act 79, Eff. Oct. 1, 1985;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

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257.325 Causing or permitting unlicensed minor to drive.

Sec. 325. It shall be unlawful for any person to cause or knowingly permit any minor to drive a motor vehicle upon a highway as an operator, unless the minor has first obtained a license to drive a motor vehicle under the provisions of this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1972, Act 49, Imd. Eff. Feb. 19, 1972.

257.326 Operation of vehicle in violation of act; owner's permission prohibited.

Sec. 326. No person shall knowingly authorize or permit a motor vehicle owned by him or under his control to be driven by any person in violation of any of the provisions of this act.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.327 Unlicensed chauffeur; employment prohibited.

Sec. 327. No person shall knowingly employ any chauffeur to operate a motor vehicle who is not licensed as provided in this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.328 Producing evidence of motor vehicle insurance upon request of police officer; violation as civil infraction; certificate of insurance as prima facie evidence that insurance in force; contents; presentation of proof of insurance to court; civil infraction determination; surrendering license unless proof of insurance submitted to court; suspension of license by secretary of state; order; fee; renewal, transfer, or replacement of registration plate; producing false evidence as misdemeanor; penalty; points; section inapplicable to owner or operator of motor vehicle registered in other state or foreign country or province.

Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of this state or the operator of the motor vehicle shall produce, pursuant to subsection (2), upon the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(16), an owner or operator of a motor vehicle who fails to produce evidence of insurance under this subsection when requested to produce that evidence or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction.

(2) A certificate of insurance, issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, shall state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

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

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

(b) The court shall not cause an abstract of the court record to be forwarded to the secretary of state.

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

(4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license. The court shall immediately destroy the license and shall forward to the secretary of state an abstract of the court record as required by section 732. Upon receipt of the abstract, the secretary of state shall suspend the person's license beginning with the date on which a person is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the secretary of state, whichever occurs later. A person who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of $25.00 to the secretary of

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state. The person shall not be required to be examined as set forth in section 320c and shall not be required to pay a replacement license fee.

(5) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered shall notify the secretary of state of the vehicle registration number and the year and make of the motor vehicle being operated at the time of the violation. This notification shall be made on the abstract or on a form approved by the supreme court administrator. Upon receipt, the secretary of state shall immediately enter this information in the records of the department. The secretary of state shall not renew, transfer, or replace the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation until the owner meets the requirements of section 227a or unless the vehicle involved in the violation is transferred or sold to a person other than the owner's spouse, mother, father, sister, brother, or child.

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

(7) Points shall not be entered on a driver's record pursuant to section 320a for a violation of this section.

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

History: Add. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 2004, Act 52, Eff. May 1, 2004.

257.329 Possessing, selling, or offering for sale a stolen, false, or counterfeit certificate of insurance; penalty.

Sec. 329. (1) A person who knowingly possesses, sells, or offers for sale a stolen, false, or counterfeit certificate of insurance is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both.

History: Add. 1992, Act 309, Eff. Mar. 31, 1993.

CHAPTER IV
CIVIL LIABILITY ACT

CIVIL LIABILITY OF OWNERS AND OPERATORS OF MOTOR VEHICLES

257.401 Civil actions; liability of owner; liability of lessor; construction of subsections (3) and (4); “motor vehicle” defined; liability for off lease vehicle.

Sec. 401. (1) This section shall not be construed to limit the right of a person to bring a civil action for damages for injuries to either person or property resulting from a violation of this act by the owner or operator of a motor vehicle or his or her agent or servant. The owner of a motor vehicle is liable for an injury caused by the negligent operation of the motor vehicle whether the negligence consists of a violation of a statute of this state or the ordinary care standard required by common law. The owner is not liable unless the motor vehicle is being driven with his or her express or implied consent or knowledge. It is presumed that the motor vehicle is being driven with the knowledge and consent of the owner if it is driven at the time of the injury by his or her spouse, father, mother, brother, sister, son, daughter, or other immediate member of the family.

(2) A person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle under a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days, or a dealer acting as agent for that lessor, is not liable at common law for damages for injuries to either person or property resulting from the operation of the leased motor vehicle, including damages occurring after the expiration of the lease if the vehicle is in the possession of the lessee.

(3) Notwithstanding subsection (1), a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle under a lease providing for the use of the motor vehicle by the lessee for a period of 30 days or less is liable for an injury caused by the negligent operation of the leased motor vehicle only if the injury occurred while the leased motor vehicle was being operated by an authorized driver under the lease agreement or by the lessee's spouse, father, mother, brother, sister, son, daughter, or other immediate family member. Unless the lessor, or his or her agent, was negligent in the leasing of the motor vehicle, the lessor's

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liability under this subsection is limited to $20,000.00 because of bodily injury to or death of 1 person in any 1 accident and $40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident.

(4) A person engaged in the business of leasing motor vehicles as provided under subsection (3) shall notify a lessee that the lessor is liable only up to the maximum amounts provided for in subsection (3), and only if the leased motor vehicle was being operated by the lessee or other authorized driver or by the lessee's spouse, father, mother, brother, sister, son, daughter, or other immediate family member, and that the lessee may be liable to the lessor up to amounts provided for in subsection (3), and to an injured person for amounts awarded in excess of the maximum amounts provided for in subsection (3).

(5) Subsections (3) and (4) shall not be construed to expand or reduce, except as otherwise provided by this act, the liability of a person engaged in the business of leasing motor vehicles or to impair that person's right to indemnity or contribution, or both.

(6) As used in subsections (3), (4), and (5), “motor vehicle” means a self-propelled device by which a person or property may be transported upon a public highway. Motor vehicle does not include a bus, power shovel, road machinery, agricultural machinery, or other machinery or vehicle not designed primarily for highway transportation. Motor vehicle also does not include a device that moves upon or is guided by a track.

(7) A lessee in possession of an off lease vehicle, and not the dealer of the vehicle, is liable as the owner of the vehicle for any damages awarded for an injury to a person or property resulting from the operation of the vehicle. The dealer of an off lease vehicle may be liable at common law for damages awarded for an injury to a person or property resulting from the operation of the vehicle only if the dealer is in possession of the vehicle and the certificate of title and has acknowledged possession of the certificate of title to the lessor.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1988, Act 125, Imd. Eff. May 23, 1988;—Am. 1995, Act 98, Imd. Eff. June 22, 1995;—Am. 2002, Act 652, Eff. Jan. 1, 2003.

Constitutionality: The guest passenger exception to the owners liability statute is unconstitutional. Manistee Bank & Trust Company v McGowan, 394 Mich 655; 232 NW2d 636 (1975).

257.401a “Owner” defined.

Sec. 401a. As used in this chapter, “owner” does not include a person engaged in the business of leasing motor vehicles who is the lessor of a motor vehicle pursuant to a lease providing for the use of the motor vehicle by the lessee for a period that is greater than 30 days.

History: Add. 1988, Act 125, Imd. Eff. May 23, 1988.

257.402 Rear end collision; prima facie evidence of negligence.

Sec. 402. (a) In any action, in any court in this state when it is shown by competent evidence, that a vehicle traveling in a certain direction, overtook and struck the rear end of another vehicle proceeding in the same direction, or lawfully standing upon any highway within this state, the driver or operator of such first mentioned vehicle shall be deemed prima facie guilty of negligence. This section shall apply, in appropriate cases, to the owner of such first mentioned vehicle and to the employer of its driver or operator.

(b) This section may not be invoked by the owner of any vehicle, the rear of which was struck under the circumstances above mentioned, if the accident occurred between 1 hour after sunset and 1 hour before sunrise, and the vehicle so struck did not, at the time, have a lighted lamp or lantern reasonably visible to the drivers of vehicles approaching from the rear.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.403 Nonresident vehicle operators; service of process, manner, record; service upon defendant, certification; taxable costs; application of section.

Sec. 403. (a) Service of summons in any action against a person, who at the time of such service is a nonresident of this state, growing out of any accident or collision in which such person may have been involved while operating a motor vehicle upon a public highway of this state or in which a motor vehicle owned by him may have been involved while being operated with his consent, express or implied, on such public highway, may be made upon the secretary of state as the true and lawful attorney of such person with the same legal force as if served on him personally within this state. Service of such summons shall be made by leaving a copy thereof with the secretary of state, or his deputy, who shall keep a record of each such process and the day and hour of service, and such service shall be sufficient service upon such nonresident, provided that notice of such service and a copy of the summons are forthwith either served upon the defendant personally by the sheriff or constable of the county in which he resides or sent by registered mail by the plaintiff or his attorney to the defendant. If personal service of such notice and copy of summons is had upon the defendant the officer making the service shall so certify in his return which shall be filed with the court having jurisdiction of said cause, or if service be made by registered mail then the plaintiff or his

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attorney shall make an affidavit showing that he has made service of the notice of summons upon the defendant by registered mail as herein provided and the affiant shall attach thereto a true copy of the summons and notice so served and the registry receipt of the defendant and shall file the affidavit and attached papers with the court having jurisdiction of the cause. The court in which the action is pending may order such extension of time as may be necessary to afford the defendant reasonable opportunity to defend the action.

The death of the nonresident shall not operate to revoke the appointment by the nonresident of the secretary of state as his true and lawful attorney upon whom may be served the summons in an action against him growing out of any such accident or collision; and in event of his death, any action growing out of such accident or collision may be commenced or prosecuted against his executor or administrator duly appointed by the state, territory or district of the United States or foreign country in which the nonresident was domiciled at the time of his death, and service of the summons shall be made upon the secretary of state, and personal service of such notice and the copy of the summons be had upon his executor or administrator in like manner with the same force and effect as service upon such nonresident during his lifetime.

Any action or proceeding pending in any court of this state, in which the court shall have obtained jurisdiction of such nonresident pursuant to the provision of this statute, shall not abate by reason of the death of such nonresident, but his executor or administrator duly appointed in the state, territory or district of the United States or foreign country in which he was domiciled at the time of his death, shall, upon the application of the plaintiff in the action, and upon such notice as the court may prescribe, be brought in and substituted in the place of the decedent, and the action or proceeding shall continue.

(b) The court shall include as taxable costs, in addition to other legal costs, against the plaintiff in case the defendant shall prevail in such suit, the actual traveling expenses of the defendant from his residence to the place of trial and return not to exceed the sum of $100.00.

(c) The provisions of this section shall apply to actions commenced in all courts of this state having civil jurisdiction, including justice courts.

(d) Any service of process made on the secretary of state under this section shall be accompanied by an affidavit by the plaintiff or his attorney setting forth that the defendant is a nonresident of this state, and if known, the last known nonresident address of the defendant.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 16, Eff. Aug. 13, 1954;—Am. 1967, Act 79, Eff. Nov. 2, 1967.

257.403a Nonresident; definition.

Sec. 403a. As used in section 403, the term “nonresident” shall include any person who was, at the time of the accident or event, a resident of the state of Michigan but who removed from the state before the commencement of the action or proceeding.

History: Add. 1957, Act 92, Eff. Sept. 27, 1957.

257.404 Service of process; place.

Sec. 404. In any tort action for the recovery of damages to person or property resulting from the operation of 1 or more motor vehicles, where the action is brought in the county where the cause of action arose, process from any court of record may be served anywhere within the state where the party upon whom service is to be made may be found.

History: Add. 1954, Act 16, Eff. Aug. 13, 1954.

CHAPTER V
FINANCIAL RESPONSIBILITY ACT

ADMINISTRATION

257.501 Financial responsibility act; administration, rules and regulations.

Sec. 501. The secretary of state through the director of driver services or his authorized agent shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 247, Eff. Mar. 10, 1967.

257.502 Operating record; certified abstract inadmissible as evidence.

Sec. 502. (a) The secretary of state shall upon request and upon payment of the required fee furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and, if there be no record in the office of the secretary of state of any conviction of such person of violating any

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law relating to the operation of a motor vehicle or any injury or damage caused by such person, the secretary of state shall so certify.

(b) Such record shall not be admissible as evidence in any action, civil or criminal, arising out of a motor vehicle accident.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.502a Proof of compliance with laws of another state.

Sec. 502a. Proof of compliance with the financial responsibility laws of another state may be submitted to the secretary of state in lieu of the proof of financial responsibility required by this chapter if the accident for which proof of financial responsibility is required under this chapter occurred in the state with whose laws there was compliance.

History: Add. 1966, Act 247, Eff. Mar. 10, 1967.

WRITTEN REPORTS OF ACCIDENTS

257.503-257.503c Repealed. 1971, Act 67, Eff. Oct. 1, 1971.

SECURITY FOLLOWING ACCIDENT

257.504 Repealed. 1971, Act 138, Eff. Oct. 1, 1971.

257.504a-257.510 Repealed. 1971, Act 67, Eff. Oct. 1, 1971.

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

257.511 Nonpayment of judgment; certification to secretary of state; nonresidents.

Sec. 511. (1) If a person fails within 30 days to satisfy a judgment, the clerk of the court, or of the judge of a court that has no clerk, in which the judgment is rendered shall forward to the secretary of state immediately upon the request of the plaintiff or plaintiff's attorney after the expiration of 30 days an abstract of the court record of the judgment properly certified, on forms supplied by the department.

(2) Failure, refusal, or neglect to comply with subsection (1) constitutes misconduct in office and is grounds for removal from office.

(3) If the defendant named in an abstract of court record reported to the secretary of state under subsection (1) is a nonresident, the secretary of state shall transmit a certified copy of the abstract of court record to the official in charge of issuing licenses and registration certificates of the state in which the defendant resides.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.512 Nonpayment of judgment; suspension of registration and nonresident's operating privilege.

Sec. 512. The secretary of state upon receipt of a certified abstract of court record of a judgment rendered in this state or any other state shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as otherwise provided in this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 140, Eff. Aug. 28, 1964.

257.512a Nonpayment of judgment; finding as to insurer, effect.

Sec. 512a. No license, registration or nonresident's operating privilege of any person shall be suspended under the provisions of this chapter if the secretary of state finds that an insurer was obligated to pay the judgment upon which the suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid the judgment for any reason. A finding by the secretary of state that an insurer is obligated to pay a judgment is not binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it is determined by any final judgment, decree or order that an insurer is not obligated to pay any judgment, the secretary of state, notwithstanding any contrary finding theretofore made by him, shall forthwith suspend as provided in section 512 the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered.

History: Add. 1964, Act 140, Eff. Aug. 28, 1964.

257.513 Duration of suspension of license, registration, and nonresident's operating privilege; satisfaction of judgment.

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Sec. 513. (a) The license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of the person, including any person not previously licensed unless and until the judgment is satisfied in full or he files an installment repayment agreement as provided in section 515 and, notwithstanding the provisions of section 528, maintains proof of financial responsibility as provided in section 517 until the judgment is satisfied in full.

(b) Judgments shall be deemed to be satisfied in full under this section if not renewed prior to the expiration of the statute of limitations.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 17, Eff. Sept. 18, 1952;—Am. 1964, Act 171, Eff. Aug. 28, 1964;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 1972, Act 274, Imd. Eff. Oct. 19, 1972.

257.514 When judgments deemed satisfied.

Sec. 514. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

1. When $20,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of 1 person as the result of any one accident; or

2. When, subject to such limit of $20,000.00 because of bodily injury to or death of 1 person, the sum of $40,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of 2 or more persons as the result of any one accident; or

3. When $10,000.00 is credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 155, Eff. Sept. 13, 1958;—Am. 1971, Act 191, Imd. Eff. Dec. 20, 1971
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257.515 Installment payment of judgment; default.

Sec. 515. (a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. A true copy of the order shall be filed with the secretary of state. In lieu of a court order for installment payments, the judgment debtor and judgment creditor may make an agreement in writing, a copy of which shall be filed with the secretary of state, for the payment of the judgment in installments.

(b) The secretary of state shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order, or written agreement, permitting the payment of the judgment in installments, and while the payment of any installment is not in default.

(c) If the judgment debtor fails to pay any installments as specified by the order, or written agreement, then upon notice of the default, the secretary of state shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 140, Eff. Aug. 28, 1964.

257.515a Restoration of license or registration after nonpayment of installment; limitation.

Sec. 515a. The secretary of state shall not restore a license, registration or nonresident's operating privilege of any person more than twice within a 2-year period following nonpayment of the installment agreement, judgment, order or other written agreement contemplated in section 515 of this chapter.

History: Add. 1966, Act 247, Eff. Mar. 10, 1967.

257.516 Repealed. 1976, Act 101, Imd. Eff. Apr. 27, 1976.

Compiler's note: The repealed section pertained to suspension of license and registration.

257.517 Proof of financial responsibility; alternative methods.

Sec. 517. Proof of financial responsibility when required under this chapter may be given by filing:

1. A certificate of insurance as provided in section 518 or section 519; or

2. A bond as provided in section 523; or

3. A certificate of deposit of money or securities as provided in section 524.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.518 Proof of financial responsibility; certificate of insurance.

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Sec. 518. (a) Proof of financial responsibility may be furnished by filing with the secretary of state the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.519 Proof of financial responsibility; nonresident, compliance of insurance carrier.

Sec. 519. (a) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the secretary of state a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms with the provisions of this chapter, and the secretary of state shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

1. Said insurance carrier shall execute a power of attorney authorizing the secretary of state to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

2. Duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein; and

3. Agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state.

(b) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the secretary of state shall not thereafter accept as proof any certificates of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

257.520 Motor vehicle liability policy; definition; contents; coverage; limits; conditions; excess or additional coverage; reimbursement; proration; binder or indorsement.

Sec. 520. (a) A “motor vehicle liability policy” as used in this chapter, shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 518 or section 519 as proof of financial responsibility, and issued, except as otherwise provided in section 519, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: $20,000.00 because of bodily injury to or death of 1 person in any 1 accident and, subject to said limit for 1 person, $40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident, and $10,000.00 because of injury to or destruction of property of others in any 1 accident;

(3) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him, it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the policy period, and the limits of liability, and shall contain an agreement or be

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indorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(e) Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy, and except as hereinafter provided, no fraud, misrepresentation, assumption of liability or other act of the insured in obtaining or retaining such policy, or in adjusting a claim under such policy, and no failure of the insured to give any notice, forward any paper or otherwise cooperate with the insurance carrier, shall constitute a defense as against such judgment creditor.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) If any person shall secure final judgment against the insured for loss or damage covered by any such policy and if such judgment is not satisfied within 30 days after it shall have become final, then such judgment creditor shall be entitled to recover under the terms of such policy in the same manner and to the same extent as the insured, except as hereinafter provided.

(4) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subparagraph (2) of paragraph (b) of this section.

(5) The policy, the written application therefor, if any, and any rider or indorsement which does not conflict with the provisions of this chapter, shall constitute the entire contract between the parties.

(6) The insurance carrier shall not be liable on any judgment if it has not had prompt notice of and reasonable opportunity to appear in and defend the action in which such judgment was rendered, or if the judgment has been obtained through collusion between the judgment creditor and the insured.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term “motor vehicle liability policy” shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of 1 or more insurance carriers which policies together meet such requirements.

(k) Any carrier authorized to issue motor vehicle liability policies may, pending the issuance of such a policy, execute an agreement, to be known as a “binder”, or may, in lieu of such a policy, issue an indorsement to an existing policy. Every such binder or indorsement shall be subject to the provisions of this section and shall be construed to provide indemnity or insurance in like manner and to the same extent as a motor vehicle liability policy.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 219, Eff. Oct. 14, 1955;—Am. 1958, Act 155, Eff. Sept. 13, 1958;—Am. 1966, Act 247, Eff. Mar. 10, 1967;—Am. 1971, Act 138, Eff. Oct. 1, 1971.

257.521 Motor vehicle liability policy; notice of termination.

Sec. 521. When an insurance carrier has certified a motor-vehicle liability policy under section 518 or section 519, the insurance so certified shall not be cancelled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the secretary of state, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

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History: 1949, Act 300, Eff. Sept. 23, 1949.

257.522 Automobile insurance policies unaffected by chapter.

Sec. 522. (a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.523 Bond as proof of financial responsibility; satisfaction of judgment.

Sec. 523. (a) The bond of a surety company, duly authorized to transact business within the state, or a bond, with at least 2 individual sureties, each owning real estate within this state, which real estate shall be scheduled in the bond and approved by a judge of a court of record which said bond shall be conditioned for the payment of the amounts specified herein may be accepted as proof of financial responsibility, and such bond shall be filed with the register of deeds of the county where such property is located, and a true copy thereof shall be filed with the secretary of state, and shall not be cancelable except after 10 days' written notice to the secretary of state. Such bonds shall constitute a lien in favor of the state upon the real estate so scheduled or any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such proof on account of damage to property or injury to, including death of a person or persons resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle, upon the filing of notice to that effect by the secretary of state in the office of the register of deeds of the county where such real estate is located.

(b) If such judgment rendered against the principal on the surety company or real estate individual bond given under the provisions of this chapter shall not be satisfied within 30 days after it has become final as hereinbefore provided, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or person executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond in like manner as foreclosure of a mortgage in chancery.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

257.524 Money or securities as proof.

Sec. 524. (a) The certificate of the state treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amounts as specified herein shall be taken as proof of financial responsibility. The state treasurer shall accept any such deposits and issue a certificate therefor, and the secretary of state shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the county clerk of the county where the depositor resides.

(b) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.525 Owners' proof for others.

Sec. 525. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the secretary of state shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. In like manner the secretary of state shall accept the certificate of self-insurance issued by him to any owner under the provisions of this act in lieu of proof of financial responsibility which would otherwise be required of any person employed as an operator by such owner to permit such person to operate motor vehicles of such self-insured owner. The secretary of state, shall designate the restrictions imposed by this section on the face of such person's license.

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History: 1949, Act 300, Eff. Sept. 23, 1949.

257.526 Substitution of proof.

Sec. 526. The secretary of state shall consent to the cancellation of any bond or certificate of insurance or the secretary of state shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.527 Other proof required.

Sec. 527. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the secretary of state shall for the purpose of this chapter require other proof as required by this chapter, and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.528 Cancellation of bond or certificate of insurance, returning money or securities deposited as proof of financial responsibility, or waiving requirement of filing proof; conditions; certification; refusal of application by person whose proof is cancelled or returned; reestablishment of proof.

Sec. 528. (1) The secretary of state shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or the secretary of state shall direct and the state treasurer shall return to the person entitled to the money or securities, money or securities deposited pursuant to this chapter as proof of financial responsibility, or the secretary of state shall waive the requirement of filing proof, in any of the following events:

(a) After 3 years from the date the proof was required if, during the 3-year period before the request, the secretary of state has not received a record of a conviction or a forfeiture of bail which would require the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom the proof was furnished.

(b) If the person on whose behalf the proof was filed is deceased or if the person is permanently disabled and unable to operate a motor vehicle.

(c) If the person who has given proof surrenders the license and registration to the secretary of state.

(2) The secretary of state shall not consent to the cancellation of a bond or the return of money or securities if an action for damages upon a liability covered by the proof is pending, a judgment upon the liability is unsatisfied, or if the person who has filed the bond or deposited the money or securities has within 1 year immediately preceding the request been involved as an operator or owner in a motor vehicle accident resulting in injury or damage to the person or property of others. A certification of the applicant as to the nonexistence of the facts described in this subsection, that the applicant has been released from liability, or has been finally adjudicated not to be liable for the injury or damage, shall be sufficient evidence of the nonexistence of those facts, in the absence of evidence to the contrary, in the records of the secretary of state.

(3) If a person whose proof has been canceled or returned under subsection (1)(c) applies for a license or registration within a period of 3 years from the date proof was originally required, the application shall be refused unless the applicant reestablishes the proof for the remainder of the 3-year period.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 171, Eff. Aug. 28, 1964;—Am. 1980, Act 398, Eff. Mar. 31, 1981.

VIOLATION OF PROVISIONS OF ACT

257.529 Transfer of registration.

Sec. 529. This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended hereunder, from effecting a bona fide transfer of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in anywise affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.530 Surrender of license and registration upon suspension or for lack of sufficient proof.

Sec. 530. Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or

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who shall neglect to furnish other proof upon request of the secretary of state shall immediately return his license and registration to the secretary of state. If any person wilfully fails to return to the secretary of state the license or registration provided herein, the secretary of state shall forthwith direct any peace officer to secure possession thereof and to return the same to the secretary of state.

History: 1949, Act 300, Eff. Sept. 23, 1949.

GENERAL PROVISIONS

257.531 Self-insurance; certificate, cancellation.

Sec. 531. (a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the secretary of state as provided in paragraph (b) of this section.

(b) The secretary of state may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than 5 days' notice and a hearing pursuant to such notice, the secretary of state may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.532 Availability of other security.

Sec. 532. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law.

History: 1949, Act 300, Eff. Sept. 23, 1949.

CHAPTER VI
OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

257.601 Applicability of chapter to operations on highways; exceptions.

Sec. 601. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.601a Private road open to general public; contract.

Sec. 601a. (1) A city, township, or village may contract with a person who owns or is in charge of a private road that is open to the general public, at that person's request or with that person's consent, to enforce provisions of this act on that private road.

(2) Subject to subsection (1) and section 906, a peace officer may enter upon a private road that is open to the general public to enforce provisions of this act if signs meeting the requirements of the Michigan manual of uniform traffic control devices are posted on the private road.

(3) The owner or person in charge of a private road open to the general public who enters into a contract as described in subsection (1) is responsible for the cost and the posting of signs described in subsection (2).

(4) This section shall not be construed to affect a contract entered into between a city, township, or village and the person who owns or is in charge of a private road open to the general public before the effective date of the amendatory act that added this section.

History: Add. 2006, Act 549, Imd. Eff. Dec. 29, 2006.

Compiler's note: Former MCL 257.601a, which pertained to certain vehicle owned and operated by state and local authorities and vehicles transporting hazardous materials, was repealed by Act 248 of 1995, Imd. Eff. Dec. 27, 1995.

257.601b Moving violation in work zone, emergency scene, or school zone; penalties; exceptions; definitions.

Sec. 601b. (1) Notwithstanding any other provision of this act, a person responsible for a moving violation in a work zone, at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon is subject to a fine that is double the fine otherwise prescribed for that moving violation.

(2) A person who commits a moving violation in a work zone for which not fewer than 3 points are assigned under section 320a and as a result causes injury to another person in the work zone is guilty of a

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misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both.

(3) A person who commits a moving violation in a work zone for which not fewer than 3 points are assigned under section 320a and as a result causes death to another person in the work zone is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both.

(4) Subsections (2) and (3) do not apply if the injury or death was caused by the negligence of the injured or deceased person in the work zone.

(5) As used in this section:

(a) "Emergency scene" means a traffic accident, a serious incident caused by weather conditions, or another occurrence along a highway or street for which a police officer, firefighter, or emergency medical personnel are summoned to aid an injured victim.

(b) "Moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine.

(c) "School zone" means that term as defined in section 627a.

History: Add. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2003, Act 314, Imd. Eff. Jan. 9, 2004;—Am. 2008, Act 296, Imd. Eff. Oct. 8, 2008.

257.601c Moving violation causing injury or death to person operating implement of husbandry on highway.

Sec. 601c. (1) A person who commits a moving violation that has criminal penalties and as a result causes injury to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(2) A person who commits a moving violation that has criminal penalties and as a result causes death to a person operating an implement of husbandry on a highway in compliance with this act is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $7,500.00, or both.

(3) As used in this section, “moving violation” means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that occurs while a person is operating a motor vehicle, and for which the person is subject to a fine.

History: Add. 2001, Act 103, Eff. Oct. 1, 2001.

****** 257.601d.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.601d.added Person who commits moving violation causing death of another person or serious impairment of body function; other violations; "moving violation" defined.

Sec. 601d. (1) A person who commits a moving violation that causes the death of another person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $2,000.00, or both.

(2) A person who commits a moving violation that causes serious impairment of a body function to another person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law.

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

History: Add. 2008, Act 463, Eff. Oct. 31, 2010.

257.602 Compliance with order or direction of police officer.

Sec. 602. A person shall not refuse to comply with a lawful order or direction of a police officer when that officer, for public interest and safety, is guiding, directing, controlling, or regulating traffic on the highways of this state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975.

257.602a Failure to stop at signal of police or conservation officer; penalty; subsection (1) inapplicable unless officer in uniform and vehicle identified; violation of subsection (1) as

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felony; conviction for conduct arising out of same transaction; "serious injury" defined.

Sec. 602a. (1) A driver of a motor vehicle who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the driver to bring his or her motor vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle, extinguishing the lights of the motor vehicle, or otherwise attempting to flee or elude the officer. This subsection does not apply unless the police or conservation officer giving the signal is in uniform and the officer's vehicle is identified as an official police or department of natural resources vehicle.

(2) Except as provided in subsection (3), (4), or (5), an individual who violates subsection (1) is guilty of fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than $500.00, or both.

(3) Except as provided in subsection (4) or (5), an individual who violates subsection (1) is guilty of third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than $1,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in a collision or accident.

(b) A portion of the violation occurred in an area where the speed limit is 35 miles an hour or less, whether that speed limit is posted or imposed as a matter of law.

(c) The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(4) Except as provided in subsection (5), an individual who violates subsection (1) is guilty of second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than $5,000.00, or both, if 1 or more of the following circumstances apply:

(a) The violation results in serious injury to an individual.

(b) The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(c) The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct.

(5) If the violation results in the death of another individual, an individual who violates subsection (1) is guilty of first-degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

(6) A conviction under this section does not prohibit a conviction and sentence under any other applicable provision, except section 479a(2), (3), (4), or (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a, for conduct arising out of the same transaction.

(7) As used in this section, "serious injury" means a physical injury that is not necessarily permanent, but that constitutes serious bodily disfigurement or that seriously impairs the functioning of a body organ or limb. Serious injury includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or use of a limb.

(b) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(c) Loss of an eye or ear or use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain damage or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or hematoma.

History: Add. 1966, Act 203, Eff. Sept. 1, 1966;—Am. 1968, Act 160, Eff. Nov. 15, 1968;—Am. 1981, Act 159, Eff. Mar. 31, 1982;—Am. 1988, Act 406, Eff. Mar. 30, 1989;—Am. 1996, Act 587, Eff. June 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.603 Applicability of chapter to government vehicles; exemption of authorized emergency vehicles; conditions; exemption of police vehicles not sounding audible signal; exemption of persons, vehicles, and equipment working on surface of highway.

Sec. 603. (1) The provisions of this chapter applicable to the drivers of vehicles upon the highway apply to the drivers of all vehicles owned or operated by the United States, this state, or a county, city, township, village, district, or any other political subdivision of the state, subject to the specific exceptions set forth in

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this chapter with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section.

(3) The driver of an authorized emergency vehicle may do any of the following:

(a) Park or stand, irrespective of this act.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed the prima facie speed limits so long as he or she does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in a specified direction.

(4) The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5), and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc unless it is not advisable to equip a police vehicle operating as an authorized emergency vehicle with a flashing, oscillating or rotating light visible in a 360 degree arc. In those cases, a police vehicle shall display a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles that are publicly owned shall be equipped with a flashing, oscillating, or rotating blue light that when activated is visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc.

(5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.

(6) The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1958, Act 133, Imd. Eff. Apr. 18, 1958 ;—Am. 1962, Act 188, Eff. Mar. 28, 1963;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976;—Am. 1996, Act 587, Eff. June 1, 1997.

257.604 Riding animal or driving animal-drawn vehicle on roadway; rights and duties.

Sec. 604. A person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all the duties, criminal penalties, and civil sanctions applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature may not have application.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.605 Applicability and uniformity of provisions; local laws and regulations; payment and allocation of civil fines; issuance of more than 1 citation; equipment violations; definitions.

Sec. 605. (1) This chapter and chapter VIII apply uniformly throughout this state and in all political subdivisions and municipalities in the state. A local authority shall not adopt, enact, or enforce a local law that provides lesser penalties or that is otherwise in conflict with this chapter or chapter VIII.

(2) A local law or portion of a local law that imposes a criminal penalty for an act or omission that is a civil infraction under this act, or that imposes a criminal penalty or civil sanction in excess of that prescribed in this act, is in conflict with this act and is void to the extent of the conflict.

(3) Except for a case in which the citation is dismissed pursuant to subsection (4), proceeds of a civil fine imposed by a local authority for violation of a local law regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of this act shall be paid to the county treasurer and allocated as follows:

(a) Seventy percent to the local unit of government in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(4) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL

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257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation pursuant to section 683 that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(5) As used in this section:

(a) "Local law" includes a local charter provision, ordinance, rule, or regulation.

(b) "Out of service" means that process established under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 97, Imd. Eff. May 15, 2000.

257.606 Regulation of streets or highways under jurisdiction of local authority and within reasonable exercise of police power; stop sign or traffic control device requiring state trunk line highway traffic to stop; approval; posting signs giving notice of local traffic regulations; providing by ordinance for impounding of motor vehicle parked contrary to local ordinance; bond or cash deposit.

Sec. 606. (1) The provisions of this chapter shall not be considered to prevent local authorities with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from:

(a) Regulating the standing or parking of vehicles.

(b) Regulating the impoundment or immobilization of vehicles whose owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking.

(c) Regulating traffic by means of police officers or traffic control signals.

(d) Regulating or prohibiting processions or assemblages on the highways or streets.

(e) Designating particular highways as 1-way highways and requiring that all vehicles on those highways be moved in 1 specific direction.

(f) Regulating the speed of vehicles in public parks.

(g) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the through highway; designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to these intersections; or designating intersections at which vehicular traffic shall be required to yield the right of way at 1 or more entrances to these intersections.

(h) Restricting the use of highways as authorized in section 726.

(i) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.

(j) Regulating or prohibiting the turning of vehicles at intersections.

(k) Increasing the prima facie speed limits as authorized in this act.

(*l*) Adopting other traffic regulations as are specifically authorized by this chapter.

(2) A local authority shall not erect or maintain a stop sign or traffic control device at a location so as to require the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department.

(3) An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently legible as to be seen by an ordinarily observant person. The posting of signs giving the notice shall not be required for a local ordinance which does not differ from the provisions of this act regulating the parking or standing of vehicles; nor to ordinances of general application throughout the jurisdiction of the municipalities enacting the ordinances which prohibit, limit, or restrict all night parking or parking during the early morning hours, if signs, approximately 3 feet by 4 feet, sufficiently legible as to be seen by an ordinarily observant person, giving notice of these ordinances relating to all night parking or parking during the early morning hours, are posted on highways at the corporate limits of the municipality.

(4) A local authority, in providing by ordinance for the impounding of any motor vehicle parked contrary to a local ordinance, shall not require a bond or cash deposit by the owner of the motor vehicle in excess of $500.00 in order to recover the possession of the motor vehicle pending final adjudication of the case.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1952, Act 254, Eff. Sept. 18, 1952;—Am. 1955, Act 165, Imd. Eff. June 13, 1955;—Am. 1980, Act 518, Eff. Mar. 31, 1981.

257.606a Maintenance of highway by state or local government; duty; immunity from tort

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liability; exception.

Sec. 606a. (1) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village have no duty to maintain any highway under their jurisdiction in a condition reasonably safe and convenient for the operation of low-speed vehicles.

(2) The state transportation department, a board of county road commissioners, a county board of commissioners, and a county, city, or village are immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of a low-speed vehicle on maintained or unmaintained highways, shoulders, and rights-of-way over which the state transportation department, the board of county road commissioners, the county board of commissioners, or the county, city, or village has jurisdiction. The immunity provided by this subsection does not apply to actions which constitute gross negligence. Gross negligence is defined as conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

History: Add. 2000, Act 82, Eff. July 1, 2000.

257.607 Realty owners' regulation of traffic on private property.

Sec. 607. Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner.

History: 1949, Act 300, Eff. Sept. 23, 1949.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

257.608 Uniform system of traffic-control devices; manual.

Sec. 608. The state highway commissioner and commissioner of state police shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials and such manual may be revised whenever necessary to carry out the provisions of this act. It is hereby declared to be the policy of the state of Michigan to achieve, insofar as is practicable, uniformity in the design, and shape and color scheme of traffic signs, signals and guide posts erected and maintained upon the streets and highways within the state with other states.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.609 Traffic-control devices; placement and maintenance; restrictions; county road commission, permission, costs.

Sec. 609. (a) The state highway commission shall place or require to be placed and maintain or require to be maintained such traffic-control devices, conforming to said manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any trunk line highway under the jurisdiction of the state highway commissioner except by the latter's permission or upon any county road without the permission of the county road commission having jurisdiction thereof. With the approval of the department of state highways, the board of county road commissioners of any county, at its option, may install and maintain uniform traffic-control devices according to the standards promulgated by the department of state highways and as required by the commission on trunk line highways, if the cost would be less than that estimated by the state highway commission, billing the state highway commission for its share of the cost of installation.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1968, Act 98, Imd. Eff. June 7, 1968.

257.610 Traffic control devices; placement and maintenance by local authorities and county road commissions; compliance with state manual and specifications; noncompliance with statutory provisions; sale, purchase, or manufacture of devices.

Sec. 610. (a) Local authorities and county road commissions in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to the state manual and specifications.

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(b) The state highway commissioner shall withhold from any township, incorporated village, city or county, failing to comply with the provisions of sections 608, 609, 612 and 613, the share of weight and gasoline tax refunds otherwise due the township, incorporated village, city or county. Notice of such failure, and a reasonable time to comply therewith, shall first be given.

(c) A person, firm or corporation shall not sell or offer for sale to local authorities and local authorities shall not purchase or manufacture any traffic control device which does not conform to the Michigan manual of uniform traffic control devices except by permission of the director of the department of state highways.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1972, Act 72, Imd. Eff. Mar. 9, 1972.

257.611 Traffic control devices; obedience required; exception; avoiding obedience by driving on public or private property; violation as civil infraction.

Sec. 611. (1) The driver of a vehicle or operator of a streetcar shall not disobey the instructions of a traffic control device placed in accordance with this chapter unless at the time otherwise directed by a police officer.

(2) The driver of a vehicle shall not, for the purpose of avoiding obedience to a traffic control device placed in accordance with this chapter, drive upon or through private property, or upon or through public property which is not a street or highway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.611a Direction of traffic in work zone; conditions; failure to comply; violation as civil infraction.

Sec. 611a. (1) An owner or employee of an entity performing construction, maintenance, surveying, or utility work within a work zone may direct traffic within that work zone if both of the following apply:

(a) The department of transportation, the local authority, or the county road commission, within its respective jurisdiction, authorizes that owner or employee to direct traffic due to safety or work requirements. The authorization shall be issued in the manner considered appropriate by the department of transportation, the local authority, or the county road commission, and may be general or specific. The authorization may establish the conditions under which the owner or employee may direct traffic, and may allow the owner or employee to direct traffic in disregard of an existing traffic control device.

(b) The owner or employee is properly trained, equipped, and attired in conformance with the manual of uniform traffic control devices authorized under section 608.

(2) The operator of a motor vehicle who fails to comply with the directions of an owner or employee directing traffic under this section, including a direction made in disregard of an existing traffic control device, is responsible for a civil infraction.

History: Add. 2008, Act 298, Imd. Eff. Oct. 8, 2008.

257.612 Traffic control signals; location; red arrow and yellow arrow indications; colors; traffic control signal at place other than intersection; stopping at sign, marking, or signal; violation of subsection (1) or (2) as civil infraction; approaching person using wheelchair or device to aid walking; violation of subsection (4) as misdemeanor; location of sign prohibiting turn on red signal; additional sign.

Sec. 612. (1) When traffic is controlled by traffic control signals, not fewer than 1 signal shall be located over the traveled portion of the roadway so as to give vehicle operators a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively, 1 at a time, or with arrows. Red arrow and yellow arrow indications have the same meaning as the corresponding circular indications, except that they apply only to vehicle operators intending to make the movement indicated by the arrow. The following colors shall be used, and the terms and lights shall indicate and apply to vehicle operators as follows:

(a) If the signal exhibits a green indication, vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at that place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians and bicyclists lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) If the signal exhibits a steady yellow indication, vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line when marked, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(c) If the signal exhibits a steady red indication, the following apply:

(*i*) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering

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the intersection and shall remain standing until a green indication is shown, except as provided in subparagraph (*ii*).

(*ii*) Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if there is no crosswalk or limit line, before entering the intersection, may make a right turn from a 1-way or 2-way street into a 2-way street or into a 1-way street carrying traffic in the direction of the right turn or may make a left turn from a 1-way or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn, unless prohibited by sign, signal, marking, light, or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(d) If the signal exhibits a steady green arrow indication, vehicular traffic facing the green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow or other movement permitted by other indications shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians and bicyclists lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(2) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except for those provisions that by their nature cannot apply. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal.

(3) A person who violates subsection (1) or (2) is responsible for a civil infraction.

(4) A vehicle operator who approaches a person using a wheelchair or a device to aid the person to walk at a crosswalk or any other pedestrian crossing shall take necessary precautions to avoid accident or injury to the person using the wheelchair or device. A person who violates this subsection is guilty of a misdemeanor.

(5) A sign prohibiting a turn on a red signal as provided in subsection (1)(c)(*ii*) shall be located above or adjacent to the traffic control signal or as close as possible to the point where the turn is made, or at both locations, so that 1 or more of the signs are visible to a vehicle operator intending to turn, at the point where the turn is made. An additional sign may be used at the far side of the intersection in the direct line of vision of the turning vehicle operator.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1975, Act 287, Eff. Mar. 31, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 105, Eff. July 31, 1988;—Am. 1990, Act 33, Eff. Apr. 1, 1991;—Am. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

257.613 Applicability of regular traffic control signals to pedestrians; special pedestrian control signals; violation as civil infraction.

Sec. 613. (1) If special pedestrian control signals are not utilized, the regular traffic control signals as indicated in section 612 shall apply to pedestrians as follows:

(a) Green indication. Pedestrians facing the signal may proceed across the roadway within a marked or unmarked crosswalk.

(b) Steady yellow indication. Pedestrians facing the signal are advised that there is insufficient time to cross the roadway and a pedestrian then starting to cross shall yield the right of way to all vehicles.

(c) Steady red indication. Pedestrians facing the signal shall not enter the highway unless they can do so safely and without interfering with vehicular traffic.

(d) Red with arrow. Pedestrians facing the signal shall not enter the highway unless they can do so safely without interfering with vehicular traffic.

(2) If special pedestrian control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a “walk” or “don't walk” interval. These special signals shall apply to pedestrians only to the exclusion of a regular traffic control signal or signals which may be present at the same location, as follows:

(a) Walk interval—Pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(b) Don't walk (steady burning or flashing) interval—A pedestrian shall not start to cross the highway in the direction of the signals, but a pedestrian who has partially completed crossing on the walk interval of the signal shall proceed to a sidewalk or safety island while the don't walk interval of the signal is showing.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1956, Act 71, Eff. Aug. 11, 1956;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.613a School crossings; establishment; basis; determination; notice; erection of school crossing signs.

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Sec. 613a. (1) Except as provided in subsections (2) and (3), the state transportation department, a county road commission, or a local authority shall establish school crossings considered necessary for the safety of schoolchildren on streets and highways under its jurisdiction. The establishment of a school crossing shall be based upon a traffic and engineering study conducted by the authority having jurisdiction, in consultation with the superintendent of the school district.

(2) If considered necessary under subsection (1) or pursuant to a traffic and engineering study conducted under subsection (4), a school crossing shall be established within a safe distance from a school located on a street or highway on which the speed limit is 25 miles or more per hour.

(3) Upon request of the superintendent of the school district, the following individuals shall meet at not less than 5-year intervals to consider whether a traffic and engineering study should be conducted to determine whether a school crossing is required under subsection (2):

(a) The superintendent of the school district in which the school is located or his or her designee.

(b) The head of the local authority having jurisdiction to maintain the road or his or her designee or, if there is no local authority, an individual designated by the director of the state transportation department.

(c) The chief of police of the local unit of government in which the road is located or his or her designee or, if the local unit of government does not have a police department, the county sheriff or his or her designee.

(4) If the individuals described in subsection (3) determine by unanimous vote that a traffic and engineering study should be conducted, the individuals shall notify the authority having jurisdiction to maintain the road in writing of that determination. If the authority is notified under this subsection that a traffic and engineering study should be conducted, the authority shall conduct the study.

(5) Having established a school crossing, the state transportation department, county road commission, or local authority shall erect school crossing signs, in conformance with the manual of uniform traffic control devices provided for in section 608, on streets or highways under its jurisdiction.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978;—Am. 2004, Act 201, Imd. Eff. July 13, 2004.

Popular name: The Jasmine Miles Schoolchildren Safety Act

257.613b School crossing guard; stationing; time period; color and design of outer vest; stopping vehicular traffic with hand held stop sign; authority.

Sec. 613b. (1) When assigned, a school crossing guard shall be stationed at a school crossing during time periods established jointly by the superintendent of the school district and the head of the law enforcement agency having immediate jurisdiction.

(2) While on duty, a school crossing guard shall wear an outer vest of a color and design which conforms with the standards of the manual of uniform traffic control devices provided for in section 608.

(3) A school crossing guard while on duty at a school crossing shall when necessary stop vehicular traffic. This shall be done by use of a hand held stop sign which conforms to the standards for the sign in the manual of uniform traffic control devices or as approved by the department of state highways and transportation. School crossing guards shall have the authority only at their assigned crossings and only during their assigned duty times.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.613c School crossing guard; responsibility of local law enforcement agency; instruction required; approval and conduct of courses.

Sec. 613c. (1) School crossing guards shall be the responsibility of the local law enforcement agency having immediate jurisdiction of the crossing.

(2) A person shall receive a minimum of 4 hours instruction before performing the duties of a school crossing guard. Two hours of additional instruction shall be given annually to a school crossing guard before the beginning of each school year. The courses of instruction shall be approved by the department of education and the department of state police and conducted by the local law enforcement agency having jurisdiction or its designee.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.613d Failure to stop for school crossing guard holding stop sign in upright position; misdemeanor; presumption.

Sec. 613d. (1) A driver of a motor vehicle who fails to stop when a school crossing guard is in a school crossing and is holding a stop sign in an upright position visible to approaching vehicular traffic is guilty of a misdemeanor.

(2) In a proceeding for a violation of this section, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation

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complaint or warrant was the registered owner of the vehicle at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

History: Add. 1978, Act 227, Imd. Eff. June 14, 1978.

257.614 Flashing red or yellow signals; violation as civil infraction.

Sec. 614. (1) If flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.615 Signs or lights resembling traffic-control devices or emergency vehicles; commercial advertising on traffic signs; prohibition; public nuisance; removal; placement of street decorations and banners.

Sec. 615. (a) Except with authority of a statute or of a duly authorized public body or official, no person shall place, maintain, or display along any highway or upon any structure in or over any highway any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(b) No person shall place, maintain or display along any highway any blinking, oscillating or rotating light or lights sufficiently similar in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways.

(c) Every such prohibited sign, signal, marking, device, decoration or banner is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause to be removed without notice.

(d) Decorations or banners which may be placed over the traveled portion of any street or highway shall be placed not closer than 10 feet on either side of traffic lights or signals and shall be so placed as to not obstruct a clear view of such traffic lights or signals.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 245, Eff. Oct. 14, 1955;—Am. 1957, Act 112, Eff. Sept. 27, 1957;—Am. 1958, Act 98, Eff. Sept. 13, 1958.

257.616 Traffic-control devices or railroad signs or signals; interference prohibited.

Sec. 616. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.616a Portable signal preemptive device; prohibitions; penalties; exceptions; definitions.

Sec. 616a. (1) Except as provided in subsections (3) and (4), a person shall not do any of the following:

(a) Possess a portable signal preemption device.

(b) Use a portable signal preemption device.

(c) Sell a portable signal preemption device to a person other than a person described in subsection (3).

(d) Purchase a portable signal preemption device for use other than a duty as described in subsections (3) and (4).

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) A person who violates subsection (1)(a) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $5,000.00, or both.

(b) Except as provided in subdivisions (c), (d), and (e), a person who violates subsection (1)(b) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both.

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(c) A person who violates subsection (1)(b), which violation results in a traffic accident, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than $15,000.00, or both.

(d) A person who violates subsection (1)(b), which violation results in the serious impairment of a body function, is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than $20,000.00, or both.

(e) A person who violates subsection (1)(b), which violation results in the death of another, is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $25,000.00, or both.

(f) A person who violates subsection (1)(c) or (d) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $10,000.00, or both.

(3) This section does not apply to any of the following:

(a) A law enforcement agency in the course of providing law enforcement services.

(b) A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services.

(c) An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services.

(d) An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.

(4) Subsection (1)(a) does not apply to either of the following:

(a) A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a portable signal preemption device.

(b) An employee or agent of a portable signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a portable signal preemption device to an individual or agency described in this subsection.

(5) As used in this section:

(a) "Portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.

(b) "Serious impairment of a body function" means that term as defined in section 58c.

History: Add. 2004, Act 25, Eff. June 14, 2004.

ACCIDENTS

257.617 Accident resulting in serious impairment of body function or death; stopping required; reporting to police agency or officer; violation as felony; penalty.

Sec. 617. (1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) Except as provided in subsection (3), if the individual violates subsection (1) and the accident results in serious impairment of a body function or death, the individual is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine of not more than $5,000.00, or both.

(3) If the individual violates subsection (1) following an accident caused by that individual and the accident results in the death of another individual, the individual is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than $10,000.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1956, Act 22, Eff. Aug. 11, 1956;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 1975, Act 170, Eff. Mar. 31, 1976;—Am. 1989, Act 267, Eff. Mar. 29, 1990;—Am. 2001, Act 159, Eff. Feb. 1, 2002;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.617a Accident; personal injury; reporting to police agency or officer; stopping required; penalty; suspension of license.

Sec. 617a. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) If an individual violates subsection (1) and the accident results in injury to any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not

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more than $1,000.00, or both.

(3) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of violating this section as provided in section 319.

History: Add. 1975, Act 170, Eff. Mar. 31, 1976;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.618 Accidents; damage to vehicles; stopping required; reporting to police agency or officer; penalty.

Sec. 618. (1) The driver of a vehicle who knows or who has reason to believe that he has been involved in an accident upon public or private property that is open to travel by the public shall immediately stop his or her vehicle at the scene of the accident and shall remain there until the requirements of section 619 are fulfilled or immediately report the accident to the nearest or most convenient police agency or officer to fulfill the requirements of section 619(a) and (b) if there is a reasonable and honest belief that remaining at the scene will result in further harm. The stop shall be made without obstructing traffic more than is necessary.

(2) If an individual violates the requirements of subsection (1) and the accident results in damage to a vehicle operated by or attended by any individual, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.619 Accidents; duties of driver.

Sec. 619. The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident with an individual or with another vehicle that is operated or attended by another individual shall do all of the following:

(a) Give his or her name and address, and the registration number of the vehicle he or she is operating, including the name and address of the owner, to a police officer, the individual struck, or the driver or occupants of the vehicle with which he or she has collided.

(b) Exhibit his or her operator's or chauffeur's license to a police officer, individual struck, or the driver or occupants of the vehicle with which he or she has collided.

(c) Render to any individual injured in the accident reasonable assistance in securing medical aid or arrange for or provide transportation to any injured individual.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1958, Act 35, Eff. Sept. 13, 1958;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2005, Act 3, Imd. Eff. Apr. 1, 2005.

257.620 Accidents; attended or unattended vehicle; stopping; report.

Sec. 620. The driver of any vehicle which collides upon either public or private property with any vehicle which is attended or unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient police officer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 71, Eff. Nov. 2, 1967.

257.620b "High-occupancy vehicle" or "HOV" defined.

Sec. 20b. "High-occupancy vehicle" or "HOV" means any motor vehicle carrying no fewer than 2 occupants including the driver of the vehicle.

History: Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008.

257.620c "High-occupancy vehicle lane" or "HOV lane" defined.

Sec. 20c. "High-occupancy vehicle lane" or "HOV lane" means any designated lane or ramp on a highway designated for the exclusive or preferential use of a public transportation vehicle or private motor vehicles carrying no fewer than a specified number of occupants, including the driver of the vehicle.

History: Add. 2008, Act 304, Imd. Eff. Dec. 9, 2008.

257.621 Accidents; fixtures on or adjacent to highway; notification of owner; exhibition of driver's license; reports.

Sec. 621. (a) The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer.

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(b) The officer receiving such report or his commanding officer shall forward each individual report to the director of state police on forms prescribed by him which shall be completed in full by the investigating officer. The director of state police shall analyze each report relative to the cause of the reported accident and shall prepare for public use the information compiled from the reports.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 171, Eff. Mar. 10, 1967;—Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967.

257.622 Report of accidents resulting in death, personal injury, or property damage; forms; analysis; use; retention.

Sec. 622. The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling $1,000.00 or more, shall immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 171, Eff. Mar. 10, 1967;—Am. 1967, Act 3, Imd. Eff. Mar. 9, 1967;—Am. 1991, Act 168, Imd. Eff. Dec. 19, 1991;—Am. 2003, Act 66, Eff. Jan. 1, 2004.

257.622a Ignition interlock device; installation included in crash report.

Sec. 622a. The crash report form required by this chapter shall include, when applicable, whether an ignition interlock device was installed in a vehicle involved in a crash.

History: Add. 1998, Act 340, Eff. Oct. 1, 1999.

257.623 Accidents; reports by garagekeepers or repairmen.

Sec. 623. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or having been struck by any bullet shall report the same to the nearest police station or sheriff's office immediately after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner, and/or operator of such vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.624 Report not available for use in court action; purpose of report; authorization and purpose of scientific studies and research; use of data; disclosures; liability; penalty.

Sec. 624. (1) A report required by this chapter shall not be available for use in a court action, but a report shall be for the purpose of furnishing statistical information regarding the number and cause of accidents.

(2) The office of highway safety planning may authorize scientific studies and research for the reduction of death, injury, and property losses. All information, records of interviews, written reports, statements, notes, memoranda, or other data collected pursuant to the scientific studies and research conducted by the state, or by other persons, agencies, or organizations authorized by the office of highway safety planning shall be used solely for the purpose of medical or scientific research and shall not disclose the name or identity of a person unless the person authorizes, in writing, the use of his or her name or identity. If a subject of the research study is deceased, the executor or heir of the deceased person may authorize, in writing, the disclosure of the deceased's name or identity. The furnishing of information to the office of highway safety planning or to a representative of an authorized study or research project shall not subject a person, hospital, sanitarium, rest home, nursing home, or other person or agency furnishing the information to any action for damages or other relief. The information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in a court or before any other tribunal, board, agency, or person. A person participating in an authorized study or research project shall not disclose, directly or indirectly, the information so obtained except in strict conformity with the research project.

(3) A person who discloses information in violation of subsection (2) is guilty of a misdemeanor, punishable by a fine of not less than $50.00.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 26, Imd. Eff. Mar. 7, 1980.

257.624a Transportation or possession of alcoholic liquor in container open or uncapped or upon which seal broken; violation as misdemeanor; exception.

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Sec. 624a. (1) Except as provided in subsection (2), a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 625(6).

(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.

History: Add. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999.

257.624b Transport or possession of alcoholic liquor by person less than 21 years of age.

Sec. 624b. (1) A person less than 21 years of age shall not knowingly transport or possess alcoholic liquor in a motor vehicle as an operator or occupant unless the person is employed by a licensee under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, a common carrier designated by the liquor control commission under the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. This section does not prevent a person less than 21 years of age from knowingly transporting alcoholic liquor in a motor vehicle if a person at least 21 years of age is present inside the motor vehicle. A person who violates this subsection is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(2) Within 30 days after the conviction for a violation of subsection (1) by the operator of a motor vehicle, which conviction has become final, the arresting law enforcement officer or the officer's superior may make a complaint before the court from which the warrant was issued. The complaint shall be under oath and shall describe the motor vehicle in which alcoholic liquor was possessed or transported by the operator, who is less than 21 years of age, in committing the violation and requesting that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue to the owner of the motor vehicle an order to show cause why the motor vehicle should not be impounded. The order to show cause shall fix a date and time for a hearing, which shall not be less than 10 days after the issuance of the order. The order shall be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403.

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

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this section is

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guilty of a misdemeanor.

(5) A law enforcement agency, upon determining that a person less than 18 years of age allegedly violated this section, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated this section is less than 18 years of age and may be made in person, by telephone, or by first-class mail.

History: Add. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

***** *257.625 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625.amended* *****

257.625 Operating motor vehicle while intoxicated; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; requirements; controlled substances; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or ceremony; ignition interlock device; "prior conviction" defined; violations arising out of same transaction.

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means either of the following applies:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subdivision applies regardless of whether the person is

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charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than $500.00.

(C) Imprisonment for not more than 93 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(*i*) or (b)(*i*), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(*ii*) or (b)(*ii*), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a

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violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(*iv*) of the public health code, 1978 PA 368, MCL 333.7214.

(9) If a person is convicted of violating subsection (1) or (8), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days.

(*iii*) A fine of not less than $100.00 or more than $500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(10) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $100.00 or more than $500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,500.00 or more than $10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than $1,000.00 or more than $5,000.00, or both.

(11) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days.

(*iii*) A fine of not more than $300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00, and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and

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community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(12) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) A fine of not more than $250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

(*i*) Community service for not more than 60 days.

(*ii*) A fine of not more than $500.00.

(*iii*) Imprisonment for not more than 93 days.

(13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(14) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(17) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) A copy of a judgment of conviction.

(b) An abstract of conviction.

(c) A transcript of a prior trial or a plea-taking or sentencing proceeding.

(d) A copy of a court register of actions.

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

(f) Information contained in a presentence report.

(g) An admission by the defendant.

(18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

(19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic

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liquor and a controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

(21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an alcoholic liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

(24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625*l*.

(25) Subject to subsection (27), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (26), a violation or attempted violation of any of the following:

(*i*) This section, except a violation of section 625(2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) Section 625m.

(*iii*) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1954, Act 10, Eff. Aug. 13, 1954;—Am. 1956, Act 34, Eff. Aug. 11, 1956;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 448, Eff. May 1, 1995;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2006, Act 564, Imd. Eff. Jan. 3, 2007;—Am. 2008, Act 341, Eff. Jan. 1, 2009.

Compiler's note: Section 2 of Act 309 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Popular name: Heidi's Law

****** 257.625.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.625.amended Operating motor vehicle while intoxicated; operating motor vehicle when visibly impaired; penalties for causing death or serious impairment of a body function; operation of motor vehicle by person less than 21 years of age; requirements; controlled substances; costs; enhanced sentence; guilty plea or nolo contendere; establishment of prior conviction; special verdict; public record; burden of proving religious service or

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ceremony; ignition interlock device; “prior conviction” defined.

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person has an alcohol content of 0.17 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state by a person if any of the following apply:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) The person's ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state when, due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

(4) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes the death of another person is guilty of a crime as follows:

(a) Except as provided in subdivision (b), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(b) If, at the time of the violation, the person is operating a motor vehicle in a manner proscribed under section 653a and causes the death of a police officer, firefighter, or other emergency response personnel, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subdivision applies regardless of whether the person is charged with the violation of section 653a. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) A person, whether licensed or not, who operates a motor vehicle in violation of subsection (1), (3), or (8) and by the operation of that motor vehicle causes a serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(6) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:

(a) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.02 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

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(b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(7) A person, whether licensed or not, is subject to the following requirements:

(a) He or she shall not operate a vehicle in violation of subsection (1), (3), (4), (5), or (8) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a crime punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(A) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(B) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(b) He or she shall not operate a vehicle in violation of subsection (6) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(*i*) Except as provided in subparagraph (*ii*), a person who violates this subdivision may be sentenced to 1 or more of the following:

(A) Community service for not more than 60 days.

(B) A fine of not more than $500.00.

(C) Imprisonment for not more than 93 days.

(*ii*) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates this subdivision shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and to 1 or more of the following:

(A) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term of imprisonment shall not be suspended.

(B) Community service for not less than 30 days or more than 90 days.

(c) In the judgment of sentence under subdivision (a)(*i*) or (b)(*i*), the court may, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (a)(*ii*) or (b)(*ii*), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(d) This subsection does not prohibit a person from being charged with, convicted of, or punished for a violation of subsection (4) or (5) that is committed by the person while violating this subsection. However, points shall not be assessed under section 320a for both a violation of subsection (4) or (5) and a violation of this subsection for conduct arising out of the same transaction.

(8) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(*iv*) of the public health code, 1978 PA 368, MCL 333.7214.

(9) If a person is convicted of violating subsection (1) or (8), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days, or, if the person is convicted of violating subsection (1)(c), imprisonment for not more than 180 days.

(*iii*) A fine of not less than $100.00 or more than $500.00, or, if the person is guilty of violating subsection (1)(c), a fine of not less than $200.00 or more than $700.00.

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(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00 and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(10) A person who is convicted of violating subsection (2) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than $100.00 or more than $500.00, or both.

(b) If the person operating the motor vehicle violated subsection (4), a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,500.00 or more than $10,000.00, or both.

(c) If the person operating the motor vehicle violated subsection (5), a felony punishable by imprisonment for not more than 2 years or a fine of not less than $1,000.00 or more than $5,000.00, or both.

(11) If a person is convicted of violating subsection (3), all of the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by 1 or more of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) Imprisonment for not more than 93 days.

(*iii*) A fine of not more than $300.00.

(b) If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to pay a fine of not less than $200.00 or more than $1,000.00, and 1 or more of the following:

(*i*) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of the term of imprisonment imposed under this subparagraph shall be served consecutively.

(*ii*) Community service for not less than 30 days or more than 90 days.

(c) If the violation occurs after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and either of the following:

(*i*) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(*ii*) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subparagraph shall be served consecutively.

(d) A term of imprisonment imposed under subdivision (b) or (c) shall not be suspended.

(e) In the judgment of sentence under subdivision (a), the court may order vehicle immobilization as provided in section 904d. In the judgment of sentence under subdivision (b) or (c), the court shall, unless the vehicle is ordered forfeited under section 625n, order vehicle immobilization as provided in section 904d.

(f) In the judgment of sentence under subdivision (b) or (c), the court may impose the sanction permitted under section 625n.

(12) If a person is convicted of violating subsection (6), all of the following apply:

(a) Except as otherwise provided in subdivision (b), the person is guilty of a misdemeanor punishable by 1 or both of the following:

(*i*) Community service for not more than 360 hours.

(*ii*) A fine of not more than $250.00.

(b) If the violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

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(*i*) Community service for not more than 60 days.

(*ii*) A fine of not more than $500.00.

(*iii*) Imprisonment for not more than 93 days.

(13) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69.

(14) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(15) If the prosecuting attorney intends to seek an enhanced sentence under this section or a sanction under section 625n based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information, or an amended complaint and information, filed in district court, circuit court, municipal court, or family division of circuit court, a statement listing the defendant's prior convictions.

(16) If a person is charged with a violation of subsection (1), (3), (4), (5), (7), or (8) or section 625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (6) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

(17) A prior conviction shall be established at sentencing by 1 or more of the following:

(a) A copy of a judgment of conviction.

(b) An abstract of conviction.

(c) A transcript of a prior trial or a plea-taking or sentencing proceeding.

(d) A copy of a court register of actions.

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

(f) Information contained in a presentence report.

(g) An admission by the defendant.

(18) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (1) or a local ordinance substantially corresponding to subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

(19) Except as otherwise provided in subsection (20), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (3) or a local ordinance substantially corresponding to subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(20) A special verdict described in subsections (18) and (19) is not required if a jury is instructed to make a finding solely as to either of the following:

(a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

(b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

(21) If a jury or court finds under subsection (18), (19), or (20) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an alcoholic liquor, the court shall do both of the following:

(a) Report the finding to the secretary of state.

(b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under section 625n or 904d.

(22) Except as otherwise provided by law, a record described in subsection (21)(b) is a public record and the department of state police shall retain the information contained on that record for not less than 7 years.

(23) In a prosecution for a violation of subsection (6), the defendant bears the burden of proving that the consumption of alcoholic liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

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(24) The court may order as a condition of probation that a person convicted of violating subsection (1) or (8), or a local ordinance substantially corresponding to subsection (1) or (8), shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625*l*.

(25) Subject to subsection (27), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (26), a violation or attempted violation of any of the following:

(*i*) This section, except a violation of subsection (2), or a violation of any prior enactment of this section in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*ii*) Section 625m.

(*iii*) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(c) Section 601d or 626(3) or (4).

(26) Except for purposes of the enhancement described in subsection (12)(b), only 1 violation or attempted violation of subsection (6), a local ordinance substantially corresponding to subsection (6), or a law of another state substantially corresponding to subsection (6) may be used as a prior conviction.

(27) If 2 or more convictions described in subsection (25) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1954, Act 10, Eff. Aug. 13, 1954;—Am. 1956, Act 34, Eff. Aug. 11, 1956;—Am. 1958, Act 113, Eff. Sept. 13, 1958;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1978, Act 57, Imd. Eff. Mar. 10, 1978;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 448, Eff. May 1, 1995;—Am. 1994, Act 449, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2006, Act 564, Imd. Eff. Jan. 3, 2007;—Am. 2008, Act 341, Eff. Jan. 1, 2009;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 309 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Popular name: Heidi's Law

257.625a Arrest without warrant; circumstances; preliminary chemical breath analysis; operator ordered out-of-service; refusal of commercial motor vehicle operator to submit to breath analysis as misdemeanor; provisions applicable to chemical tests and analysis; evidence; availability of test results; admissibility of refusal to submit to chemical test.

Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person's blood, breath, or urine contained any measurable amount of alcohol or while the person had any detectable presence of alcoholic liquor, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area

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designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply with respect to a preliminary chemical breath analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.

(b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(*i*) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(*ii*) As evidence of the defendant's breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(*iii*) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

(c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(d) Except as provided in subsection (5), a person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) A peace officer shall use the results of a preliminary chemical breath analysis conducted pursuant to this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary chemical breath analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both, and will result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary chemical breath analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

(6) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:

(a) The amount of alcohol or presence of a controlled substance or both in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.

(b) A person arrested for a crime described in section 625c(1) shall be advised of all of the following:

(*i*) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

(*ii*) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

(*iii*) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.

(*iv*) If he or she refuses the request of a peace officer to take a test described in subparagraph (*i*), a test shall not be given without a court order, but the peace officer may seek to obtain a court order.

(*v*) Refusing a peace officer's request to take a test described in subparagraph (*i*) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or

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presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, “any bodily alcohol content” means either of the following:

(*i*) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(*ii*) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(8) If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

(9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

History: Add. 1960, Act 148, Eff. Aug. 17, 1960;—Am. 1964, Act 104, Eff. Aug. 28, 1964;—Am. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1971, Act 154, Eff. Mar. 30, 1972;—Am. 1978, Act 572, Eff. Mar. 30, 1979;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am.

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1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 229, Imd. Eff. Nov. 5, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 351, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Constitutionality: The provision in the implied consent act for the admission in a prosecution involving driving under the influence of intoxicating liquor or a controlled substance of the results of a chemical analysis of a blood sample drawn for the purpose of medical treatment from a driver of a vehicle involved in an accident, and the requirement in the act that the medical facility or person performing the analysis must release the results to a prosecuting attorney who requests the results for use in the prosecution are constitutionally valid. People v Perlos, 436 Mich 305; 462 NW2d 310 (1990).

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.625b THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625b.amended ******

257.625b Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; action by secretary of state pending appeal.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m shall be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference shall be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The 77-day time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a.

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(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. The person shall pay for the costs of the screening, assessment, and rehabilitative services.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal.

History: Add. 1966, Act 243, Eff. Mar. 10, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 357, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004.

Compiler's note: Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.625b.amended THS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.625b.amended Arraignment of person arrested for misdemeanor violation; pretrial conference; advising accused of maximum penalty before acceptance of plea; screening, assessment, and rehabilitative services; action by secretary of state pending appeal.

Sec. 625b. (1) A person arrested for a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m shall be arraigned on the citation, complaint, or warrant not more than 14 days after the arrest for the violation or, if an arrest warrant is issued or reissued, not more than 14 days after the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time limit. The time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant, and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m. The pretrial conference shall be held not more than 35 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 35 days after the issued or reissued arrest warrant is served, whichever is later. If the court has only 1 judge who sits in more than 1 location in that district, the pretrial conference shall be held not more than 42 days after the person's arrest for the violation or, if an arrest warrant is issued or reissued, not more than 42 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with the applicable time limit. The 35- and 42-day time limits do not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, the court shall finally adjudicate, by a plea of guilty or nolo contendere, entry of a verdict, or other final disposition, a case in which the defendant is charged with a misdemeanor violation of section 625(1), (3), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m, within 77 days after the person is arrested for the violation or, if an arrest warrant is issued or reissued, not more than 77 days after the date the issued or reissued arrest warrant is served, whichever is later. The court shall not dismiss a case or impose any other sanction for a failure to comply with this time

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limit. The 77-day time limit does not apply to a violation of section 625(1), (3), (7), or (8) or section 625m punishable as a felony or a violation of section 625(1), (3), (6), (7), or (8) or section 625m joined with a felony charge.

(4) Before accepting a plea of guilty or nolo contendere under section 625 or a local ordinance substantially corresponding to section 625(1), (2), (3), (6), or (8), the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the secretary of state under section 204a.

(5) Before imposing sentence for a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. Except as otherwise provided in this subsection, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence. If the person was convicted under section 625(1)(c) or has 1 or more prior convictions, the court shall order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs as part of the sentence, including, but not limited to, an alcohol treatment program or a self-help program for a period of not less than 1 year. The treatment plan shall be devised from an assessment performed by an appropriately licensed alcohol assessor and approved by the court. The person shall pay for the costs of the screening, assessment, and rehabilitative services. This subsection does not require the person to successfully complete an ordered rehabilitative program before driving a vehicle with an ignition interlock device on a restricted license.

(6) If the judgment and sentence are appealed to circuit court, the court may ex parte order the secretary of state to stay the suspension, revocation, or restricted license issued by the secretary of state pending the outcome of the appeal.

History: Add. 1966, Act 243, Eff. Mar. 10, 1967;—Am. 1976, Act 285, Eff. Apr. 1, 1977;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 309, Eff. Mar. 30, 1983;—Am. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1991, Act 93, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 357, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2008, Act 462, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 309 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.625c THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625c.amended ******

257.625c Consent to chemical tests; persons not considered to have given consent to withdrawal of blood; administration of tests.

Sec. 625c. (1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood or urine or the amount of alcohol in his or her breath in all of the following circumstances:

(a) If the person is arrested for a violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), section 625a(5), or section 625m.

(b) If the person is arrested for felonious driving, negligent homicide, manslaughter, or murder resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe the person was operating the vehicle in violation of section 625.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in section 625a(6).

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are

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commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

****** 257.625c.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.625c.amended Consent to chemical tests; persons not considered to have given consent to withdrawal of blood; administration of tests.

Sec. 625c. (1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state is considered to have given consent to chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood or urine or the amount of alcohol in his or her breath in all of the following circumstances:

(a) If the person is arrested for a violation of section 625(1), (3), (4), (5), (6), (7), or (8), section 625a(5), or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8), section 625a(5), or section 625m.

(b) If the person is arrested for a violation of section 601d, section 626(3) or (4), or manslaughter, or murder resulting from the operation of a motor vehicle, and the peace officer had reasonable grounds to believe the person was operating the vehicle in violation of section 625.

(2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anticoagulant under the direction of a physician is not considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in section 625a(6).

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 350, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625d Refusal to submit to chemical test; court order; report to secretary of state; form.

Sec. 625d. (1) If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to section 625a(6), a test shall not be given without a court order, but the officer may seek to obtain the court order.

(2) A written report shall immediately be forwarded to the secretary of state by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1), and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the secretary of state.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625e Refusal to submit to chemical test pursuant to MCL 257.625d; request for hearing; notice.

Sec. 625e. (1) If a person refuses to submit to a chemical test pursuant to section 625d, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice the person may request a hearing as provided in section 625f. The form of the notice shall be prescribed and furnished by the secretary of state.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 104, Eff. Jan. 1, 1992.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or

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incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625f Effect of failure to request hearing; hearing procedure; notice; authority of hearing officer; scope of hearing; finding; record; licensing sanctions; judicial review; notice to motor vehicle administrator of another state.

Sec. 625f. (1) If a person who refuses to submit to a chemical test pursuant to section 625d does not request a hearing within 14 days after the date of notice pursuant to section 625e, the secretary of state shall impose the following license sanctions:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny the person's operator's or chauffeur's license or permit to drive, or nonresident operating privilege, for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years.

(b) If the person was operating a commercial motor vehicle, for the first refusal, suspend all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for 1 year.

(c) If the person was operating a commercial motor vehicle, for a second or subsequent refusal that occurred in a separate incident from and within 10 years of a prior refusal, revoke all vehicle group designations on the person's operator's or chauffeur's license or permit or nonresident privilege to operate a commercial motor vehicle or, if the person is a resident without a license or permit to operate a commercial motor vehicle in the state, not issue the person an operator's or chauffeur's license with vehicle group designations, for not less than 10 years and until the person is approved for the issuance of a vehicle group designation.

(d) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanction described in subdivision (a) and the license sanction described in subdivision (b) or (c), as applicable.

(2) If a hearing is requested, the secretary of state shall hold the hearing in the same manner and under the same conditions as provided in section 322. Not less than 5 days' notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under section 625d, and if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer may administer oaths, issue subpoenas for the attendance of necessary witnesses, and grant a reasonable request for an adjournment. Not more than 1 adjournment shall be granted to a party and the length of an adjournment shall not exceed 14 days. A hearing under this subsection shall be scheduled to be held within 45 days after the date of arrest for the violation. The hearing officer shall not impose any sanction for a failure to comply with these time limits.

(3) Except for delay attributable to the unavailability of the defendant, a witness, or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, a hearing shall be finally adjudicated within 77 days after the date of arrest. The hearing officer shall not impose any sanction for a failure to comply with this time limit.

(4) The hearing shall cover only the following issues:

(a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in section 625c(1).

(b) Whether the person was placed under arrest for a crime described in section 625c(1).

(c) If the person refused to submit to the test upon the request of the officer, whether the refusal was reasonable.

(d) Whether the person was advised of the rights under section 625a(6).

(5) A person shall not order a hearing officer to make a particular finding on any issue enumerated in subsection (4)(a) to (d).

(6) The hearing officer shall make a record of a hearing held pursuant to this section. The record shall be prepared and transcribed in accordance with section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286. Upon notification of the filing of a petition for judicial review pursuant to section 323 and not less than 10 days before the matter is set for review, the hearing officer shall transmit to the court in which the petition was filed the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to

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determine whether the court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party unreasonably refusing to stipulate to a shortened record may be taxed by the court in which the petition is filed for the additional costs. The court may permit subsequent corrections to the record.

(7) If the person who requested a hearing does not prevail, the secretary of state shall impose the following license sanctions after the hearing:

(a) If the person was operating a vehicle other than a commercial motor vehicle, suspend or deny issuance of a license or driving permit or a nonresident operating privilege of the person for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. If the person is a resident without a license or permit to operate a vehicle in the state, the secretary of state shall not issue the person a license or permit for 1 year or, for a second or subsequent refusal within 7 years, for 2 years. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323.

(b) If the person was operating a commercial motor vehicle, impose the sanction prescribed under subsection (1)(b) or (1)(c), as applicable. The person may file a petition in the circuit court of the county in which the arrest was made to review the suspension or denial as provided in section 323.

(c) If the person was operating a commercial motor vehicle and was arrested for an offense enumerated in section 625c other than a violation of section 625a(5) or 625m, impose the license sanctions described in subdivisions (a) and (b).

(8) If the person who requested the hearing prevails, the peace officer who filed the report under section 625d may, with the consent of the prosecuting attorney, file a petition in the circuit court of the county in which the arrest was made to review the determination of the hearing officer as provided in section 323.

(9) When it has been finally determined that a nonresident's privilege to operate a vehicle in the state has been suspended or denied, the department shall give notice in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of each state in which he or she has a license to operate a motor vehicle.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1968, Act 335, Eff. Nov. 15, 1968;—Am. 1976, Act 9, Imd. Eff. Feb. 13, 1976;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625g Duties of peace officer if person refuses chemical test or if test reveals unlawful alcohol content; test results; duration of temporary license or permit; "unlawful alcohol content" defined.

Sec. 625g. (1) If a person refuses a chemical test offered pursuant to section 625a(6), or submits to the chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.

(b) Except as provided in subsection (2), immediately do all of the following:

(*i*) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section 625d to the secretary of state.

(*ii*) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.

(*iii*) Destroy the person's driver's license or permit.

(2) If a person submits to a chemical test offered pursuant to section 625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1)(a) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1)(b). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

(3) A temporary license or permit issued under this section is valid for 1 of the following time periods:

(a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is

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suspended pursuant to section 625f, whichever occurs earlier. The prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.

(b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.

(4) As used in this section, “unlawful alcohol content” means any of the following, as applicable:

(a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person tested is not a person described in subdivision (a) or (b), 0.08 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

History: Add. 1967, Act 253, Eff. Nov. 2, 1967;—Am. 1980, Act 515, Eff. Apr. 1, 1981;—Am. 1991, Act 95, Eff. Jan. 1, 1992;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Administrative rules: R 325.2651 et seq. of the Michigan Administrative Code.

257.625h Drunk driving prevention equipment and training fund; drunk driving caseflow assistance fund.

Sec. 625h. (1) The drunk driving prevention equipment and training fund is created as a separate fund in the state treasury. Money in the fund shall be expended only as provided in subsection (2). The state treasurer shall credit to the fund all money received for that purpose under section 320e, and as otherwise provided by law. The state treasurer shall invest money in the fund in the same manner as surplus funds are invested under section 143 of 1855 PA 105, MCL 21.143. Earnings from the fund shall be credited to the fund. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the general fund.

(2) The department of state police shall administer the fund. Money in the fund shall be used only to administer the fund, to purchase and maintain breath alcohol testing equipment, and to provide training to law enforcement personnel of this state in the use of that breath alcohol testing equipment.

(3) The department of treasury shall, before November 1 of each year, notify the department of state police of the balance in the fund at the close of the preceding fiscal year.

(4) The department of state police shall promulgate rules to implement subsection (2).

(5) The drunk driving caseflow assistance fund is created as a separate fund in the state treasury. The purpose of the fund is to promote the timely disposition of cases in which the defendant is charged with a violation of any of the following or a local ordinance substantially corresponding to any of the following:

(a) Section 625 or 625m.

(b) Section 80176, 81134, 81135, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, 324.81135, and 324.82127.

(6) Money in the fund shall be expended only as provided in subsection (8).

(7) The state treasurer shall credit the drunk driving caseflow assistance fund with deposits of proceeds from the collection of revenue from license reinstatement fees as provided for in section 320e, and all income from investment credited to the fund by the state treasurer. The state treasurer may invest money contained in the drunk driving caseflow assistance fund in any manner authorized by law for the investment of state money. However, an investment shall not interfere with any apportionment, allocation, or payment of money as required by this section. The state treasurer shall credit to the fund all income earned as a result of an investment. Money in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

(8) The state court administrator, at the direction of the supreme court and upon confirmation of the amount by the state treasurer, shall distribute from the drunk driving caseflow assistance fund the total amount available in a fiscal year to each district of the district court and each municipal court as provided in this section. The state court administrator, after reimbursement of costs as provided in this subsection, shall distribute the balance of the drunk driving caseflow assistance fund annually to each district of the district court and each municipal court in an amount determined by multiplying the amount available for distribution by a fraction, the numerator of which is the number of cases in which the defendant was charged with a violation enumerated in subsection (5) in the prior calendar year in that district of the district court or that municipal court as certified by the state court administrator and the denominator of which is the total number of cases in all districts of the district court and all municipal courts in which the defendant was charged with a

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violation enumerated in subsection (5) in the calendar year. The state court administrative office shall be reimbursed annually from the drunk driving caseflow assistance fund for all reasonable costs associated with the administration of this section, including judicial and staff training, on-site management assistance, and software development and conversion.

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 98, Eff. Oct. 1, 1991;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 59, Imd. Eff. Feb. 26, 1996;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Another Sec. 6a, as added by Act 104 of 1991, was originally compiled at MCL 257.625h[1] to distinguish it from this Sec. 6a, as added by Act 310 of 1983. Former MCL 257.625h[1], which pertained to preliminary chemical breath analysis, was repealed by Act 104 of 1991, Eff. Jan. 1, 1992.

257.625i Michigan annual drunk driving audit; preparation; contents; report; evaluation of 1998 legislation.

Sec. 625i. (1) The department of state police shall prepare an annual report that shall be designated the Michigan annual drunk driving audit. The secretary of state, circuit court, district court, family division of circuit court, municipal courts, and local units of government in this state shall cooperate with the department of state police to provide information necessary for the preparation of the report. A copy of the report prepared under this subsection shall be submitted to the governor, the secretary of the senate, the clerk of the house of representatives, and the secretary of state on July 1 of each year. The report shall contain for each county in the state all of the following information applicable to the immediately preceding calendar year:

(a) The number of alcohol related motor vehicle crashes resulting in bodily injury, including a breakdown of the number of those injuries occurring per capita of population and per road mile in the county.

(b) The number of alcohol related motor vehicle crashes resulting in death, including the breakdown described in subdivision (a).

(c) The number of alcohol related motor vehicle crashes, other than those enumerated in subdivisions (a) and (b), including the breakdown described in subdivision (a).

(d) The number of arrests made for violations of section 625(1) or local ordinances substantially corresponding to section 625(1).

(e) The number of arrests made for violations of section 625(3) or local ordinances substantially corresponding to section 625(3).

(f) The number of arrests made for violations of section 625(6) or local ordinances substantially corresponding to section 625(6).

(g) The number of arrests made for violations of section 625(4) or (5).

(h) The number of arrests made for violations of section 625(7).

(i) The number of arrests made for violations of section 625(8).

(j) The number of operator's or chauffeur's licenses suspended pursuant to section 625f.

(k) The number of arrests made for violations of section 625m or local ordinances substantially corresponding to section 625m.

(2) The secretary of state shall compile a report of dispositions of charges for violations of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or local ordinances substantially corresponding to section 625(1), (3), (6), or (8) or section 625m or section 33b(1) or (2) of former 1933 (Ex Sess) PA 8, or section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, by each judge for inclusion in the annual report. The report compiled by the secretary of state shall include information regarding all of the following:

(a) The number of dismissals granted.

(b) The number of convictions entered.

(c) The number of acquittals entered.

(d) The average length of imprisonment imposed.

(e) The average length of community service imposed in lieu of imprisonment.

(f) The average fine imposed.

(g) The number of vehicles ordered immobilized under section 904d.

(h) The number of vehicles ordered forfeited under section 625n.

(3) The secretary of state shall include in the compilation under subsection (2) the number of licenses suspended, revoked, or restricted for those violations.

(4) The department of state police shall enter into a contract with the university of Michigan transportation

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research institute, under which the university of Michigan transportation research institute shall evaluate the effect and impact of the 1998 legislation addressing drunk and impaired driving in this state and report its findings to the governor and the legislature not later than October 1, 2002.

History: Add. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1994, Act 211, Eff. Nov. 1, 1994;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 354, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

257.625j Repealed. 1991, Act 98, Eff. Jan. 1, 1992.

Compiler's note: The repealed section pertained to the Michigan drunk driving task force.

****** 257.625k THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625k.amended ******

257.625k Ignition interlock device; approval; certification; list of manufacturers; rules; cost; notice to department by certifying laboratory; unlawful conduct; penalties.

Sec. 625k. (1) The department shall approve an ignition interlock device certified by a department-approved laboratory as complying with the national highway traffic safety administration's model specifications for breath alcohol ignition interlock devices (BAIID), 57 F.R. p. 11772, April 7, 1992. Subject to subsection (5), the department shall publish a list of all manufacturers of approved certified devices.

(2) The secretary of state shall promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The manufacturer of an ignition interlock device shall bear the cost of that device's certification.

(4) A laboratory that certifies an ignition interlock device as provided in this section shall immediately notify the department of that certification.

(5) The department shall not include the manufacturer of a certified ignition interlock device on the list of manufacturers published under subsection (1) unless the manufacturer complies with all of the following:

(a) The manufacturer has filed copies of all of the following with the department:

(*i*) A bond executed as provided in section 625o or a letter of credit.

(*ii*) Evidence of insurance as described in section 625*l*.

(*iii*) An affidavit that the ignition interlock device is all of the following:

(A) An alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's breath alcohol level.

(B) Calibrated to render the motor vehicle incapable of being started if the device detects an alcohol content of 0.025 grams or more per 210 liters of breath of the person who offers a breath sample.

(C) Set to periodically take samples while the vehicle is in operation and to do 1 or both of the following:

(I) Emit a warning signal when the device detects an alcohol content of 0.025 grams or more per 210 liters of breath in the person who offers a breath sample.

(II) If it detects an alcohol content of 0.04 grams or more per 210 liters of breath of the person who offers the breath sample, render the vehicle inoperable as soon as the vehicle is no longer being operated.

(b) The manufacturer of ignition interlock devices provides a list of installers who are authorized to install and service its ignition interlock devices to the secretary of state.

(c) Agrees to have service locations within 50 miles of any location within this state.

(d) Agrees to provide an ignition interlock device without cost to a person whose gross income for the immediately preceding tax year based on his or her state income tax return was less than 150% of the official poverty line for that same tax year established in the poverty guidelines issued by the secretary of health and human services under authority of section 673(2) of the community services block grant act, subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 U.S.C. 9902. A person in whose vehicle an ignition interlock device is installed without cost under this subdivision shall pay a maintenance fee to the installer of not more than $1.00 per day.

(e) Agrees to periodically monitor installed ignition interlock devices and if monitoring indicates that the device has been circumvented, to communicate that fact to the secretary of state or to the court, as appropriate.

(6) A manufacturer that has made a filing under subsection (5) shall immediately notify the department if the device no longer meets the requirements of subsection (5).

(7) A person who knowingly provides false information to the department under subsection (4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not

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less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution.

(8) A person who negligently provides false information to the department under subsection (4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution.

(9) A person who knowingly fails to comply with subsection (6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution.

(10) A person who negligently fails to comply with subsection (6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

Administrative rules: R 257.1001 et seq. of the Michigan Administrative Code.

****** 257.625k.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.625k.amended Ignition interlock device; approval; certification; list of manufacturers; rules; cost; notice to department by certifying laboratory; unlawful conduct; penalties.

Sec. 625k. (1) The department shall approve an ignition interlock device certified by a department-approved laboratory as complying with the model specifications for breath alcohol ignition interlock devices (BAIID), 57 FR 11772 - 11787 (April 7, 1992). Subject to subsection (5), the department shall provide a list of all manufacturers of approved certified devices to each person who is issued a restricted license that permits the person to drive a vehicle only if it is equipped with an ignition interlock device. The department shall rotate the order of the providers with each list provided under this subsection.

(2) The secretary of state shall promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The manufacturer of an ignition interlock device shall bear the cost of that device's certification.

(4) A laboratory that certifies an ignition interlock device as provided in this section shall immediately notify the department of that certification.

(5) The department shall not include the manufacturer of a certified ignition interlock device on the list of manufacturers published under subsection (1) unless the manufacturer complies with all of the following:

(a) The manufacturer has filed copies of all of the following with the department:

(*i*) A bond executed as provided in section 625o or a letter of credit.

(*ii*) Evidence of insurance as described in section 625*l*.

(*iii*) An affidavit that the ignition interlock device meets all of the following conditions:

(A) Meets the definition in section 20d.

(B) Is set to periodically take samples while the vehicle is in operation and to do both of the following when the device detects an alcohol content of 0.025 grams or more per 210 liters of breath in the person who offers a breath sample or if a breath sample is not given within the allotted time:

(I) Emit a visible or audible warning signal.

(II) Render the vehicle inoperable as soon as the vehicle is no longer being operated, requiring the operator to provide a breath sample containing a breath alcohol level of less than 0.025 grams per 210 liters of breath before the vehicle may be restarted.

(b) Provides a list of installers who are authorized to install and service its ignition interlock devices to the secretary of state.

(c) Agrees to have service locations within 50 miles of any location within this state.

(d) Agrees to provide an ignition interlock device without cost to a person whose gross income for the immediately preceding tax year based on his or her state income tax return was less than 150% of the official poverty line for that same tax year established in the poverty guidelines issued by the secretary of health and human services under 42 USC 9902. A person in whose vehicle an ignition interlock device is installed without cost under this subdivision shall pay a maintenance fee to the installer of not more than $2.00 per day.

(e) Agrees to comply with the reporting requirements of the secretary of state.

(f) Agrees to periodically monitor installed ignition interlock devices and if monitoring indicates that the device has been circumvented, tampered with, or that a person with a breath alcohol level of 0.025 or more grams per 210 liters of breath has attempted to operate the motor vehicle, or both, to communicate all of the relevant information concerning these facts to the secretary of state or to the court, or both, as appropriate.

(6) A manufacturer that has made a filing under subsection (5) shall immediately notify the department if the device no longer meets the requirements of subsection (5).

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(7) A person who knowingly provides false information to the department under subsection (4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution.

(8) A person who negligently provides false information to the department under subsection (4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution.

(9) A person who knowingly fails to comply with subsection (6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than $5,000.00 or more than $10,000.00, or both, together with costs of the prosecution.

(10) A person who negligently fails to comply with subsection (6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both, together with costs of the prosecution.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 461, Eff. Oct. 31, 2010.

Administrative rules: R 257.1001 et seq. of the Michigan Administrative Code.

****** 257.625l THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625l.amended ******

257.625*l* Ignition interlock device; warning label; prohibited conduct; violation as misdemeanor; penalty; definition; liability; insurance; servicing.

Sec. 625*l*. (1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has an ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law.

(2) A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request or solicit any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

(3) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted.

(4) A person shall not tamper with or circumvent the operation of an ignition interlock device.

(5) A person who violates subsection (2), (3), or (4) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $5,000.00, or both.

(6) As used in this act, “ignition interlock device” or “device” means an alcohol concentration measuring device that prevents a motor vehicle from being started at any time without first determining through a deep lung sample the operator's breath alcohol level. The system shall be calibrated so that the motor vehicle may not be started if the breath alcohol level of the operator, as measured by the test, reaches a level of 0.025 grams per 210 liters of breath.

(7) The state, or the department, its officers, employees, or agents, or a court, its officers, employees, or agents are not liable in any claim or action that may arise, directly or indirectly, out of any act or omission by a manufacturer, installer, or servicing agent of an ignition interlock device that results in damage to persons or property.

(8) A person shall not sell, lease, install, or monitor in a vehicle in this state an ignition interlock device unless the ignition interlock device manufacturer and provider carries liability insurance covering product liability, including, but not limited to, insurance to indemnify the department and any person injured as a result of a design defect or the calibration or removal of the ignition interlock device or a misrepresentation about the ignition interlock device. The insurance required by this subsection shall be in an amount of not less than $1,000,000.00 per incident.

(9) The provider of insurance described in this section may cancel the insurance upon 30 days' written notice to the department and is not liable for a claim arising from an event that occurs after the effective date of a cancellation made in compliance with this section.

(10) An ignition interlock device shall be serviced according to manufacturer's standards. Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory. Only authorized employees of the manufacturer or the department, or other persons approved by the court, may observe the installation of a device. Reasonable security measures must be taken to prevent the customer from observing the installation

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of a device or obtaining access to installation materials.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

***** *257.625l.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010* *****

257.625*l*.amended Ignition interlock device; warning label; prohibited conduct; violation as misdemeanor; penalty; impoundment of motor vehicle; liability; insurance; servicing.

Sec. 625*l*. (1) The manufacturer of an ignition interlock device shall design a warning label, and the person who has an ignition interlock device shall promptly affix that label to each ignition interlock device upon installation. The label shall contain a warning that any person tampering with, circumventing, or otherwise misusing the device is guilty of a misdemeanor punishable as provided by law.

(2) A person who is only permitted to operate a motor vehicle equipped with an ignition interlock device shall not operate a motor vehicle on which an ignition interlock device is not properly installed.

(3) A person who has an ignition interlock device installed and whose driving privilege is restricted shall not request or solicit any other person to blow into an ignition interlock device or to start a vehicle equipped with the device for the purpose of providing the person whose driving privilege is restricted with an operable vehicle.

(4) A person shall not blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable vehicle to a person who has an interlock device installed and whose driving privilege is restricted.

(5) A person shall not tamper with or circumvent the operation of an ignition interlock device.

(6) A person who violates subsection (2), (3), (4), or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than $5,000.00, or both.

(7) If a law enforcement officer detains the operator of a motor vehicle for violating a law of this state or a local ordinance and the operator is a person required to only operate a motor vehicle with an ignition interlock device properly installed, but no ignition interlock device is properly installed on the motor vehicle, the law enforcement officer shall impound the motor vehicle. If a motor vehicle impounded under this subsection is individually or jointly owned by the operator, the law enforcement officer shall do all of the following:

(a) Immediately confiscate the motor vehicle registration plate and destroy it.

(b) Issue a temporary registration plate for the vehicle in the same manner prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b.

(c) Place the temporary registration plate issued under subdivision (b) on the motor vehicle in the manner prescribed by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was destroyed and a temporary registration plate was issued to the motor vehicle.

(8) A temporary registration plate issued under this section is valid until the charges for violating subsection (2) are dismissed, the person pleads guilty or no contest to the charge, or the person is found guilty to or is acquitted of the charge.

(9) If the motor vehicle impounded under this section is not owned individually or jointly by the operator, the law enforcement officer shall impound the motor vehicle by contacting a local towing agency. The motor vehicle shall only be returned to the registered owner.

(10) The owner of a motor vehicle impounded under this section is liable for the expenses incurred in the removal and storage of the motor vehicle whether or not it is returned to him or her. The motor vehicle shall be returned to the owner only if the owner pays the expenses of removal and storage. If redemption is not made or the vehicle is not returned as described under this subsection, it shall be considered an abandoned vehicle and disposed of under section 252a.

(11) The state, or the department, its officers, employees, or agents, or a court, its officers, employees, or agents are not liable in any claim or action that may arise, directly or indirectly, out of any act or omission by a manufacturer, installer, or servicing agent of an ignition interlock device that results in damage to persons or property.

(12) A person shall not sell, lease, install, or monitor in a vehicle in this state an ignition interlock device unless the ignition interlock device manufacturer and provider carries liability insurance covering product liability, including, but not limited to, insurance to indemnify the department and any person injured as a result of a design defect or the calibration or removal of the ignition interlock device or a misrepresentation about the ignition interlock device. The insurance required by this subsection shall be in an amount of not less than $1,000,000.00 per incident.

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(13) The provider of insurance described in this section may cancel the insurance upon 30 days' written notice to the department and is not liable for a claim arising from an event that occurs after the effective date of a cancellation made in compliance with this section.

(14) An ignition interlock device shall be serviced according to manufacturer's standards. Service shall include, but not be limited to, physical inspection of the device and vehicle for tampering, calibration of the device, and monitoring of the data contained within the device's memory. Only authorized employees of the manufacturer or the department, or other persons approved by the court, may observe the installation of a device. Reasonable security measures shall be taken to prevent the customer from observing the installation of a device or obtaining access to installation materials.

History: Add. 1987, Act 109, Eff. Mar. 30, 1988;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 340, Eff. Oct. 1, 1999;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 461, Eff. Oct. 31, 2010.

****** 257.625m THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.625m.amended ******

257.625m Operation of commercial motor vehicle by person with certain alcohol content; arrest without warrant; violation as misdemeanor; sentence; "prior conviction" defined.

Sec. 625m. (1) A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, an alcohol content of 0.04 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, shall not operate a commercial motor vehicle within this state.

(2) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(b) The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(3) Except as otherwise provided in subsections (4) and (5), a person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution.

(4) A person who violates this section or a local ordinance substantially corresponding to this section within 7 years of 1 prior conviction may be sentenced to imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(5) A person who violates this section or a local ordinance substantially corresponding to this section within 10 years of 2 or more prior convictions is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(a) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(b) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subdivision shall be served consecutively.

(6) A term of imprisonment imposed under subsection (4) or (5) shall not be suspended.

(7) Subject to subsection (9), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (8), a violation or attempted violation of any of the following:

(*i*) This section.

(*ii*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*iii*) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

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(8) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(9) If 2 or more convictions described in subsection (7) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: Add. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

****** 257.625m.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.625m.amended Operation of commercial motor vehicle by person with certain alcohol content; arrest without warrant; violation as misdemeanor; sentence; "prior conviction" defined.

Sec. 625m. (1) A person, whether licensed or not, who has an alcohol content of 0.04 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, an alcohol content of 0.04 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, shall not operate a commercial motor vehicle within this state.

(2) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a commercial motor vehicle involved in the accident and was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(b) The person is found in the driver's seat of a commercial motor vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of this section or a local ordinance substantially corresponding to this section.

(3) Except as otherwise provided in subsections (4) and (5), a person who is convicted of a violation of this section or a local ordinance substantially corresponding to this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $300.00, or both, together with costs of the prosecution.

(4) A person who violates this section or a local ordinance substantially corresponding to this section within 7 years of 1 prior conviction may be sentenced to imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(5) A person who violates this section or a local ordinance substantially corresponding to this section within 10 years of 2 or more prior convictions is guilty of a felony and shall be sentenced to pay a fine of not less than $500.00 or more than $5,000.00 and to either of the following:

(a) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(b) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of the imprisonment imposed under this subdivision shall be served consecutively.

(6) A term of imprisonment imposed under subsection (4) or (5) shall not be suspended.

(7) Subject to subsection (9), as used in this section, "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (8), a violation or attempted violation of any of the following:

(*i*) This section.

(*ii*) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(*iii*) Former section 625b.

(*iv*) Section 601d or section 626(3) or (4).

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(8) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

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(9) If 2 or more convictions described in subsection (7) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

History: Add. 1991, Act 94, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 347, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

257.625n Forfeiture of vehicle or return to lessor.

Sec. 625n. (1) Except as otherwise provided in this section and in addition to any other penalty provided for in this act, the judgment of sentence for a conviction for a violation of section 625(1) described in section 625(9)(b) or (c), a violation of section 625(3) described in section 625(11)(b) or (c), a violation of section 625(4), (5), or (7), or a violation of section 904(4) or (5) may require 1 of the following with regard to the vehicle used in the offense if the defendant owns the vehicle in whole or in part or leases the vehicle:

(a) Forfeiture of the vehicle if the defendant owns the vehicle in whole or in part.

(b) Return of the vehicle to the lessor if the defendant leases the vehicle.

(2) The vehicle may be seized pursuant to an order of seizure issued by the court having jurisdiction upon a showing of probable cause that the vehicle is subject to forfeiture or return to the lessor.

(3) The forfeiture of a vehicle is subject to the interest of the holder of a security interest who did not have prior knowledge of or consent to the violation.

(4) Within 14 days after the defendant's conviction for a violation described in subsection (1), the prosecuting attorney may file a petition with the court for the forfeiture of the vehicle or to have the court order return of a leased vehicle to the lessor. The prosecuting attorney shall give notice by first-class mail or other process to the defendant and his or her attorney, to all owners of the vehicle, and to any person holding a security interest in the vehicle that the court may require forfeiture or return of the vehicle.

(5) If a vehicle is seized before disposition of the criminal proceedings, a defendant who is an owner or lessee of the vehicle may move the court having jurisdiction over the proceedings to require the seizing agency to file a lien against the vehicle and to return the vehicle to the owner or lessee pending disposition of the criminal proceedings. The court shall hear the motion within 7 days after the motion is filed. If the defendant establishes at the hearing that he or she holds the legal title to the vehicle or that he or she has a leasehold interest and that it is necessary for him or her or a member of his or her family to use the vehicle pending the outcome of the forfeiture action, the court may order the seizing agency to return the vehicle to the owner or lessee. If the court orders the return of the vehicle to the owner or lessee, the court shall order the defendant to post a bond in an amount equal to the retail value of the vehicle, and shall also order the seizing agency to file a lien against the vehicle.

(6) Within 14 days after notice by the prosecuting attorney is given under subsection (4), the defendant, an owner, lessee, or holder of a security interest may file a claim of interest in the vehicle with the court. Within 21 days after the expiration of the period for filing claims, but before or at sentencing, the court shall hold a hearing to determine the legitimacy of any claim, the extent of any co-owner's equity interest, the liability of the defendant to any co-lessee, and whether to order the vehicle forfeited or returned to the lessor. In considering whether to order forfeiture, the court shall review the defendant's driving record to determine whether the defendant has multiple convictions under section 625 or a local ordinance substantially corresponding to section 625, or multiple suspensions, restrictions, or denials under section 904, or both. If the defendant has multiple convictions under section 625 or multiple suspensions, restrictions, or denials under section 904, or both, that factor shall weigh heavily in favor of forfeiture.

(7) If a vehicle is forfeited under this section, the unit of government that seized the vehicle shall sell the vehicle pursuant to the procedures under section 252g(1) and dispose of the proceeds in the following order of priority:

(a) Pay any outstanding security interest of a secured party who did not have prior knowledge of or consent to the commission of the violation.

(b) Pay the equity interest of a co-owner who did not have prior knowledge of or consent to the commission of the violation.

(c) Satisfy any order of restitution entered in the prosecution for the violation.

(d) Pay any outstanding accrued towing and storage fees.

(e) Pay the claim of each person who shows that he or she is a victim of the violation to the extent that the claim is not covered by an order of restitution.

(f) Pay any outstanding lien against the property that has been imposed by a governmental unit.

(g) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs.

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(h) The balance remaining after the payment of items (a) through (g) shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in effecting the forfeiture. Seventy-five percent of the money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws and 25% of the money shall be used to implement the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. A unit of government receiving money under this subdivision shall report annually to the department of management and budget the amount of money received under this subdivision that was used to enhance enforcement of the criminal laws and the amount that was used to implement the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

(8) The court may order the defendant to pay to a co-lessee any liability determined under subsection (6). The order may be enforced in the same manner as a civil judgment.

(9) The return of a vehicle to the lessor under this section does not affect or impair the lessor's rights or the defendant's obligations under the lease.

(10) A person who knowingly conceals, sells, gives away, or otherwise transfers or disposes of a vehicle with the intent to avoid forfeiture or return of the vehicle to the lessor under this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both.

(11) The failure of the court or prosecutor to comply with any time limit specified in this section does not preclude the court from ordering forfeiture of a vehicle or its return to a lessor, unless the court finds that the owner or claimant suffered substantial prejudice as a result of that failure.

(12) The forfeiture provisions of this section do not preclude the prosecuting attorney from pursuing a forfeiture proceeding under any other law of this state or a local ordinance substantially corresponding to this section.

History: Add. 1996, Act 491, Eff. Apr. 1, 1997;—Am. 1998, Act 349, Eff. Oct. 1, 1999;—Am. 2008, Act 463, Eff. Oct. 31, 2010;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.625o Ignition interlock device; sale, lease, or installation in vehicle; surety bond.

Sec. 625o. (1) A person shall not sell, lease, or install in a vehicle in this state an ignition interlock device unless the manufacturer of the device has obtained an executed bond described in subsection (2) or a renewal certificate for that bond.

(2) The bond required under subsection (1) shall be in the amount of $50,000.00 with a surety approved by the department and shall be conditioned to indemnify or reimburse a person who has an ignition interlock device installed on his or her vehicle for monetary loss caused by the manufacturer's fraud, cheating, misrepresentation, or defaulting on a contractual obligation, whether the fraud, cheating, misrepresentation, or defaulting was done by the manufacturer or by an employee or agent of the manufacturer.

(3) The surety on the bond described in subsection (2) is required to make indemnification or reimbursement for a monetary loss only after final judgment has been entered in a court of record against the manufacturer or an employee or agent of the manufacturer. The surety on the bond may cancel the bond upon 30 days' written notice to the department and is not liable for a loss arising from an event that occurs after the effective date of the cancellation.

History: Add. 1998, Act 340, Eff. Oct. 1, 1999.

***** *257.626 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.626.amended* *****

257.626 Reckless driving on highway, frozen public lake, or parking place; violation as misdemeanor; penalty.

Sec. 626. (1) A person who drives a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 3, Eff. Oct. 2, 1953;—Am. 1957, Act 178, Eff. Sept. 27, 1957;—Am. 1965, Act 262, Eff. Mar. 31, 1966;—Am. 2004, Act 331, Eff. Nov. 1, 2004.

***** *257.626.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010* *****

257.626.amended Reckless driving on highway, frozen public lake, or parking place;

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violation as misdemeanor; penalty; operation of motor vehicle causing impairment of body function to another person or death of another person; penalty.

Sec. 626. (1) A person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public, including, but not limited to, an area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) Except as provided in subsections (3) and (4), a person who operates a vehicle in violation of subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both.

(3) A person who operates a vehicle in violation of subsection (1) and by the operation of that vehicle causes serious impairment of a body function to another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(4) A person who operates a vehicle in violation of subsection (1) and by the operation of that vehicle causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. The judgment of sentence may impose the sanction permitted under section 625n. If the vehicle is not ordered forfeited under section 625n, the court shall order vehicle immobilization under section 904d in the judgment of sentence.

(5) In a prosecution under subsection (4), the jury shall not be instructed regarding the crime of moving violation causing death.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 3, Eff. Oct. 2, 1953;—Am. 1957, Act 178, Eff. Sept. 27, 1957;—Am. 1965, Act 262, Eff. Mar. 31, 1966;—Am. 2004, Act 331, Eff. Nov. 1, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

257.626a Drag races; prohibition on public highways; definition; prima facie evidence.

Sec. 626a. It shall be unlawful for any person to operate any vehicle upon any highway, or any other place open to the general public, including any area designated for the parking of motor vehicles, within this state, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined.

"Drag racing" means the operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful.

History: Add. 1964, Act 206, Eff. Aug. 28, 1964;—Am. 1966, Act 159, Eff. Mar. 10, 1967.

257.626b Careless or negligent operation of vehicle as civil infraction.

Sec. 626b. A person who operates a vehicle upon a highway or a frozen public lake, stream, or pond or other place open to the general public including an area designated for the parking of vehicles in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness, is responsible for a civil infraction.

History: Add. 1965, Act 262, Eff. Mar. 31, 1966;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

****** 257.626c THIS SECTION IS REPEALED BY ACT 463 OF 2008 EFFECTIVE OCTOBER 31, 2010 ******

257.626c Operation of vehicle on highway or public place; conduct as felony; penalty.

Sec. 626c. A person who operates a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, carelessly and heedlessly in willful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner that endangers or is likely to endanger any person or property resulting in a serious impairment of a body function of a person, but does not cause death, is guilty of felonious driving punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both.

History: Add. 2001, Act 134, Eff. Feb. 1, 2002.

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257.627 Speed limitations.

Sec. 627. (1) A person operating a vehicle on a highway shall operate that vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. A person shall not operate a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead.

(2) Except in those instances where a lower speed is specified in this chapter or the speed is unsafe pursuant to subsection (1), it is prima facie lawful for the operator of a vehicle to operate that vehicle at a speed not exceeding the following, except when this speed would be unsafe:

(a) 25 miles per hour on all highways in a business district as that term is defined in section 5.

(b) 25 miles per hour in public parks unless a different speed is fixed and duly posted.

(c) 25 miles per hour on all highways or parts of highways within the boundaries of land platted under the land division act, 1967 PA 288, MCL 560.101 to 560.293, or the condominium act, 1978 PA 59, MCL 559.101 to 559.276, unless a different speed is fixed and posted.

(d) 25 miles per hour on a highway segment with 60 or more vehicular access points within 1/2 mile.

(e) 35 miles per hour on a highway segment with not less than 45 vehicular access points but no more than 59 vehicular access points within 1/2 mile.

(f) 45 miles per hour on a highway segment with not less than 30 vehicular access points but no more than 44 vehicular access points within 1/2 mile.

(3) It is prima facie unlawful for a person to exceed the speed limits prescribed in subsection (2), except as provided in section 629.

(4) A person operating a vehicle in a mobile home park as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302, shall operate that vehicle at a careful and prudent speed, not greater than a speed that is reasonable and proper, having due regard for the traffic, surface, width of the roadway, and all other conditions existing, and not greater than a speed that permits a stop within the assured clear distance ahead. It is prima facie unlawful for the operator of a vehicle to operate that vehicle at a speed exceeding 15 miles an hour in a mobile home park as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(5) A person operating a passenger vehicle drawing another vehicle or trailer shall not exceed the posted speed limit.

(6) Except as otherwise provided in this subsection, a person operating a truck with a gross weight of 10,000 pounds or more, a truck-tractor, a truck-tractor with a semi-trailer or trailer, or a combination of these vehicles shall not exceed a speed of 55 miles per hour on highways, streets, or freeways and shall not exceed a speed of 35 miles per hour during the period when reduced loadings are being enforced in accordance with this chapter. However, a person operating a school bus, a truck, a truck-tractor, or a truck-tractor with a semi-trailer or trailer described in this subsection shall not exceed a speed of 60 miles per hour on a freeway if the maximum speed limit on that freeway is 70 miles per hour.

(7) Except as otherwise provided in subsection (6), a person operating a school bus shall not exceed the speed of 55 miles per hour.

(8) The maximum rates of speeds allowed under this section are subject to the maximum rate established under section 629b.

(9) A person operating a vehicle on a highway, when entering and passing through a work zone described in section 79d(a) where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless a different speed limit is determined for that work zone by the state transportation department, a county road commission, or a local authority, based on accepted engineering practice. The state transportation department, a county road commission, or a local authority shall post speed limit signs in each work zone described in section 79d(a) that indicate the speed limit in that work zone and shall identify that work zone with any other traffic control devices necessary to conform to the Michigan manual of uniform traffic control devices. A person shall not exceed a speed limit established under this section or a speed limit established under section 628 or 629.

(10) Subject to subsections (1) and (2)(c), speed limits established pursuant to this section are not valid unless properly posted. In the absence of a properly posted sign, the speed limit in effect shall be the general speed limit pursuant to section 628(1).

(11) Nothing in this section prevents the establishment of an absolute speed limit pursuant to section 628. Subject to subsection (1), an absolute speed limit established pursuant to section 628 supersedes a prima facie

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speed limit established pursuant to this section.

(12) Nothing in this section shall be construed as justification to deny a traffic and engineering investigation.

(13) As used in this section, "vehicular access point" means a driveway or intersecting roadway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 190, Eff. Sept. 27, 1957;—Am. 1959, Act 76, Eff. Mar. 19, 1960;—Am. 1962, Act 120, Eff. Mar. 28, 1963;—Am. 1966, Act 223, Imd. Eff. July 11, 1966;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1976, Act 190, Imd. Eff. July 8, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1986, Act 92, Eff. June 5, 1986;—Am. 1988, Act 460, Imd. Eff. Dec. 27, 1988;—Am. 1990, Act 165, Imd. Eff. July 2, 1990;—Am. 2003, Act 315, Eff. Apr. 8, 2004;—Am. 2004, Act 62, Imd. Eff. Apr. 13, 2004;—Am. 2006, Act 19, Eff. Nov. 9, 2006;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

257.627a "Regularly scheduled school session," "school," and "school zone" defined; prima facie speed limit in school zone; signs; applicability of section to walkway; location of school; school in session year-round.

Sec. 627a. (1) As used in this section and section 629:

(a) "Regularly scheduled school session" means that part of a day of student instruction that is followed by a break for lunch or by a final dismissal of the student body for that day.

(b) "School" means an educational institution operated by a local school district or by a private, denominational, or parochial organization. School does not include an educational institution that the department of education determines has its entire student population in residence at the institution.

(c) "School zone" means school property on which a school building is located and the area adjacent to the school property that is designated by the signs required under subsection (2). Except as otherwise provided in subsection (5), the school zone extends not more than 1,000 feet from the property line of the school in each direction.

(2) Except as provided in subsection (4), the prima facie speed limit in a school zone, which shall be in force not less than 30 minutes but not more than 1 hour before the first regularly scheduled school session until school commences and from dismissal until not less than 30 minutes but not more than 1 hour after the last regularly scheduled school session, and during a lunch period when students are permitted to leave the school, shall be 25 miles an hour, if permanent signs designating the school zone and the speed limit in the school zone are posted at the request of the school superintendent. The signs shall conform to the Michigan manual of uniform traffic control devices.

(3) This section does not apply to a limited access highway or to that portion of a street or highway over which a pedestrian overhead walkway is erected, if the walkway is adjacent to school property and is designed and located so as to be used, and is being used, as the principal means by which students of a school that has property adjacent to the walkway travel to and from the school.

(4) Local authorities may increase or decrease the prima facie speed limit within a school zone under their jurisdiction pursuant to section 629.

(5) Notwithstanding the requirements for a school zone as defined in subsection (1)(c), if a school is located in an area that requires school children to cross a state trunk line highway or county highway that has a speed limit of 35 miles per hour or more to attend that school, the school superintendent may submit a request to the state transportation commission, county road commission, or local authority having jurisdiction over the roadway, as applicable, for a school crossing as permitted under section 613a. If, based on the traffic engineering studies, the road authority determines the need for a lower speed limit, the road authority may designate the crossing as a school zone. Before submitting a request, the school superintendent shall have completed a school route plan as prescribed by section 7A-1 of the Michigan manual of uniform traffic control devices.

(6) Notwithstanding the 25-mile-per-hour prima facie speed limit established by subsection (2), the prima facie speed limit for any street in a school zone that has sidewalks along at least 1 side of the street, which shall be in force during the same periods that a 25-mile-per-hour speed limit provided by subsection (2) would otherwise be effective, shall be set at the limit requested by the superintendent of schools with jurisdiction over the school within the school zone, but this limit shall neither be more than 15 miles per hour below the regularly posted speed limit for that street nor less than 25 miles per hour. Permanent signs designating the school zone and the speed limit in the school zone shall be posted. These signs shall conform to the Michigan manual of uniform traffic control devices.

(7) If appropriate, the school superintendent may request that a sign be erected in the school zone indicating that a school is in session year-round. A sign erected under this subsection shall be posted on the same signpost as the school zone sign and immediately below the school zone sign. The sign shall read "Year-Round School" and shall conform to the Michigan manual of uniform traffic control devices.

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History: Add. 1978, Act 42, Imd. Eff. Mar. 7, 1978;—Am. 1979, Act 21, Eff. Mar. 27, 1980;—Am. 1980, Act 222, Imd. Eff. July 18, 1980;—Am. 1996, Act 574, Imd. Eff. Jan. 16, 1997;—Am. 2000, Act 110, Imd. Eff. May 22, 2000;—Am. 2005, Act 88, Imd. Eff. July 20, 2005.

257.627b Repealed. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: The repealed section pertained to speed limit for school buses.

257.628 Maximum or minimum speed limits; determination; petition by township board; speed control signs, signals, or devices; public record as evidence; violation as civil infraction; absolute speed limits.

Sec. 628. (1) If the state transportation department and the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state trunk line highway is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that state trunk line highway or intersection that shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. The maximum speed limit on all highways or parts of highways upon which a maximum speed limit is not otherwise fixed under this act is 55 miles per hour, which shall be known and may be referred to as the "general speed limit".

(2) If the county road commission, the township board, and the department of state police unanimously determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a county highway is greater or less than is reasonable or safe under the conditions found to exist upon any part of the highway, then acting unanimously they may establish a reasonable and safe maximum or minimum speed limit on that county highway that is effective at the times determined when appropriate signs giving notice of the speed limit are erected on the highway. A township board that does not wish to continue as part of the process provided by this subsection shall notify in writing the county road commission. As used in this subsection, "county road commission" means the board of county road commissioners elected or appointed under section 6 of chapter IV of 1909 PA 283, MCL 224.6, or, in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive.

(3) If a superintendent of a school district determines that the speed of vehicular traffic on a state trunk line or county highway, which is within 1,000 feet of a school in the school district of which that person is the superintendent, is greater or less than is reasonable or safe, the officials identified in subsection (1) or (2), as appropriate, shall include the superintendent of the school district affected in acting jointly in determining and declaring a reasonable and safe maximum or minimum speed limit on that state trunk line or county highway.

(4) In the case of a county highway of not less than 1 mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review for a proposed change in the speed limit, the township board may petition the county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners for a proposed change in the speed limit. The county road commission or in charter counties where there is no road commission, but there is a county board of commissioners, the township board may petition the county board of commissioners to approve the proposed change in the speed limit without the necessity of an engineering and traffic investigation.

(5) If upon investigation the state transportation department or county road commission and the department of state police find it in the interest of public safety, they may order the township board, or city or village officials to erect and maintain, take down, or regulate the speed control signs, signals, or devices as directed, and in default of an order the state transportation department or county road commission may cause the designated signs, signals, and devices to be erected and maintained, taken down, regulated, or controlled, in the manner previously directed, and pay for the erecting and maintenance, removal, regulation, or control of the sign, signal, or device out of the highway fund designated.

(6) A public record of all speed control signs, signals, or devices authorized under this section shall be filed in the office of the county clerk of the county in which the highway is located, and a certified copy shall be prima facie evidence in all courts of the issuance of the authorization. The public record with the county clerk shall not be required as prima facie evidence of authorization in the case of signs erected or placed temporarily for the control of speed or direction of traffic at points where construction, repairs, or maintenance of highways is in progress, or along a temporary alternate route established to avoid the construction, repair, or maintenance of a highway, if the signs are of uniform design approved by the state transportation department and the department of state police and clearly indicate a special control, when

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proved in court that the temporary traffic control sign was placed by the state transportation department or on the authority of the state transportation department and the department of state police or by the county road commission or on the authority of the county road commission, at a specified location.

(7) A person who fails to observe an authorized speed or traffic control sign, signal, or device is responsible for a civil infraction.

(8) Except as otherwise provided in this section, the maximum speed limit on all freeways shall be 70 miles per hour except that if the state transportation department and the department of state police jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a freeway is greater or less than is reasonable or safe under the conditions found to exist upon a part of the freeway, the departments acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit on that freeway that is not more than 70 miles per hour but not less than 55 miles per hour and that shall be effective when appropriate signs giving notice of the speed limit are erected. The minimum speed limit on all freeways is 55 miles per hour except if reduced speed is necessary for safe operation or in compliance with law or in compliance with a special permit issued by an appropriate authority.

(9) The maximum rates of speed allowed under this section are subject to the maximum rates established under section 629b, section 627(5) to (7) for certain vehicles and vehicle combinations, and section 629(4).

(10) Except for the general speed limit described in subsection (1), speed limits established pursuant to this section shall be known as absolute speed limits.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, 1st Ex. Sess., Act 10, Eff. Feb. 3, 1956;—Am. 1956, Act 93, Imd. Eff. Apr. 5, 1956;—Am. 1961, Act 164, Eff. Sept. 8, 1961;—Am. 1963, Act 143, Eff. Sept. 6, 1963;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1974, Act 162, Imd. Eff. June 23, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 143, Imd. Eff. Nov. 8, 1979;—Am. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1988, Act 368, Imd. Eff. Dec. 21, 1988;—Am. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2000, Act 167, Imd. Eff. June 20, 2000;—Am. 2003, Act 64, Imd. Eff. July 22, 2003;—Am. 2003, Act 65, Imd. Eff. July 22, 2003;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.628a Repealed. 1974, Act 28, Imd. Eff. Mar. 2, 1974.

Compiler's note: The repealed section pertained to minimum speed limit on freeways.

257.629 Prima facie speed limits; establishment; limitations; signs; civil infraction; "local authority" defined.

Sec. 629. (1) Local authorities may establish or increase the prima facie speed limits on highways under their jurisdiction subject to the following limitations:

(a) A highway within a business district on which the prima facie speed limit is increased shall be designated a through highway at the entrance to which vehicles shall be required to stop before entering, except that where 2 of these through highways intersect, local authorities may require traffic on only 1 highway to stop before entering the intersection.

(b) The local authorities shall place and maintain, upon all through highways in which the permissible speed is increased, adequate signs giving notice of the special regulations and shall also place and maintain upon each highway intersecting a through highway, appropriate signs which shall be reflectorized or illuminated at night.

(c) Local authorities may establish prima facie lawful speed limits on highways outside of business districts that are consistent with the limits established in section 627(2).

(2) The state transportation department shall establish the speed upon all trunk line highways located within cities and villages as follows:

(a) A written copy of the authorization or determination shall be filed in the office of the county clerk of the county or counties where the highway is located and a certified copy of the authorization or determination shall be prima facie evidence in all courts of the issuance of the authorization or determination.

(b) When the state transportation department increases the speed upon a trunk line highway as provided in this act, subject to section 627a, the state transportation department shall place and maintain upon these highways adequate signs giving notice of the permissible speed fixed by the state transportation commission.

(3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles per hour in public parks under their jurisdiction. A decrease in the prima facie speed limits is binding when adequate signs are duly posted giving notice of the reduced speeds.

(4) Local authorities are authorized to decrease the prima facie speed limits to not less than 25 miles an hour on each street or highway under their jurisdiction that is adjacent to a publicly owned park or playground. A decrease in the prima facie speed limits is binding when adequate signs are duly posted giving

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notice of the reduced speeds. As used in this subsection, "local authority" includes the county road commission with the concurrence of the township board of a township for a street or highway within the boundaries of the township.

(5) The maximum rates of speed allowed under this section are subject to the maximum rate established under section 629b.

(6) A person who exceeds a lawful speed limit established under this section is responsible for a civil infraction.

(7) As used in this section, "local authority" means the governing body of a city or village, except as provided in subsection (4).

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 42, Imd. Eff. Mar. 7, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 21, Eff. Mar. 27, 1980;—Am. 1980, Act 222, Imd. Eff. July 18, 1980;—Am. 1987, Act 193, Imd. Eff. Dec. 2, 1987;—Am. 1988, Act 368, Imd. Eff. Dec. 21, 1988;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

257.629a County traffic safety organization; creation, appropriation.

Sec. 629a. The board of supervisors of any county may create a county traffic safety organization to cooperate with governmental units and officials thereof in the solution of traffic safety problems in the county and to appropriate such sums as it shall deem necessary for the creation and support thereof and to prescribe rules and regulations relative to the duties of such organization and with respect to the expenditure of any such appropriation.

History: Add. 1954, Act 181, Eff. Aug. 13, 1954.

257.629b Reduction of maximum speed limit; violation as civil infraction.

Sec. 629b. (1) The governor may reduce the maximum speed limit on a street, highway, or freeway pursuant to an executive order issued during a state of energy emergency as provided by law.

(2) A person who violates a speed limit established pursuant to this section is responsible for a civil infraction.

History: Add. 1974, Act 28, Imd. Eff. Mar. 2, 1974;—Am. 1975, Act 24, Imd. Eff. Apr. 15, 1975;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1987, Act 154, Eff. Dec. 1, 1987.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

257.629c Points and minimum fine; schedule; applicability of subsection (1).

Sec. 629c. (1) Notwithstanding sections 320a and 907, a person who is determined responsible or responsible "with explanation" for a civil infraction for violating the maximum speed limit on a limited access freeway or part of a limited access freeway upon which the maximum speed limit is 55 miles per hour or more shall be ordered by the court to pay a minimum fine and shall have points entered on his or her driving record by the secretary of state only according to the following schedule, except as otherwise provided in subsections (2) and (3):

Number of miles per hour that the vehicle exceeded the applicable speed limit at the time of the violation	Points	Minimum Fine
1 to 5	0	$10.00
6 to 10	1	$20.00
11 to 15	2	$30.00
16 to 25	3	$40.00
26 or over	4	$50.00

(2) Subsection (1) does not apply to a person operating a vehicle or vehicle combination for which the maximum rate of speed is established pursuant to section 627(5) to (7).

(3) For a violation of a maximum speed limit on a limited access freeway by a person operating a vehicle or vehicle combination described in subsection (2), points shall be assessed under section 320a and fines shall be assessed under section 907.

History: Add. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1996, Act 320, Imd. Eff. June 25, 1996;—Am. 2006, Act 85, Eff. Nov. 9, 2006.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: “It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987.”

257.629d Repealed. 2006, Act 231, Eff. Sept. 24, 2006.

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Compiler's note: The repealed section pertained to highway safety task force.

257.629e Levy, transmittal, and disposition of assessments; annual report; highway safety fund, jail reimbursement program fund, secondary road patrol and training fund; creation; administration; use of money collected; annual report.

Sec. 629e. (1) Before October 1, 2003, in addition to any fine or cost ordered to be paid under this act, and in addition to any assessment levied under section 907, the judge or district court magistrate shall levy a highway safety assessment of $5.00, a jail reimbursement program assessment of $5.00, and a secondary road patrol and training assessment of $10.00 for each civil infraction determination except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessments, the clerk of the court shall transmit the assessments levied to the department of treasury. Until October 1, 2003, the state treasurer shall deposit the revenue received pursuant to this subsection in the highway safety fund, in the jail reimbursement program fund, and in the secondary road patrol and training fund, and shall report annually to the legislature all revenues received and disbursed under this section. An assessment levied under this subsection shall not be considered a civil fine for purposes of section 909.

(2) A highway safety fund, a jail reimbursement program fund, and a secondary road patrol and training fund are created in the department of treasury. The highway safety fund and the secondary road patrol and training fund shall be administered by the department of state police. The jail reimbursement program fund shall be administered by the department of corrections. Until October 1, 2003, money collected under subsection (1) shall be deposited in the respective funds as provided in subsection (1). Beginning October 1, 2003, money collected under subsection (1) shall be deposited in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. Money remaining in the respective funds at the end of a fiscal year shall not lapse but shall remain in the respective funds for use for the purposes of the funds. The money deposited in the highway safety fund shall serve as a supplement to, and not as a replacement for, the funds budgeted for the department of state police. The money in the highway safety fund shall be used by the department of state police for the employment of additional state police enlisted personnel to enforce the traffic laws on the highways and freeways of this state. The money in the jail reimbursement program fund shall be used by the department of corrections to reimburse counties for housing and custody of convicted felons pursuant to the requirements of section 35 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.35. The money in the secondary road patrol and training fund shall be used for secondary road patrol and traffic accident grants pursuant to section 77 of 1846 RS 14, MCL 51.77, and for grants under section 14 of the commission on law enforcement standards act, 1965 PA 203, MCL 28.614. The department of state police and the department of corrections shall report annually to the legislature all revenues received and disbursed under this section.

History: Add. 1987, Act 154, Eff. Dec. 1, 1987;—Am. 1991, Act 163, Imd. Eff. Dec. 16, 1991;—Am. 2000, Act 268, Imd. Eff. July 5, 2000;—Am. 2001, Act 213, Imd. Eff. Dec. 27, 2001;—Am. 2003, Act 73, Eff. Oct. 1, 2003.

Compiler's note: In OAG 6480, issued November 23, 1987, the Attorney General stated: "It is my opinion, therefore, that 1987 PA 154, which fixes maximum speed limit on certain state highways, becomes effective November 29, 1987."

257.630 Repealed. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

Compiler's note: The repealed section pertained to motor-driven cycles.

257.631 Public bridge, causeway, or viaduct; maximum speed, load, or gross weight; violation as civil infraction; assessment of civil fine; exceptions; determination of civil fine; determination of gross weight; investigation; signs; evidence.

Sec. 631. (1) A person shall not drive a vehicle upon a public bridge, causeway, or viaduct at a speed or with a load which is greater than the maximum speed or load which can be maintained with safety to the structure, when the structure is signposted as provided in this section. A person who violates this subsection is responsible for a civil infraction.

(2) A person who drives or moves a vehicle or combination of vehicles, or the owner or lessee of a vehicle who causes or allows such a vehicle or combination of vehicles to be loaded and driven or moved, upon a public bridge, causeway, or viaduct when the gross weight of the vehicle or combination of vehicles exceeds the limitations established and signposted pursuant to this section is responsible for a civil infraction and shall be assessed a civil fine as set forth in this subsection. This subsection shall not apply to either of the following:

(a) implements of husbandry operated upon a public bridge, causeway, or viaduct.

(b) The use of a public bridge, causeway, or viaduct by a vehicle or combination of vehicles for a function essential to a farm operation otherwise reasonably inaccessible to vehicles performing the essential

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agricultural function.

(3) The civil fine assessed under subsection (2) shall be determined as follows:

(a) In the amount equal to 4 cents per pound for each pound of excess load when the excess is more than 2,500 pounds but not more than 3,000 pounds.

(b) In the amount equal to 6 cents per pound for each pound of excess load when the excess is more than 3,000 pounds but not more than 4,000 pounds.

(c) In the amount equal to 8 cents per pound for each pound of excess load when the excess is more than 4,000 pounds but not more than 5,000 pounds.

(d) In the amount equal to 10 cents per pound for each pound of excess load when the excess is more than 5,000 pounds.

(4) For the purpose of this section, the gross weight of a vehicle or combination of vehicles shall be determined as prescribed in section 722(7).

(5) The department of transportation, county road commission, or other authority having jurisdiction of a public bridge, causeway, or viaduct may conduct an investigation of that bridge, causeway, or viaduct. If it is found after investigation that the structure cannot with safety to itself withstand vehicles traveling at the speed or carrying a load otherwise permissible under this chapter, the department, commission, or other authority shall determine and declare the maximum speed of vehicles or load which the structure can withstand, and shall cause or permit suitable signs stating that maximum speed and load limitations to be erected and maintained not more than 50 feet from each end of the structure, and also at a suitable distance from each end of the bridge to enable vehicles to take a different route.

(6) The findings and determination of the department of transportation, county road commission, or other local authority, shall be conclusive evidence of the maximum speed and load which can with safety be maintained on a public bridge, causeway, or viaduct.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1962, Act 112, Eff. Mar. 28, 1963;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989.

257.632 Exemption from speed limitations; police vehicles, fire department or fire patrol vehicles, and ambulances; conditions.

Sec. 632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 164, Imd. Eff. June 21, 1976.

257.633 Violation of speed regulation; specifications in complaint, citation, summons, or notice; burden of proof.

Sec. 633. (1) In every charge of a violation of a speed regulation in this chapter the complaint or citation and the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

(2) The provision of this chapter declaring speed limitations shall not be construed to relieve the plaintiff in a civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING, ETC.

257.634 Driving on right half of roadway; exceptions; driving on roadway having 2 or more lanes for travel in 1 direction; traveling on freeway having 3 or more lanes for travel in same direction; ordinance regulating same subject matter prohibited; violation as civil infraction.

Sec. 634. (1) Upon each roadway of sufficient width, the driver of a vehicle shall drive the vehicle upon

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the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(b) When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half of a roadway under this subdivision shall yield the right-of-way to an oncoming vehicle traveling in the proper direction upon the unobstructed portion of the roadway.

(c) When a vehicle operated by a state agency or a local authority or an agent of a state agency or local authority is engaged in work on the roadway.

(d) Upon a roadway divided into 3 marked lanes for traffic under the rules applicable on the roadway.

(2) Upon a roadway having 2 or more lanes for travel in 1 direction, the driver of a vehicle shall drive the vehicle in the extreme right-hand lane available for travel except as otherwise provided in this section. However, the driver of a vehicle may drive the vehicle in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic and in any left-hand lane lawfully available to traffic moving in the same direction of travel for a reasonable distance before making a left turn.

(3) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. However, a city, village, township, or county may not enact an ordinance which regulates the same subject matter as any provision of this subsection. The driver of a truck with a gross weight of more than 10,000 pounds, a truck tractor, or a combination of a vehicle and trailer or semitrailer shall drive the vehicle or combination of vehicles only in either of the 2 lanes farthest to the right, except for a reasonable distance when making a left turn or where a special hazard exists that requires the use of an alternative lane for safety reasons.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1968, Act 260, Eff. Nov. 15, 1968;—Am. 1976, Act 170, Imd. Eff. June 25, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989.

257.635 Passing vehicle proceeding in opposite direction; violation as civil infraction.

Sec. 635. (1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other not less than 1/2 of the main traveled portion of the roadway as nearly as possible.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.636 Overtaking and passing of vehicles proceeding in same direction; limitations, exceptions, and special rules; violation as civil infraction.

Sec. 636. (1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules stated in sections 637 to 643a:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of that vehicle, and when safely clear of the overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.637 Overtaking and passing on right of another vehicle; conditions; violation as civil infraction.

Sec. 637. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only if 1 or more of the following conditions exist:

(a) When the vehicle overtaken is making or about to make a left turn.

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for 2 or more lines of moving vehicles in each direction and when the vehicles are moving in substantially continuous lanes of traffic.

(c) Upon a 1-way street, or upon a roadway on which traffic is restricted to 1 direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles and when the vehicles are moving in substantially continuous lanes of traffic.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions

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permitting the overtaking and passing in safety. The driver of a vehicle shall not overtake and pass another vehicle upon the right by driving off the pavement or main-traveled portion of the roadway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.638 Overtaking and passing on left of another vehicle; violation as civil infraction.

Sec. 638. (1) A vehicle shall not be driven to the left side of the center of a 2-lane highway or in the center lane of a 3-lane highway in overtaking and passing another vehicle proceeding in the same direction unless the left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or the vehicle overtaken.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.639 Driving to left side of roadway; limitations; violation as civil infraction.

Sec. 639. (1) A vehicle shall not be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When the view is obstructed upon approaching within 100 feet of a bridge, viaduct, or tunnel.

(2) The limitations of subsection (1) shall not apply upon a 1-way roadway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.640 No-passing zones; determination; signs or markings; traffic control devices; violation as civil infraction.

Sec. 640. (1) The state highway commission and county road commissions shall determine those portions of a highway under their jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous, and by appropriate signs or markings on the roadway shall indicate the beginning and end of those zones in a manner enabling an ordinary observant driver of a vehicle to observe the directions and obey them. A sign shall be placed to the left of the highway on those portions of a highway where additional notice is considered necessary.

(2) The no-passing zones provided for by this section shall be based upon a traffic survey and engineering study. Traffic-control devices installed pursuant to this section shall conform to the state manual and specifications as provided for by section 608.

(3) A person who fails to obey the traffic-control devices installed pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 230, Eff. Mar. 19, 1960;—Am. 1965, Act 275, Imd. Eff. July 21, 1965;—Am. 1970, Act 120, Imd. Eff. July 23, 1970;—Am. 1971, Act 224, Imd. Eff. Dec. 30, 1971;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.641 Designating 1-way traffic; signs; driving to right of rotary traffic island; violation as civil infraction.

Sec. 641. (1) The state highway commissioner may designate any highway or any separate roadway under his jurisdiction for 1-way traffic and shall erect appropriate signs giving notice thereof.

(2) Upon a roadway designated and signposted for 1-way traffic a vehicle shall be driven only in the direction designated.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of that island.

(4) A person who violates subsection (2) or (3) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.642 Roadway divided into 2 or more marked lanes; applicable rules; designation as HOV lane; restrictions; exceptions; violation as civil infraction.

Sec. 642. (1) When a roadway has been divided into 2 or more clearly marked lanes for traffic the following rules in addition to all others consistent with this act shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety. Upon a roadway with 4 or more lanes which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane except when overtaking and passing, but shall not cross the center line of the

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roadway except where making a left turn.

(b) Upon a roadway which is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction, when the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic control devices.

(c) Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of the traffic-control device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of the traffic-control devices.

(2) When any lane has been designated as an HOV lane under section 1 of 1951 PA 51, MCL 247.651, and has been appropriately marked with signs and pavement markings, the lane shall be reserved during the periods indicated for the exclusive use of buses and HOVs. The restrictions imposed on HOV lanes do not apply to any of the following:

(a) Authorized emergency vehicles.

(b) Law enforcement vehicles.

(c) Motorcycles.

(d) Transit and commuter buses designed to transport persons, including the driver.

(e) Vehicles of public utility companies that are responding to an emergency call.

(f) Vehicles that are using an HOV lane to make a turn permitted by law for a reasonable distance in advance of the turn or for purposes of entering or exiting a limited access highway.

(g) Taxicabs having 2 or more occupants, including the driver.

(h) Bicycles, if the HOV lane is the right-hand lane of a highway open to bicycles.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 289, Imd. Eff. Oct. 15, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2008, Act 304, Imd. Eff. Dec. 9, 2008.

257.643 Distance between vehicles; violation as civil infraction.

Sec. 643. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and the condition of, the highway.

(2) A person shall not operate a motor vehicle with a gross weight, loaded or unloaded, in excess of 5,000 pounds outside the corporate limits of a city or village, within 500 feet of a like vehicle described in this subsection, moving in the same direction, except when overtaking and passing the vehicle.

(3) A distance of not less than 500 feet shall be maintained between 2 or more driven vehicles being delivered from 1 place to another.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.643a Leaving space between trucks or truck tractors; passing; violation as civil infraction.

Sec. 643a. (1) The driver of a truck or truck tractor, when traveling upon a highway outside of a business or residence district, when conditions permit, shall leave sufficient space between the vehicle and another truck or truck tractor so that an overtaking vehicle may enter and occupy the space without danger, except that this shall not prevent the driver of a truck or truck tractor from overtaking and passing another truck, truck tractor, or other vehicle in a lawful manner.

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

History: Add. 1957, Act 291, Eff. Sept. 27, 1957;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.644 Driving on highway divided into 2 roadways; parking or driving on dividing space, barrier, or section; use of crossovers on limited access highways; violation as civil infraction.

Sec. 644. (1) When a highway has been divided into 2 roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section constructed to impede vehicular traffic, a vehicle shall be driven only upon the right-hand roadway and a vehicle shall not park or be driven over, across, or within the dividing space, barrier, or section, except through an opening in the physical barrier, dividing section, or space or at a crossover or intersection established by public authority. Crossovers on limited access highways

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shall not be used except by vehicles described in section 603, road service vehicles while going to or returning from servicing a disabled vehicle, and as otherwise permitted by authorized signs. “Road service vehicles” means vehicles clearly marked and readily recognizable as a vehicle used to assist disabled vehicles.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 184, Imd. Eff. July 1, 1966;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.645 Driving onto or from limited access roadway; violation as civil infraction.

Sec. 645. (1) A person shall not drive a vehicle onto or from a limited access roadway except at entrances and exits established by public authority.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.646 Repealed. 1967, Act 277, Eff. Nov. 2, 1967.

Compiler's note: The repealed section pertained to limited access highway restrictions on use.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

257.647 Turning at intersection; violation as civil infraction.

Sec. 647. (1) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line in a manner as not to interfere with the progress of any streetcar, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Approach for a left turn from a 2-way roadway into a 1-way roadway shall be made in that portion of the right half of the roadway nearest the center line and clear of existing car tracks in use, and by passing to the right of the center line where it enters the intersection. Approach for a left turn from a 1-way roadway into a 2-way roadway shall be made as close as practicable to the left curb or edge of the roadway and by passing to the right of the center line of the roadway being entered.

(d) Where both streets or roadways are 1-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

(e) Local authorities in their respective jurisdictions may cause pavement markers, signs, or signals to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, signs, or signals are so placed, a driver of a vehicle shall not turn a vehicle at an intersection other than as directed and required by those markers, signs, or signals.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.648 Signals for stopping or turning; violation as civil infraction.

Sec. 648. (1) The driver of a vehicle or bicycle upon a highway, before stopping or turning from a direct line, shall first see that the stopping or turning can be made in safety and shall give a signal as required in this section.

(2) A signal required in this section shall be given either by means of the hand and arm in the manner specified in this section, or by a mechanical or electrical signal device which conveys an intelligible signal or warning to other highway traffic, except as otherwise provided in subsection (3). When a signal is given by means of the hand and arm, the driver shall indicate his or her intention to stop or turn by extending his hand and arm from and beyond the left side of the vehicle and signal as follows:

(a) Left turn ..... hand and arm extended horizontally.

(b) Right turn ..... hand and arm extended upward.

(c) Stop or decrease speed ..... hand and arm extended downward.

(3) A commercial motor vehicle, other than those in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load of the commercial vehicle exceeds 14 feet. The measurement from steering post to rear limit shall apply to a single vehicle or combination of vehicles.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 181, Eff. Aug. 13, 1954;—Am. 1958, Act 166, Eff. Sept. 13, 1958;—Am. 1974, Act 334, Imd. Eff. Dec. 17, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

RIGHT-OF-WAY

257.649 Right-of-way; rules; violation as civil infraction.

Sec. 649. (1) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

(2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(3) The right of way rules declared in subsections (1) and (2) are modified at through highways and otherwise as stated in this chapter.

(4) The driver of a vehicle approaching a yield sign, in obedience to the sign, shall slow down to a speed reasonable for the existing conditions and shall yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is not a crosswalk, at a clearly marked stop line; but if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(5) The driver of a vehicle traveling at an unlawful speed shall forfeit a right of way which the driver might otherwise have under this section.

(6) Except when directed to proceed by a police officer, the driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or if there is not a crosswalk shall stop at a clearly marked stop line; or if there is not a crosswalk or a clearly marked stop line, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right of way to a vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.

(7) When a vehicle approaches the intersection of a highway from an intersecting highway or street which is intended to be, and is constructed as, a merging highway or street, and is plainly marked at the intersection with appropriate merge signs, the vehicle shall yield right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and shall adjust its speed so as to enable it to merge safely with the through traffic.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1955, Act 165, Imd. Eff. June 13, 1955;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.650 Right-of-way; turning left at intersection; violation as civil infraction.

Sec. 650. (1) The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is within the intersection or so close to the intersection as to constitute an immediate hazard; but the driver, having so yielded and having given a signal when and as required by this chapter, may make the left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. At an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.651 State trunk line highways; preference at intersections; stop, yield or merge signs.

Sec. 651. (a) Except where approved traffic signals are used to control traffic, the state highway commissioner shall erect stop, yield or merge signs at every entrance to a state trunk line highway from intersecting highways or streets. However, after a traffic engineering investigation the state highway commission acting jointly with the commissioner of the Michigan state police may give preference to a city street or a county road over a state trunk line highway, and shall erect appropriate signs.

(b) Where 2 or more state trunk line highways intersect or cross, the state highway commissioner and the

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commissioner of the Michigan state police, acting jointly, shall determine which traffic, if any, shall be given preference and appropriate stop, yield or merge signs shall be erected.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1966, Act 237, Eff. Mar. 10, 1967.

257.652 Stopping before entering or crossing highway from alley, private road, or driveway; violation as civil infraction.

Sec. 652. (1) The driver of a vehicle about to enter or cross a highway from an alley, private road, or driveway shall come to a full stop before entering the highway and shall yield right of way to vehicles approaching on the highway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.653 Immediate approach of authorized emergency vehicle; duty of driver of another vehicle; duty of streetcar operator; violation as civil infraction.

Sec. 653. (1) Upon the immediate approach of an authorized emergency vehicle equipped with not less than 1 lighted flashing, rotating, or oscillating lamp exhibiting a red or blue light visible under normal atmospheric condition from a distance of 500 feet to the front of the vehicle and when the driver is giving audible signal by siren, exhaust whistle, or bell:

(a) The driver of another vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, clear of an intersection, and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) The operator of a streetcar shall immediately stop the car, clear of an intersection, and shall keep it in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of persons using the highway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.653a Stationary emergency vehicle giving visual signal; duty of approaching vehicle to exhibit due care and caution; violation; penalty.

Sec. 653a. (1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by section 698, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer.

(2) Except as provided in subsections (3) and (4), a person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both.

(3) A person who violates this section and causes injury to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $1,000.00 or imprisonment for not more than 2 years, or both.

(4) A person who violates this section and causes death to a police officer, firefighter, or other emergency response personnel in the immediate area of the stationary authorized emergency vehicle is guilty of a felony punishable by a fine of not more than $7,500.00 or by imprisonment for not more than 15 years, or both.

History: Add. 2000, Act 458, Eff. Mar. 28, 2001.

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257.653b Approaching and passing stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle; reduction and maintenance of safe speed; definitions.

Sec. 653b. (1) Upon approaching and passing a stationary solid waste collection vehicle, a utility service vehicle, or a road maintenance vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights as permitted by section 698, the driver of an approaching vehicle shall reduce to and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution.

(2) As used in this section:

(a) "Road maintenance authority" means any of the following:

(*i*) The state department of transportation.

(*ii*) A local authority.

(*iii*) An entity operating under contract with the state department of transportation or a local authority to provide road construction or road maintenance services.

(b) "Road maintenance vehicle" means a vehicle owned or operated by a road maintenance authority.

(c) "Solid waste" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(d) "Solid waste collection vehicle" means a solid waste transporting unit that is used for the curbside collection of municipal solid waste.

(e) "Solid waste hauler" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(f) "Solid waste transporting unit" means that term as defined in section 11506 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11506.

(g) "Utility provider" means an entity that does any of the following and that is regulated as a utility under the laws of this state or of the United States:

(*i*) Generates or distributes electrical power to the public.

(*ii*) Generates or distributes natural gas to the public.

(*iii*) Provides sewage collection services to the public.

(*iv*) Provides water distribution services to the public.

(*v*) Provides telephone services to the public.

(*vi*) Provides cable or video services to the public.

(h) "Utility service vehicle" means a vehicle owned or operated by a utility provider.

History: Add. 2008, Act 464, Imd. Eff. Jan. 9, 2009.

257.654 Vehicles forming part of funeral procession; right-of-way; flags; passing through funeral procession with vehicle as civil infraction.

Sec. 654. (1) A motor vehicle forming part of a funeral procession, when going to a place of burial, shall have the right of way over all other vehicles except fire apparatus, ambulances, and police patrol vehicles at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which shall be fluorescent orange in color, and upon which shall be printed, stamped, or stained a black cross, the star of David, or the crescent and star. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flags shall not contain a name embossed or printed on the flag, except the word “funeral”.

(2) A person passing through a funeral procession of motor vehicles, designated pursuant to subsection (1), with a vehicle of any kind, is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 9, Eff. Sept. 18, 1952;—Am. 1960, Act 105, Eff. Aug. 17, 1960;—Am. 1975, Act 49, Imd. Eff. May 20, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 148, Eff. Jan. 1, 1980.

257.655 Pedestrians on highways; violation as civil infraction.

Sec. 655. (1) Where sidewalks are provided, a pedestrian shall not walk upon the main traveled portion of the highway. Where sidewalks are not provided, pedestrians shall, when practicable, walk on the left side of the highway facing traffic which passes nearest.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

OPERATION OF BICYCLES, MOTORCYCLES AND TOY VEHICLES

257.656 Violations of MCL 257.656 to 257.661a as civil infractions; duty of parent or

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guardian; regulations applicable to bicycles and motorcycles.

Sec. 656. (1) A person who violates any of sections 656 to 661a is responsible for a civil infraction.

(2) The parent of a child or the guardian of a ward shall not authorize or knowingly permit the child or ward to violate this chapter.

(3) The regulations applicable to bicycles under sections 656 to 662 shall apply when a bicycle is operated upon a highway or upon a path set aside for the exclusive use of bicycles, subject to those exceptions stated in sections 656 to 662.

(4) The regulations applicable to motorcycles in sections 656 to 662 shall be considered supplementary to other provisions of this chapter governing the operation of motorcycles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.657 Rights and duties of persons riding bicycle, electric personal assistive mobility device, or moped or operating low-speed vehicle.

Sec. 657. Each person riding a bicycle, electric personal assistive mobility device, or moped or operating a low-speed vehicle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to the provisions of this chapter which by their nature do not have application.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

257.658 Riding on seat of bicycle, motorcycle, or moped; number of persons; crash helmets; rules; requirements for autocycle.

Sec. 658. (1) A person propelling a bicycle or operating a motorcycle or moped shall not ride other than upon and astride a permanent and regular seat attached to that vehicle.

(2) A bicycle or motorcycle shall not be used to carry more persons at 1 time than the number for which it is designed and equipped.

(3) A moped or an electric personal assistive mobility device shall not be used to carry more than 1 person at a time.

(4) A person operating or riding on a motorcycle, and any person less than 19 years of age operating a moped on a public thoroughfare shall wear a crash helmet on his or her head. Crash helmets shall be approved by the department of state police. The department of state police shall promulgate rules for the implementation of this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in effect on June 1, 1970, shall apply to helmets required by this act. This subsection does not apply to a person operating or riding in an autocycle if the vehicle is equipped with a roof which meets or exceeds standards for a crash helmet.

(5) A person operating or riding in an autocycle shall wear seat belts when on a public highway in this state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1968, Act 141, Imd. Eff. June 12, 1968;—Am. 1969, Act 118, Eff. Sept. 1, 1969;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1970, Act 24, Imd. Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1983, Act 91, Imd. Eff. June 16, 1983;—Am. 1984, Act 328, Imd. Eff. Dec. 26, 1984;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

Constitutionality: The legislature may reasonably require that helmets be worn with a view to mitigating potential civil and criminal liability of drivers who collide with motorcycles. People v Poucher, 398 Mich 316; 247 NW2d 798 (1976).

Popular name: Helmet Law

Administrative rules: R 28.901 et seq. and R 28.951 et seq. of the Michigan Administrative Code.

257.658a Seats and foot rests; requirements; exception; violation as civil infraction.

Sec. 658a. (1) In addition to the requirements of section 658, a motorcycle shall be equipped with adequate seats and foot rests or pegs for each designated seating position. Foot rests or pegs must be securely attached. A passenger shall not ride on a motorcycle unless his or her feet can rest on the assigned foot rests or pegs except that this requirement does not apply to a person who is unable to reach the foot rests or pegs due to a permanent physical disability.

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

History: Add. 1995, Act 68, Eff. Jan. 1, 1996.

257.658b Crash helmet required; exception.

Sec. 658b. (1) Except as provided in subsection (2), a person operating or riding in a low-speed vehicle shall wear a crash helmet on his or her head. The crash helmet shall meet the requirements of the rules

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promulgated by the department of state police under section 658.

(2) Subsection (1) does not apply to a person operating or riding in a low-speed vehicle equipped with a roof that meets or exceeds the standards for roof-crush resistance, provided under 49 C.F.R. 571.500.

History: Add. 2000, Act 82, Eff. July 1, 2000.

257.659 Riding while attached to streetcar or vehicle.

Sec. 659. A person riding upon a bicycle, moped or motorcycle, coaster, roller skates, sled, or toy vehicle shall not attach the same or himself to a streetcar or vehicle upon a roadway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.660 Electric personal assistive mobility device, low-speed vehicle, or moped; operation; limitations; applicability to police officer; regulation by local government; prohibitions; regulation by department of natural resources.

Sec. 660. (1) A person operating an electric personal assistive mobility device, low-speed vehicle, or moped upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. A motorcycle is entitled to full use of a lane, and a motor vehicle shall not be driven in such a manner as to deprive a motorcycle of the full use of a lane. This subsection does not apply to motorcycles operated 2 abreast in a single lane.

(2) A person riding an electric personal assistive mobility device, motorcycle, or moped upon a roadway shall not ride more than 2 abreast except on a path or part of a roadway set aside for the exclusive use of those vehicles.

(3) Where a usable and designated path for bicycles is provided adjacent to a highway or street, a person operating an electric personal assistive mobility device may, by local ordinance, be required to use that path.

(4) A person operating a motorcycle, moped, low-speed vehicle, or electric personal assistive mobility device shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a 2-way street or on the left or right of traffic in the case of a 1-way street, in an unoccupied lane.

(5) A person operating an electric personal assistive mobility device on a sidewalk constructed for the use of pedestrians shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

(6) A moped or low-speed vehicle shall not be operated on a sidewalk constructed for the use of pedestrians.

(7) A low-speed vehicle shall be operated at a speed of not to exceed 25 miles per hour and shall not be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street. The state transportation department may prohibit the operation of a low-speed vehicle on any highway or street under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

(8) This section does not apply to a police officer in the performance of his or her official duties.

(9) An electric personal assistive mobility device shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 25 miles per hour except to cross that highway or street.

(10) The governing body of a county, a city, a village, an entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or a township may, by ordinance, which is based on the health, safety, and welfare of the citizens, regulate the operation of electric personal assistive mobility devices on sidewalks, highways or streets, or crosswalks. Except as otherwise provided in this subsection, a governing body of a county, city, village, entity created under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, or township may prohibit the operation of electric personal assistive mobility devices in an area open to pedestrian traffic adjacent to a waterfront or on a trail under their jurisdiction or in a downtown or central business district. Signs indicating the regulation shall be conspicuously posted in the area where the use of an electric personal assistive mobility device is regulated.

(11) Operation of an electric personal assistive mobility device is prohibited in a special charter city and a state park under the jurisdiction of the Mackinac Island state park commission.

(12) Operation of an electric personal assistive mobility device may be prohibited in a historic district.

(13) The department of natural resources may by order regulate the use of electric personal assistive mobility devices on all lands under its control.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1969, Act 134, Eff. June 1, 1970;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1975, Act 273, Eff. Mar. 31, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1994, Act 348, Eff. Mar. 30, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002;—Am. 2006,

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Act 339, Imd. Eff. Aug. 15, 2006.

257.660a Operation of bicycle upon highway or street; riding close to right-hand curb or edge of roadway; exceptions.

Sec. 660a. A person operating a bicycle upon a highway or street at less than the existing speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except as follows:

(a) When overtaking and passing another bicycle or any other vehicle proceeding in the same direction.

(b) When preparing to turn left.

(c) When conditions make the right-hand edge of the roadway unsafe or reasonably unusable by bicycles, including, but not limited to, surface hazards, an uneven roadway surface, drain openings, debris, parked or moving vehicles or bicycles, pedestrians, animals, or other obstacles, or if the lane is too narrow to permit a vehicle to safely overtake and pass a bicycle.

(d) When operating a bicycle in a lane in which the traffic is turning right but the individual intends to go straight through the intersection.

(e) When operating a bicycle upon a 1-way highway or street that has 2 or more marked traffic lanes, in which case the individual may ride as near the left-hand curb or edge of that roadway as practicable.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

Compiler's note: Former MCL 257.660a, which pertained to operation of bicycle with motor, was repealed by Act 439 of 1976, Imd. Eff. Jan. 13, 1997.

257.660b Operation of bicycle upon highway or street; riding more than 2 abreast.

Sec. 660b. Two or more individuals operating bicycles upon a highway or street shall not ride more than 2 abreast except upon a path or portion of the highway or street set aside for the use of bicycles.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

257.660c Operation of bicycle upon sidewalk or pedestrian crosswalk.

Sec. 660c. (1) An individual operating a bicycle upon a sidewalk or a pedestrian crosswalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.

(2) An individual shall not operate a bicycle upon a sidewalk or a pedestrian crosswalk if that operation is prohibited by an official traffic control device.

(3) An individual lawfully operating a bicycle upon a sidewalk or a pedestrian crosswalk has all of the rights and responsibilities applicable to a pedestrian using that sidewalk or crosswalk.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

257.660d Parking bicycle on sidewalk, highway, or street.

Sec. 660d. (1) An individual may park a bicycle on a sidewalk except as prohibited by an official traffic control device.

(2) An individual shall not park a bicycle on a sidewalk in such a manner that the bicycle impedes the lawful movement of pedestrians or other traffic.

(3) An individual may park a bicycle on a highway or street at any location where parking is allowed for motor vehicles, may park at any angle to the curb or the edge of the highway, and may park abreast of another bicycle.

(4) An individual shall not park a bicycle on a highway or street in such a manner as to obstruct the movement of a legally parked motor vehicle.

(5) Except as otherwise provided in this section, an individual parking a bicycle on a highway or street shall do so in compliance with this act and any local ordinance.

History: Add. 2006, Act 339, Imd. Eff. Aug. 15, 2006.

257.661 Carrying package, bundle, or article on bicycle, electric personal assistive mobility device, moped, or motorcycle.

Sec. 661. A person operating a bicycle, electric personal assistive mobility device, moped, or motorcycle shall not carry any package, bundle, or article that prevents the driver from keeping both hands upon the handlebars of the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 207, Eff. Mar. 10, 1967;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

257.661a Handlebars of motorcycle or moped.

Sec. 661a. A person shall not operate on a public highway of this state a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the undepressed saddle to the highest

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point of the handle grip of the operator.

History: Add. 1969, Act 134, Eff. June 1, 1970;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.662 Bicycles or electric personal assistive mobility device; equipment; violation as civil infraction.

Sec. 662. (1) A bicycle or an electric personal assistive mobility device being operated on a roadway between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(2) A bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(3) An electric personal assistive mobility device shall enable the operator to bring it to a controlled stop.

(4) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle or a pedal for use on a bicycle, either of which was manufactured after January 1, 1976, unless it is equipped with a type of reflex reflector located on the front and rear surfaces of the pedal. The reflector elements may be either integral with the construction of the pedal or mechanically attached, but shall be sufficiently recessed from the edge of the pedal, or of the reflector housing, to prevent contact of the reflector element with a flat surface placed in contact with the edge of the pedal. The pedal reflectors shall be visible from the front and rear of the bicycle during the nighttime from a distance of 200 feet when directly exposed to the lower beam head lamps of a motor vehicle.

(5) A person shall not sell, offer for sale, or deliver for sale in this state a bicycle manufactured after January 1, 1976 or an electric personal assistive mobility device unless it is equipped with either tires which have reflective sidewalls or with wide-angle prismatic spoke reflectors. If the bicycle or the electric personal assistive mobility device is manufactured with reflective sidewalls, the reflective portion of the sidewall shall form a continuous circle on the sidewall, and may not be removed from the tire without removal of tire material. If the bicycle is equipped with wide-angle prismatic spoke reflectors, the reflectors of the front wheel shall be essentially colorless or amber, and the reflectors on the rear wheel shall be essentially colorless or red. Reflective sidewalls or spoke reflectors shall cause the bicycle to be visible from all distances from 100 feet to 600 feet when viewed under lawful low beam motor vehicle head lamps under normal atmospheric conditions.

(6) A person who violates subsection (1) or (2) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1975, Act 209, Imd. Eff. Aug. 25, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2000, Act 131, Imd. Eff. June 1, 2000;—Am. 2002, Act 494, Imd. Eff. July 3, 2002.

STREET CARS AND SAFETY ZONES

257.663-257.666 Repealed. 2000, Act 126, Imd. Eff. May 30, 2000.

SPECIAL STOPS REQUIRED

257.667 Stopping at railroad grade crossing; driving through, around, or under crossing gate or barrier; violation as civil infraction.

Sec. 667. (1) When a person driving a vehicle approaches a railroad grade crossing under any of the following circumstances, the driver shall stop the vehicle not more than 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until the driver can do so safely:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

(b) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train.

(c) A railroad train approaching within approximately 1,500 feet of the highway crossing gives a signal audible from that distance, and the train by reason of its speed or nearness to the crossing is an immediate hazard.

(d) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(2) A person shall not drive a vehicle through, around, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or against the direction of a police officer.

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

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.667a Installation and use of unmanned traffic monitoring devices at railroad grade crossing; civil infraction; evidence; diagnostic study team review required where fatality at public railroad grade crossing; exception.

Sec. 667a. (1) The department of state police or the state transportation department; the county board of commissioners, board of county road commissioners, or county sheriff; or other local authority having jurisdiction over a highway or street may authorize the installation and use of unmanned traffic monitoring devices at a railroad grade crossing with flashing signals and gates on a highway or street under their respective jurisdictions. Each device shall be sufficiently marked or identified or a sign shall be placed at the approach to the crossing indicating that the crossing is monitored by an unmanned traffic monitoring device.

(2) Beginning 31 days after the installation of an unmanned traffic monitoring device at a railroad grade crossing described in subsection (1), a person is responsible for a civil infraction as provided in section 667 if the person violates a provision of that section on the basis of evidence obtained from an unmanned traffic monitoring device. However, for the first 30 days after the installation of an unmanned traffic monitoring device, a person shall be issued a written warning only. It is an affirmative defense to a charge of violating section 667 that the mechanical warning devices at the crossing were malfunctioning.

(3) A sworn statement of a police officer from the state or local authority having jurisdiction over the highway or street upon which the railroad grade crossing described in subsection (1) is located, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by an unmanned traffic monitoring device, is prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images indicating such a violation shall be available for inspection in any proceeding to adjudicate the responsibility for a violation of section 667. Any photographs, videotape, or digital images of the violation shall be destroyed 90 days after final disposition of the citation.

(4) In a prosecution for a violation of section 667 established by an unmanned traffic monitoring device under this section, prima facie evidence that the vehicle described in the citation issued was operated in violation of section 667, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person who committed the violation. The presumption is rebutted if the registered owner of the vehicle files an affidavit by regular mail with the clerk of the court that he or she was not the operator of the vehicle at the time of the alleged violation or testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption also is rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen before the time of the alleged violation of this section, is presented before the appearance date established on the citation. For purposes of this subsection, the owner of a leased or rental vehicle shall provide the name and address of the person to whom the vehicle was leased or rented at the time of the violation.

(5) Notwithstanding section 742, a citation for a violation of section 667 on the basis of evidence obtained from an unmanned traffic monitoring device may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle as shown on the records of the secretary of state. If the summoned person fails to appear on the date of return set out in the citation previously mailed by first-class mail under this subsection, a copy shall be sent by certified mail-return receipt requested. If the summoned person fails to appear on either of the dates of return set out in the copies of the citation mailed under this section, the citation shall be executed in the manner provided by law for personal service. The court may issue a warrant for the arrest of a person who fails to appear within the time limit established on the citation if a sworn complaint is filed with the court for that purpose.

(6) If there is a fatality resulting from a train-vehicle crash at a public railroad grade crossing, the state transportation department shall convene a diagnostic study team review, if there has not been a diagnostic study team review at the crossing in the last 2 years. However, a diagnostic study team review is not required if the initial law enforcement investigation of the fatality indicates that the motorist's consumption of alcohol or a controlled substance or his or her disregard of an existing traffic control device conveying a "stop" message contributed to the fatality, or that the fatality was a suicide. The diagnostic study team review shall be conducted within 120 days after the state transportation department is made aware of the fatality. If the diagnostic study team review reaches consensus that warning device enhancements are needed, the state transportation department shall order those improvements. The cost for the improvements shall be financed consistent with the financing of similar projects by the state transportation department according to its annual prioritization of grade crossing safety improvements.

History: Add. 2000, Act 367, Imd. Eff. Jan. 2, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2006, Act 600, Imd. Eff. Jan. 3,

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257.668 Designating certain grade crossings as "stop" crossings or "yield" crossings; signs; duties of driver; cost of yield sign installations; action for negligence; failure to stop or yield as civil infraction.

Sec. 668. (1) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as "stop" crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to come to a complete stop before crossing the railway tracks. When a crossing is so designated and signposted, the driver of a vehicle shall stop not more than 50 feet but not less than 15 feet from the railway tracks. The driver shall then traverse the crossing when it may be done in safety.

(2) The state transportation department with respect to highways under its jurisdiction, the county road commissions, and local authorities with reference to highways under their jurisdiction, may designate certain grade crossings of railways by highways as yield crossings, and erect signs at the crossings notifying drivers of vehicles upon the highway to yield. Yield signs may be mounted on the same post as is the crossbuck sign. Drivers of vehicles approaching a yield sign at the grade crossing of a railway shall maintain a reasonable speed based upon existing conditions and shall yield the right-of-way. The cost of yield sign installations shall be borne equally by the railroad and the governmental authority under whose jurisdiction the highway rests. The erection of or failure to erect, replace, or maintain a stop or yield sign or other railroad warning device, unless such devices or signs were ordered by public authority, shall not be a basis for an action of negligence against the state transportation department, county road commissions, the railroads, or local authorities.

(3) A person who fails to stop or yield as required by this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 76, Eff. Oct. 2, 1953;—Am. 1961, Act 179, Eff. Sept. 8, 1961;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 101, Imd. Eff. Apr. 27, 1980;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.669 Certain vehicles to stop at railroad track grade crossing; driver to listen and look in both directions; shifting gears prohibited; exceptions; violation as civil infraction.

Sec. 669. (1) Except as provided in subsections (2), (3), and (4), the driver of a motor vehicle transporting 16 or more passengers including the driver, a motor vehicle carrying passengers for hire, or a motor vehicle that is required to be marked or placarded under 49 C.F.R. parts 100 to 180 before crossing a railroad track at grade, shall activate the vehicle hazard warning lights and stop the vehicle within 50 feet but not less than 15 feet from the nearest rail. While stopped, the driver shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets all of the following requirements:

(*i*) The track has been abandoned pursuant to federal law.

(*ii*) The track has been covered or removed.

(*iii*) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at an industrial or spur line railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by all railroads operating over that industrial or spur line.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 235, Imd. Eff. July 21, 1965;—Am. 1967, Act 99, Eff. Sept. 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 612, Imd. Eff. Jan. 6, 1979;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.669a Federal motor carrier safety regulations; adoption; transportation of persons and property over railroad-highway grade crossings.

Sec. 669a. (1) This state adopts motor carrier safety regulations 49 C.F.R. 392.10 and 392.11 on file with the office of the secretary of state, to provide for the safe transportation of persons and property over railroad-highway grade crossings with the intent of following the policies and procedures of the United States department of transportation's federal motor carrier safety administration as they relate to title 49 of the code of federal regulations. For purposes of this subsection, "commercial motor vehicle" means that term as

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defined in section 7a.

(2) The driver of a commercial motor vehicle shall comply with a lawful order or direction of a police officer guiding, directing, controlling, or regulating traffic at a railroad-highway grade crossing.

(3) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle has sufficient undercarriage clearance.

(4) The driver of a commercial motor vehicle shall not cross a railroad-highway grade crossing unless the vehicle can be driven completely through the crossing without stopping.

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

History: Add. 2002, Act 534, Eff. Oct. 1, 2002.

257.670 Operating or moving certain vehicles or equipment upon or across steam railroad tracks at grade level; notice of intended crossing; stopping, listening, and looking; warning; violation as civil infraction.

Sec. 670. (1) A person shall not operate or move a caterpillar tractor, shovel, derrick, roller, boiler, machinery, or other structure or object upon rollers, or other equipment or structure, which, because of its limited power, or weight, character, or load, has a normal operating speed of 4 miles per hour or less, or which has a vertical load or body clearance of less than 9 inches above the level surface of the roadway, upon or across the tracks of a railroad at grade level without first complying with this section, except this section shall not apply to the movement of electrically propelled cars on fixed rails or to their loads.

(2) Notice of the intended crossing described in subsection (1) shall be given to the nearest agent or officer of the railroad in time to afford protection to its locomotives, trains, or cars at the crossing.

(3) Before making the crossing, the person operating or moving the vehicle or equipment shall first stop not less than 15 feet or more than 50 feet from the nearest rail of the track and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) A crossing shall not be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2002, Act 534, Eff. Oct. 1, 2002.

257.671 Designation of through highways; designation of stop, yield, or merge intersections; stop, yield, or merge signs; violation as civil infraction.

Sec. 671. (1) The state highway commission with respect to highways under its jurisdiction, the county road commission, and local authorities with reference to other highways under their jurisdiction, subject to the approval of the state highway commission if a state trunk line highway, may designate through highways and erect stop, yield, or merge signs at specified entrances thereto or may designate any intersection as a stop, yield, or merge intersection and erect like signs at 1 or more entrances to the intersections.

(2) Every stop, yield, or merge sign shall be reflectorized or illuminated at night. Every stop, yield, or merge sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(3) A person who fails to obey a stop, yield, or merge sign erected pursuant to this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 75, Imd. Eff. Apr. 11, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

STOPPING, STANDING AND PARKING

257.672 Stopping, parking or leaving vehicle upon paved or main traveled part of highway or upon paved or unpaved part of limited access highway; violation as civil infraction.

Sec. 672. (1) Outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or main traveled part of a highway, when it is possible to stop, park, or to leave the vehicle off the paved or main traveled part of the highway. Inside or outside of the limits of a city or village, a vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or unpaved part of a limited access highway, except in an emergency or mechanical difficulty. This section shall apply to the stopping of school buses pursuant to the pupil transportation act.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1963, Act 207, Eff. Sept. 6, 1963;—Am. 1968, Act 123, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1990, Act 188, Eff. Aug. 15, 1990.

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257.673 Removal of illegally stopped vehicles; costs.

Sec. 673. (a) Whenever any police officer finds a vehicle standing upon a highway in violation of the provisions of this chapter, such officer is hereby authorized to remove such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any highway where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) The necessary costs for such removal shall become a lien upon such vehicle and the person into whose custody the vehicle is given may retain it until the expenses involved have been paid.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.674 Prohibited parking; exceptions; bus loading zone; violation as civil infraction.

Sec. 674. (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

(a) On a sidewalk.

(b) In front of a public or private driveway.

(c) Within an intersection.

(d) Within 15 feet of a fire hydrant.

(e) On a crosswalk.

(f) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.

(g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.

(h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.

(i) Within 50 feet of the nearest rail of a railroad crossing.

(j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.

(k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.

(*l*) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.

(m) Upon a bridge or other elevated highway structure or within a highway tunnel.

(n) At a place where an official sign prohibits stopping or parking.

(o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.

(p) In front of a theater.

(q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.

(r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.

(s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:

(*i*) A certificate of identification or windshield placard issued under section 675 to a disabled person.

(*ii*) A special registration plate issued under section 803d to a disabled person.

(*iii*) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(*iv*) A similar special registration plate issued by another state to a disabled person.

(*v*) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

(t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.

(u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.

(v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city

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or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.

(w) In violation of an official sign restricting the period of time for or manner of parking.

(x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8).

(y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.

(z) In a place or in a manner that blocks the use of an alley.

(aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

(2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

(3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 546, Imd. Eff. Dec. 22, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1985, Act 69, Imd. Eff. July 1, 1985;—Am. 1986, Act 69, Eff. Mar. 31, 1987;—Am. 1986, Act 222, Eff. Oct. 1, 1986;—Am. 1988, Act 150, Eff. Nov. 11, 1988;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 76, Eff. Oct. 1, 2000;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.674a Clear vision areas; parking and commercial enterprises prohibited; violation as civil infraction.

Sec. 674a. (1) A vehicle shall not be parked in an area purchased, acquired, or used as a clear vision area adjacent to or on a highway right of way. A person shall not conduct vending or other commercial enterprises in a clear vision area.

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

History: Add. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981.

257.675 Stopping, standing, or parking of vehicle; requirements; signs; traffic control orders; hearing; windshield placard; certificate of identification for disabled person; special registration plates; courtesy required; free parking sticker; display; confiscation; false statement, deception, or fraud as misdemeanor; penalty; violation as civil infraction; cancellation, revocation, or suspension; driver's, chauffeur's, or state personal identification card number; signature of out-of-state physician, physician assistant or certified nurse practitioner; third party reimbursement or worker's compensation.

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

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

(3) A local authority may by ordinance permit angle parking on a roadway, except that angle parking shall not be permitted on a state trunk line highway.

(4) The state transportation commission with respect to state trunk line highways and the board of county road commissioners with respect to county roads, acting jointly with the director of the department of state police, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where in the opinion of the officials as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. The signs shall be installed only after a proper traffic order is filed with the county clerk. Upon the application to the state transportation commission by a home rule city affected by an order, opportunity shall be given to the city for a hearing before the state transportation commission, pursuant to the administrative procedures act of

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1969, 1969 PA 306, MCL 24.201 to 24.328, except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway; when the home rule city, by lawfully authorized official action, requests the state transportation department to prohibit or restrict parking on a state trunk line highway; or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction. Traffic control orders, so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city, are considered "rules" within the meaning of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application for a hearing by a home rule city, the proceedings before the state transportation commission shall be considered a "contested case" within the meaning of that act.

(5) A disabled person may apply, on a form prescribed by the secretary of state, for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled person. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the disabled individual. If it appears obvious that the individual has a qualifying disability, the individual shall not be required to present a medical statement attesting to the disability. The application for and the issuance of the serially numbered nontransferable temporary or permanent windshield placard is subject to all of the following:

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

(b) The secretary of state may issue to a disabled person with a permanent disability an original or renewal permanent windshield placard that is valid for at least 4 years.

(c) An original certificate of identification or permanent windshield placard shall expire on the disabled person's fifth birthday after the date of issuance.

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

(e) A person holding a certificate of identification or permanent windshield placard at any time within 45 days before the expiration of his or her certificate or placard may make application for a new or renewal placard as provided for in this section. However, if the person will be out of state during the 45 days immediately preceding expiration of the certificate or placard or for other good cause shown cannot apply for a placard within the 45-day period, application for a new or renewal placard may be made not more than 6 months before expiration of the certificate or placard. A placard issued or renewed under this subdivision shall expire as provided for in this subsection.

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

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

(6) A disabled person with a certificate of identification, windshield placard, special registration plates issued under section 803d, a special registration plate issued under section 803f that has a tab for persons with disabilities attached, a certificate of identification or windshield placard from another state, or special registration plates from another state issued for persons with disabilities is entitled to courtesy in the parking of a vehicle. The courtesy shall relieve the disabled person or the person transporting the disabled person from liability for a violation with respect to parking, other than in violation of this act. A local authority may by ordinance prohibit parking on a street or highway to create a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours, and the privileges extending to veterans and physically disabled persons under this subsection do not supersede that ordinance.

(7) Except as otherwise provided in subsection (24), an application for an initial free parking sticker shall contain a certification by a physician, physician assistant, or certified nurse practitioner licensed to practice in this state attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for an initial free parking sticker. If it appears obvious that the individual is unable to do 1 or more of the acts listed in subdivisions (a) to (d), the individual shall not be required to present a certification by a physician, a

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physician assistant, or a certified nurse practitioner attesting to the nature and estimated duration of the applicant's disabling condition or verifying that the applicant qualifies for a free parking sticker. The applicant qualifies for a free parking sticker if the applicant is a licensed driver and the physician, physician assistant, or certified nurse practitioner certifies or, if an individual is not required to have a certification by a physician, a physician assistant, or a certified nurse practitioner, it is obvious that the applicant is unable to do 1 or more of the following:

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

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

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

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

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

(a) A windshield placard bearing a free parking sticker issued pursuant to this act.

(b) A valid certificate of identification issued before October 1, 1994.

(c) A valid windshield placard issued by another state.

(d) A certificate of identification issued by another state.

(e) A license plate for persons with disabilities issued by another state.

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

(9) A vehicle that does not properly display 1 of the items listed in subsection (8) is not entitled to free parking in a metered parking space or in a publicly owned parking area or structure, and the disabled person or vehicle operator shall pay all parking fees and may be responsible for a civil infraction.

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

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

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

(13) A certificate of identification issued before February 11, 1992 shall be displayed on the lower left corner of the dashboard of the parked vehicle.

(14) Upon conviction of an offense involving a violation of the special privileges conferred upon a holder of a certificate of identification, windshield placard, or free parking sticker, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the serially numbered certificate of identification, windshield placard, or free parking sticker and return the confiscated item or items to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a certificate of identification, windshield placard, or free parking sticker from a judge or magistrate, the secretary of state shall cancel and destroy the certificate, placard, or sticker, and the disabled person to whom it was issued shall not receive another certificate, placard, or sticker until he or she submits a completed application and presents a current medical statement attesting to his or her condition. A law enforcement officer who observes a misuse of a certificate of identification, windshield placard, or free parking sticker may immediately confiscate the certificate, placard, or sticker and forward it with a copy of his or her report to the secretary of state.

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

(16) A person who commits or attempts to commit a deception or fraud by 1 or more of the following methods is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 30 days, or both:

(a) Using a certificate of identification, windshield placard, or free parking sticker issued under this section or by another state to provide transportation to a disabled person, when the person is not providing transportation to a disabled person.

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

(c) Copying or forging a certificate of identification, windshield placard, or free parking sticker described

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in this section or selling a copied or forged certificate, placard, or sticker described in this section. In the case of a violation of this subdivision, the fine described in this subsection shall be not less than $250.00.

(d) Using a copied or forged certificate of identification, windshield placard, or free parking sticker described in this section.

(e) Making a false statement of material fact to obtain or assist an individual in obtaining a certificate, placard, or sticker described in this section, a special registration plate under section 803d, or a tab for persons with disabilities under section 803f.

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

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

(18) A certificate of identification issued before October 1, 1994 and containing an expiration date is valid for free parking in a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure when the time for parking indicated on the meter has expired, or in a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, until the expiration date printed on the certificate. The certificate expires and shall be canceled on its expiration date.

(19) A certificate of identification issued before October 1, 1994 that does not contain an expiration date expires and shall be canceled on October 1, 1994.

(20) A certificate of identification shall not be issued or renewed by the secretary of state after October 1, 1994.

(21) The secretary of state may cancel, revoke, or suspend a windshield placard, free parking sticker, or certificate of identification under any of the following circumstances:

(a) The secretary of state determines that a windshield placard, free parking sticker, or certificate of identification was fraudulently or erroneously issued.

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

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

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

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

(f) A person has violated this act and the secretary of state is authorized under this act to cancel, revoke, or suspend a windshield placard, free parking sticker, or certificate of identification for that violation.

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

(22) Before a cancellation, revocation, or suspension under subsection (21), the person affected thereby shall be given notice and an opportunity to be heard.

(23) A windshield placard issued to a disabled person shall bear the first letter and the last 3 digits of the disabled person's driver's or chauffeur's license number or the first letter and the last 4 digits of the number on his or her official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 47, Imd. Eff. May 14, 1951;—Am. 1952, Act 90, Eff. Sept. 18, 1952;—Am. 1956, Act 71, Eff. Aug. 11, 1956;—Am. 1957, Act 28, Eff. Sept. 27, 1957;—Am. 1959, Act 234, Eff. Mar. 19, 1960;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1974, Act 41, Imd. Eff. Mar. 13, 1974;—Am. 1974, Act 138, Imd. Eff. June 5, 1974;—Am. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1978, Act 132, Imd. Eff. May 4, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 283, Imd. Eff. Oct. 7, 1982;—Am. 1986, Act 222, Eff. Oct. 1, 1986;—Am. 1987, Act 257, Eff. Apr. 1, 1988;—Am. 1988, Act 150, Eff. Nov. 11, 1988;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1990, Act 272, Imd. Eff. Dec. 3, 1990;—

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Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1994, Act 432, Imd. Eff. Jan. 6, 1995;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 34, Eff. Oct. 1, 1999;—Am. 2001, Act 18, Imd. Eff. June 12, 2001;—Am. 2002, Act 618, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 151, Imd. Eff. June 15, 2004.

Administrative rules: R 257.801 et seq. of the Michigan Administrative Code.

257.675a Unlawful standing or parked vehicle; proof; presumption.

Sec. 675a. Except as provided in section 675b involving leased vehicles, in a proceeding for a violation of a local ordinance or state statute relating to a standing or parked vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was parked in violation of the ordinance or state statute, together with proof from the secretary of state that the defendant named in the citation, complaint, or warrant was at the time of the violation the vehicle's registered owner, creates in evidence a presumption that the vehicle's registered owner was the person who parked or placed the vehicle at the point where and at the time that the violation occurred.

History: Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675b Unlawful standing or parked leased or rented motor vehicle; liability proof; information to be provided by owner; definitions.

Sec. 675b. (1) The lessee or renter of a motor vehicle and not the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle involving the motor vehicle if the leased vehicle owner furnishes proof that the vehicle described in the citation, complaint, warrant, or notice was in the possession of, custody of, or was being operated or used by the lessee or renter of the vehicle at the time of the violation.

(2) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner may avoid liability for a violation described in subsection (1) if the leased vehicle owner provides all of the following information to the clerk of the court or parking violations bureau issuing the violation not later than 30 days after the leased vehicle owner has received notice of the violation:

(a) The lessee's or renter's name, address, and operator's or chauffeur's license number.

(b) A copy of the signed rental or lease agreement or an expedited rental agreement without signature as part of a master rental agreement, including proof of the date and time the possession of the vehicle was given to the lessee or renter and the date and time the vehicle was returned to the leased vehicle owner or the leased vehicle owner's authorized agent under the agreement.

(3) If a leased vehicle is leased or rented for 30 days or less, the leased vehicle owner is liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle if 1 or more of the following occur:

(a) The leased vehicle owner does not provide the information described in subsection (2) within the 30-day period specified in that subsection.

(b) The court or parking violations bureau issuing the violation proceeds against the lessee or renter of the vehicle and the lessee or renter of the vehicle is not convicted of or found responsible for the violation.

(4) As used in this section:

(a) “Affiliate” means a person that directly or indirectly through 1 or more intermediaries controls, is controlled by, or is under common control with another person.

(b) “Leased vehicle owner” means a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute.

History: Add. 1974, Act 78, Imd. Eff. Apr. 9, 1974;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675c Stopping, standing, or parking violations; registered owner as person prima facie responsible for violation; affirmative defense; civil action; written indemnification agreement; applicability of subsection (3) to leased vehicle; issuing citation to operator.

Sec. 675c. (1) Except as provided in section 675b, if a vehicle is stopped, standing, or parked in violation of section 672, 674, 674a, 675, or 676, or other state statute, or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle and the violation is a civil infraction, the person in whose name that vehicle is registered in this state or another state at the time of the violation is prima facie responsible for that violation and subject to section 907.

(2) The owner of a vehicle cited for a stopping, standing, or parking violation pursuant to subsection (1) may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in the

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possession of a person whom the owner had not knowingly permitted to operate the vehicle.

(3) The registered owner of a vehicle who is found to be responsible for a civil infraction as the result of subsection (1) or a leased vehicle owner as defined in section 675b that is found to be responsible for a civil infraction described in section 675b has the right to recover in a civil action against the person who parked, stopped, or left standing the vehicle in question damages including, but not limited to, the amount of any civil fine or costs, or both, imposed pursuant to section 907. The registered owner of a vehicle or the leased vehicle owner may provide in a written agreement that the person who parked, stopped, or left standing the vehicle in violation of a state statute or local ordinance, when the violation is a civil infraction, shall indemnify the registered owner or the leased vehicle owner for the damages incurred including, but not limited to, any civil fine and costs imposed upon the registered owner for that civil infraction. With regard to a leased vehicle, this subsection does not apply if the court or parking violations bureau issuing the violation finds that the lessee or renter of the vehicle is not responsible for the violation and it is determined that the lessee or renter did not violate the terms of the rental contract or lease agreement.

(4) A police officer who issues a citation for a vehicle that is stopped, standing, or parked in violation of a state statute or a local ordinance prohibiting or restricting the stopping, standing, or parking of a vehicle may issue the citation for the violation to the operator of the vehicle if the operator is present at the time of the violation.

History: Add. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2000, Act 268, Eff. Oct. 1, 2000.

257.675d Authorizing and utilizing persons other than police officers to issue citations; violations; training program; definitions.

Sec. 675d. (1) Except as provided in subsection (2), a law enforcement agency or a local unit of government may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations:

(a) Parking on a sidewalk in violation of section 674(1)(a) or a local ordinance substantially corresponding to section 674(1)(a).

(b) Parking in front of a public or private driveway in violation of section 674(1)(b) or a local ordinance substantially corresponding to section 674(1)(b).

(c) Parking within 15 feet of a fire hydrant in violation of section 674(1)(d) or a local ordinance substantially corresponding to section 674(1)(d).

(d) Parking on a crosswalk in violation of section 674(1)(e) or a local ordinance substantially corresponding to section 674(1)(e).

(e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways, in violation of section 674(1)(f) or a local ordinance substantially corresponding to section 674(1)(f).

(f) Parking at a place where an official sign prohibits stopping or parking in violation of section 674(1)(n) or a local ordinance substantially corresponding to section 674(1)(n). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674.

(g) Parking in a space reserved for use by disabled persons in violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s).

(h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities in violation of section 674(1)(t) or a local ordinance substantially corresponding to section 674(1)(t).

(i) Parking in violation of an official sign restricting the period of time for or manner of parking in violation of section 674(1)(w) or a local ordinance substantially corresponding to section 674(1)(w). This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in section 674 or a local ordinance substantially corresponding to section 674.

(j) Parking in a space or in a manner that blocks access to a fire lane in violation of section 674(1)(aa) or a local ordinance substantially corresponding to section 674(1)(aa).

(2) Before authorizing and utilizing persons other than police officers to issue citations, the law enforcement agency or local unit of government shall implement a program to train the persons to properly issue citations as provided in this section. The program shall contain at least 40 hours of instruction in parking enforcement conducted by that law enforcement agency or the law enforcement agency for that local unit of government or, if the local unit of government does not have a law enforcement agency, by the county sheriff. A person who successfully completes a program of training implemented pursuant to this section may issue citations as provided in this section as authorized by the law enforcement agency or local unit of government. A law enforcement agency of a local unit of government shall not implement or administer a program under

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this section without the specific authorization of the governing body of that local unit of government. A law enforcement agency shall not implement or administer a program under this section that would allow volunteers to issue citations under subsection (1)(a), (b), (c), (d), (e), (f), or (i) for any violations for which the use of volunteers is prohibited under a collective bargaining agreement between that local unit of government and any law enforcement officers of that local unit of government.

(3) As used in this section:

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

(*i*) A police agency of a city, village, or township.

(*ii*) A sheriff's department.

(*iii*) The department of state police.

(*iv*) Any other governmental law enforcement agency in this state.

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

History: Add. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1992, Act 230, Imd. Eff. Oct. 16, 1992;—Am. 2000, Act 268, Eff. Oct. 1, 2000;—Am. 2004, Act 49, Imd. Eff. Apr. 1, 2004;—Am. 2008, Act 171, Imd. Eff. July 2, 2008.

MISCELLANEOUS RULES

257.676 Unattended vehicle; setting brakes, stopping motor, placing in park, and turning front wheels; violation as civil infraction.

Sec. 676. (1) A person shall not allow a motor vehicle to stand on a highway unattended without engaging the parking brake or placing the vehicle in park and stopping the motor of the vehicle. If the vehicle is standing upon a grade, the front wheels of the vehicle shall be turned to the curb or side of the highway.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 2003, Act 184, Imd. Eff. Oct. 17, 2003.

257.676a Sale or display for sale of produce or merchandise within right-of-way of highway; civil infraction; issuance of permit; conditions; exceptions; logo signage; disposition of revenue.

Sec. 676a. (1) Except as otherwise provided in this section, a person, firm, or corporation who sells or offers for sale, or displays or attempts to display for sale, goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a highway outside of the corporate limits of a city or village, or within the right-of-way of a state trunk line highway, is responsible for a civil infraction.

(2) The state transportation department may issue a permit to a person, firm, or corporation to conduct activities described in subsection (1) if the permitted activities do not create an unsafe situation and do not interfere with transportation along the state trunk line highway. As a condition of issuing a permit under this subsection, the state transportation department shall require the municipality having jurisdiction over the site to pass a resolution authorizing the activities described in subsection (1) and may require that the municipality having jurisdiction over the site of the permitted activities agree to enforce compliance with the permit. The issuance of a permit under this subsection does not confer any property right. The state transportation department may charge a fee for issuing a permit under this subsection in an amount not greater than the administrative cost of issuing the permit.

(3) A holder of a permit issued under subsection (2) that conducts activities in violation of that permit is responsible for a civil infraction. Each day during which the permit holder conducts activities in violation of the permit is a separate violation. The state transportation department may limit or revoke a permit issued under subsection (2) if the permit holder conducts activities that create an unsafe situation or interfere with transportation along the state trunk line highway, or if the permit holder is in violation of the conditions of the permit.

(4) This section does not interfere with a permanently established business that, as of September 27, 1957, was located on or partially on private property or grant to the owner of that business additional rights or authority that the owner did not possess on September 27, 1957, or diminish the legal rights or duties of the authority having jurisdiction of the right-of-way.

(5) In conjunction with the exemption granted by federal law from the restrictions contained in 23 USC 111, and described in the "manual on uniform traffic control devices for streets and highways", U.S. department of transportation and federal highway administration, part 2g (LOGOS), this section does not prohibit the use of a facility located in part on the right-of-way of I-94 in the vicinity of the interchange of I-94 and I-69 business loop/I-94 business loop for the sale of only those articles which are for export and consumption outside the United States.

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(6) This section does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subsection, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department. The state transportation department may enter into agreements to allow logo signage, and any revenue received by the state transportation department under this subsection shall be deposited into the state trunk line fund established under section 11 of 1951 PA 51, MCL 247.661.

History: Add. 1957, Act 269, Eff. Sept. 27, 1957;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1990, Act 87, Imd. Eff. May 30, 1990;—Am. 1995, Act 92, Imd. Eff. June 20, 1995;—Am. 1998, Act 224, Imd. Eff. July 1, 1998;—Am. 1999, Act 46, Imd. Eff. June 15, 1999;—Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005.

257.676b Interference with normal flow of vehicular or pedestrian traffic prohibited; exception; violation as civil infraction.

Sec. 676b. (1) A person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public street or highway in this state, by means of a barricade, object, or device, or with his or her person. This section shall not apply to persons maintaining, rearranging, or constructing public utility facilities in or adjacent to a street or highway.

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

History: Add. 1968, Act 151, Eff. Nov. 15, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.677 Interference with view or control of driver or operation; violation as civil infraction.

Sec. 677. (1) A person shall not drive a vehicle when it is loaded, or when there are in the front seat a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) A passenger in a vehicle or streetcar shall not ride in a position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control over the driving mechanism of the vehicle or streetcar.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.677a Obstruction of safety vision by removal or deposit of snow, ice, or slush prohibited.

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

(a) “Person” shall not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.

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

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

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

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

History: Add. 1978, Act 82, Imd. Eff. Mar. 29, 1978.

257.678 Coasting prohibited; violation as civil infraction.

Sec. 678. (1) The driver of a motor vehicle when traveling upon a down grade shall not coast with the gears of the vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.679 Following or parking within certain distance of fire apparatus; violation as civil infraction.

Sec. 679. (1) The driver of a vehicle other than a vehicle on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or driver into or park the vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm.

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

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

Compiler's note: The words “driver into” in subsection (1) evidently should read “drive into”.

257.679a Limited access highway; pedestrians and certain vehicles prohibited; bicycles permitted on paths; violation as civil infraction.

Sec. 679a. (1) A person shall not operate a motorcycle with less than a 125 cubic centimeter engine, moped, farm tractor, or other self-propelled farm implement, nor shall a pedestrian, bicycle, except as provided in this section, or other nonmotorized traffic be permitted on a limited access highway in this state. Bicycles shall be permitted on paths constructed separately from the roadway and designated for the exclusive use of bicycles.

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

History: Add. 1961, Act 164, Eff. Sept. 8, 1961;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1974, Act 212, Imd. Eff. July 19, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.680 Driving over unprotected fire hose; violation as civil infraction.

Sec. 680. (1) A streetcar or vehicle shall not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or streetcar track, to be used at a fire or alarm of fire, without the consent of the fire department official in command.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.681 Bus; fire extinguisher required.

Sec. 681. (1) A person, owner, or motor carrier shall not drive a bus or cause or permit a bus to be driven or moved, unless the bus is equipped with properly filled fire extinguishers as follows:

(a) If the bus is used to transport hazardous materials and required to be marked or placarded pursuant to 49 C.F.R. parts 100 to 199, a fire extinguisher having an underwriters laboratories rating of 10 B:C or more.

(b) If the bus is not used to transport hazardous materials, either a fire extinguisher having an underwriters laboratories rating of 5 B:C or more, or 2 fire extinguishers having an underwriters laboratories rating of 4 B:C or more.

(2) The fire extinguishers required by this section shall be securely mounted on the vehicle in a location readily accessible for use. The fire extinguishers shall be designed, constructed, and maintained to permit a determination of whether they are fully charged and in proper operating condition.

(3) A fire extinguisher, required under this section, must have an extinguishing agent that does not need protection from freezing.

(4) A fire extinguisher, required under this section, must not use a vaporizing liquid that gives off vapors more toxic than those shown as having toxicity rating of 5 or 6 in the underwriters' laboratories classification of comparative life hazard of gases and vapors.

(5) Each fire extinguisher required under this section must be labeled or marked with its underwriters' laboratories rating.

History: Add. 1988, Act 219, Imd. Eff. July 1, 1988.

Compiler's note: Former MCL 257.681, which prohibited deposit of glass, nails, rubbish or garbage on highways and required any person removing damaged vehicle from highway to remove any glass or injurious substance dropped upon highway from such vehicle, was repealed by Act 106 of 1963, Eff. Sept. 6, 1963.

257.682 Stopping for school bus displaying flashing red lights; exception; violation as civil infraction; meeting stopped school bus on divided highway; evidence; community service.

Sec. 682. (1) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 20 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than 10 miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that complies with this subsection, is responsible for a civil infraction.

(2) The driver of a vehicle upon a highway which has been divided into 2 roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede

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vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.

(3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(4) In addition to the civil fine and costs provided for a civil infraction under section 907, the judge, district court referee, or district court magistrate may order a person who violates this section to perform not to exceed 100 hours of community service at a school.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1956, Act 48, Eff. Aug. 11, 1956;—Am. 1957, Act 284, Eff. Sept. 27, 1957;—Am. 1958, Act 160, Eff. Sept. 13, 1958;—Am. 1962, Act 92, Eff. Mar. 28, 1963;—Am. 1963, Act 149, Eff. Sept. 6, 1963;—Am. 1969, Act 240, Eff. Mar. 20, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1982, Act 65, Imd. Eff. Apr. 8, 1982;—Am. 1990, Act 188, Eff. Aug. 15, 1990.

257.682a Device causing emission of flame or smoke from vehicle; civil infraction.

Sec. 682a. A person who installs, sells, or distributes a device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except highway maintenance vehicles, or a person who uses such a device on a motor vehicle which is not a highway maintenance vehicle on a highway of this state is responsible for a civil infraction.

History: Add. 1952, Act 22, Imd. Eff. Mar. 14, 1952;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.682b Permitting person under 18 to ride in open bed of pickup truck prohibited; exceptions; civil infraction.

Sec. 682b. (1) Except as provided in this section, an operator shall not permit a person less than 18 years of age to ride in the open bed of a pickup truck on a highway, road, or street in a city, village, or township at a speed greater than 15 miles per hour.

(2) Subsection (1) does not apply to the operator of any of the following:

(a) A motor vehicle operated as part of a parade pursuant to a permit issued by the governmental unit with jurisdiction over the highway or street.

(b) A military motor vehicle.

(c) An authorized emergency vehicle.

(d) A motor vehicle controlled or operated by an employer or an employee of a farm operation, construction business, or similar enterprise during the course of work activities.

(e) A motor vehicle used to transport a search and rescue team to and from the site of an emergency.

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

History: Add. 2000, Act 434, Eff. Mar. 28, 2001.

Compiler's note: Former MCL 257.682b, which pertained to persons authorized to be transported on school bus and to first aid kits, fire extinguishers, and traffic flares, was repealed by Act 188 of 1990, Eff. Aug. 15, 1990.

EQUIPMENT

257.683 Driving or moving vehicle in unsafe condition; condition and adjustment of parts and equipment; stopping and inspecting vehicle; citation; training requirements as motor carrier enforcement officer; additional parts and accessories; exceptions; violation as civil infraction.

Sec. 683. (1) A person shall not drive or move or the owner shall not cause or knowingly permit to be driven or moved on a highway a vehicle or combination of vehicles that is in such an unsafe condition as to endanger a person, or that does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in sections 683 to 711, or that is equipped in a manner in violation of sections 683 to 711. A person shall not do an act forbidden or fail to perform an act required under sections 683 to 711.

(2) A police officer on reasonable grounds shown may stop a motor vehicle and inspect the motor vehicle, and if a defect in equipment is found, the officer may issue the driver a citation for a violation of a provision of sections 683 to 711.

(3) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this

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section is considered a motor carrier enforcement officer for purposes of this act.

(4) Sections 683 to 711 shall not prohibit the use of additional parts and accessories on a vehicle that are not inconsistent with those sections.

(5) The provisions of sections 683 to 711 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as specifically provided in sections 683 to 711.

(6) Except as otherwise provided in section 698 or 707d, a person who violates a provision of sections 683 to 711 with respect to equipment on vehicles is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 2000, Act 97, Imd. Eff. May 15, 2000;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

257.684 Head lamps; lighting, distance, height.

Sec. 684. (a) Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. When lighted lamps and illuminated devices are required by law no vehicle shall be operated upon any highway of this state with only the parking lights illuminated on the front of the vehicle.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in paragraph (a) of this section upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1961, Act 160, Eff. Sept. 8, 1961;—Am. 1963, Act 58, Eff. Sept. 6, 1963.

257.684a Implement of husbandry; sale; requirements; posting standards.

Sec. 684a. (1) Beginning January 1, 2007, a person shall not sell an implement of husbandry that does not comply with this section. This section does not apply to an implement of husbandry that was manufactured before January 1, 2007.

(2) An implement of husbandry shall comply with the following, which are incorporated by reference:

(a) ANSI/ASAE S276.6 JAN2005, Slow-Moving Vehicle Identification Emblem.

(b) ANSI/ASAE S279.12 DEC02, Lighting and Marking of Agricultural Equipment on Highways.

(3) The secretary of state shall post, on its website, the standards incorporated by reference under subsection (2) not later than 30 days after enactment of the amendatory act that added this section.

History: Add. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.685 Head lamps; number; modulator; height; auxiliary, spot, or other lamp; exemption.

Sec. 685. (1) Except as otherwise provided in subsection (2), a motor vehicle shall be equipped with at least 2 head lamps with at least 1 head lamp on each side of the front of the motor vehicle, in compliance with this chapter. An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a.

(2) A motorcycle or moped shall be equipped with at least 1 and not more than 2 head lamps that comply with this chapter.

(3) A motorcycle or moped head lamp may be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity. A head lamp modulator installed on a motorcycle or moped with 2 head lamps shall be wired in a manner to prevent the head lamps from modulating at different rates or not in synchronization with each other. A head lamp modulator installed on a motorcycle or moped shall meet the standards prescribed in 49 CFR 571.108.

(4) Every head lamp upon a motor vehicle shall be located at a height measured from the center of the head lamp of not more than 54 inches nor less than 24 inches above the level surface upon which the vehicle stands.

(5) When a motor vehicle equipped with head lamps as required in this section is also equipped with auxiliary lamps or a spot lamp or any other lamp on the front of the motor vehicle projecting a beam of an intensity greater than 300 candlepower, not more than a total of 4 of those lamps on the front of a vehicle shall be lighted at a time when upon a highway.

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(6) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements. An historic vehicle shall not be operated in violation of section 684.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 22, Imd. Eff. Apr. 19, 1957;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006;—Am. 2006, Act 453, Imd. Eff. Dec. 14, 2006.

257.686 Rear lamps; exemption; requirements for implement of husbandry; pickup camper.

Sec. 686. (1) A motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn in a train of vehicles shall be equipped with at least 1 rear lamp mounted on the rear, which, when lighted as required by this act, shall emit a red light plainly visible from a distance of 500 feet to the rear.

(2) Either a tail lamp or a separate lamp shall be constructed and placed so as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements.

(4) When operated or moved on a highway at the times specified in section 684, an implement of husbandry shall meet either of the following requirements:

(a) For implements of husbandry manufactured before January 1, 2007, the following:

(*i*) Display lighted rear lamps which meet the requirements of subsection (1).

(*ii*) Be accompanied by a vehicle which follows behind the implement of husbandry at a distance of not more than 50 feet, illuminates the implement of husbandry with the vehicle's headlights, and displays on the rear of the vehicle lighted rear lamps as required by this section.

(b) For implements of husbandry manufactured on or after January 1, 2007, the provisions of section 684a.

(5) A pickup camper shall be attached to the motor vehicle in a manner so that the registration plate of the motor vehicle is clearly visible.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.687 Special lamps for passenger buses, trucks and trailers.

Sec. 687. The sections of this chapter immediately following relating to clearance and marker lamps, reflectors and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely: Passenger busses, trucks, truck tractors, and certain trailers, semi-trailers, and pole-trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 684 of this chapter except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.688 Additional lights or reflectors on buses, trucks, tractors, trailers, implement of husbandry, or special mobile equipment.

Sec. 688. (1) In addition to other equipment required in this chapter, the following vehicles shall be equipped as provided in this section under the conditions stated in section 687:

(a) On every bus or truck, whatever its size, there shall be on the rear, 2 red reflectors, 1 on each side, and 1 red or amber stop light.

(b) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subdivision (a), the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On the rear, 2 clearance lamps, 1 at each side.

(*iii*) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(*iv*) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(*v*) Three identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, where the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab shall be considered to comply with the requirements for identification lamps. The identification lamps or their mounts shall not extend below the top of the vehicle windshield.

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(c) On every truck tractor, the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On the rear, 1 stop light.

(d) On every trailer, pickup camper, or semitrailer having a gross weight in excess of 3,000 pounds, the following:

(*i*) On the front, 2 clearance lamps, 1 at each side.

(*ii*) On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

(*iii*) On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

(*iv*) On the rear, 2 clearance lamps, 1 at each side, also 2 reflectors, 1 at each side, and 1 stop light.

(e) On every poletrailer, the following:

(*i*) On each side, 1 side marker lamp and 1 clearance lamp which may be in combination, to show to the front, side, or rear.

(*ii*) On the rear of the poletrailer or load, 2 reflectors, 1 on each side.

(f) On every trailer, pickup camper, or semitrailer weighing 3,000 pounds gross or less, on the rear, 2 reflectors, 1 on each side if any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with 1 stop light.

(g) Subject to subsection (3), when operated on the highway, every vehicle which has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, or special mobile equipment shall be identified with a reflective device as follows:

(*i*) An equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height: with a dark red border, at least 1-3/4 inches wide of highly reflective beaded material.

(*ii*) A center triangle, at least 12-1/4 inches on each side of yellow-orange fluorescent material.

(2) The device described in subdivision (g) shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited. On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

(3) An implement of husbandry manufactured on or after January 1, 2007 shall comply with section 684a.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1963, Act 211, Eff. Sept. 6, 1963;—Am. 1966, Act 163, Eff. Mar. 10, 1967;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1990, Act 98, Eff. Jan. 1, 1991;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.689 Clearance and marker lamps and reflectors; color.

Sec. 689. (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or amber, and except that the light illuminating the license plate shall be white.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.690 Reflectors, clearance lamps, and side marker lamps; mounting.

Sec. 690. (1) Reflectors shall be mounted at a height not less than 15 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 15 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(2) The rear reflectors on a pole-trailer may be mounted on each side of the bolster or load.

(3) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(4) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required herein with reference to both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1988, Act 383, Eff. Apr. 1, 1989.

257.691 Clearance and marker lamps and reflectors; visibility.

Sec. 691. (a) Every reflector upon any vehicle referred to in section 689 of this chapter shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to

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50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.692 Combination vehicles; obstructed lights, lighting requirements.

Sec. 692. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.693 Lamp or flag on projecting load.

Sec. 693. Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 684 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.694 Parked vehicles; lighting.

Sec. 694. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in section 684, there shall be displayed upon the left side of such vehicle 1 or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of 500 feet upon such highway.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 80, Imd. Eff. June 29, 1959.

257.695 Minimum lighting for all vehicles.

Sec. 695. All vehicles, including animal-drawn vehicles, implements of husbandry, road machinery, road rollers, and farm tractors, not otherwise required under this act to be equipped with head or rear lamps, shall at the times specified in section 684 be in compliance with either of the following:

(a) For implements of husbandry manufactured before January 1, 2007, be equipped with at least 1 lighted lamp exhibiting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp exhibiting a red light visible from a distance of 500 feet to the rear of the vehicle.

(b) For implements of husbandry manufactured on or after January 1, 2007, be in compliance with section 684a.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1995, Act 221, Eff. Jan. 1, 1996;—Am. 2006, Act 14, Imd. Eff. Feb. 9, 2006.

257.696 Spot lamps; fog lamps.

Sec. 696. (a) A motor vehicle may be equipped with not more than 2 spot lamps, except that a motorcycle shall not be equipped with more than 1 spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light.

(b) A motor vehicle may be equipped with not more than 2 fog lamps mounted on the front at a height of not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands, which

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fog lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the requirements of this subsection may be used with lower head-lamp beams.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1977, Act 38, Imd. Eff. June 22, 1977.

257.697 Signal lamps or devices; exemption.

Sec. 697. (a) A motor vehicle may be equipped and when required under this chapter shall be equipped with the following signal lamps or devices:

(1) A stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service or foot brake and which may but need not be incorporated with a tail lamp.

(2) A lamp or lamps or mechanical signal device which conveys an intelligible signal or warning to another driver approaching from the rear.

(b) A stop lamp shall be capable of being seen and distinguished from a distance of 100 feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be capable of being seen and distinguished during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, the lamp or lamps shall at all times be maintained in good working condition. A stop lamp or signal lamp shall not project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 684.

(d) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.697a Sale or operation of certain vehicles unlawful; exception.

Sec. 697a. No person shall sell or offer for sale or operate on the highways any vehicles manufactured or assembled after January 1, 1955, except those exempted from certificate of title requirements under the provisions of section 216 of chapter 2 of this act, as amended, unless it is equipped with mechanical or electrical turn signals meeting the requirements of section 697. This section shall not apply to any motorcycle or motor-driven cycle.

History: Add. 1954, Act 181, Eff. Aug. 13, 1954.

257.697b Rear stop lamps.

Sec. 697b. A person shall not sell or offer for sale or operate on the highways a vehicle manufactured or assembled after January 1, 1965, except those exempted from certificate of title requirements under the provisions of section 216, unless the vehicle is equipped with 2 rear stop lamps except on a motorcycle or moped meeting the requirements of section 697. A motorcycle or moped shall be required to have 1 rear stop lamp.

History: Add. 1964, Act 150, Eff. Aug. 28, 1964;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.698 Side cowl or fender lamps; running board courtesy lamp; backing lights; lamp or reflector; flashing, oscillating, or rotating lights; private motor vehicle of security guard agency or alarm company; use of lights authorized or required under MCL 257.697, 257.697a, and 257.698a; violation as civil infraction.

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

(2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side which shall emit a white or amber light without glare.

(3) Backing lights of red, amber, or white may be mounted on the rear of a motor vehicle if the switch controlling the light is so arranged that the light may be turned on only if the vehicle is in reverse gear. The backing lights when unlighted shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of a driver of a vehicle approaching from the rear.

(4) Unless both covered and unlit, a vehicle driven on the highways of this state shall not be equipped with a lamp or a part designed to be a reflector unless expressly required or permitted by this chapter or that meets the standards prescribed in 49 C.F.R. 571.108. A lamp or a part designed to be a reflector, if visible from the front, shall display or reflect a white or amber light; if visible from either side, shall display or reflect an amber or red light; and if visible from the rear, shall display or reflect a red light, except as otherwise

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provided by law.

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

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

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

(c) An authorized emergency vehicle as defined in section 2 may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if when in use the flashing, rotating, or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets and are clearly visible in a 360 degree arc from a distance of 500 feet when in use. A person operating lights under this subdivision at any time other than when responding to an emergency call is guilty of a misdemeanor.

(d) Flashing, rotating, or oscillating amber lights, placed in a position as to be visible throughout an arc of 360 degrees, shall be used by a state, county, or municipal vehicle engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow.

(e) A vehicle used for the cleanup of spills or a necessary emergency response action taken pursuant to state or federal law or a vehicle operated by an employee of the department of natural resources that responds to a spill, emergency response action, complaint, or compliance activity may be equipped with flashing, rotating, or oscillating amber lights. Such lights shall not be activated unless the vehicle is at the scene of a spill, emergency response action, complaint, or compliance activity.

(f) A vehicle to perform public utility service, a vehicle owned or leased by and licensed as a business for use in the collection and hauling of refuse, an automobile service car or wrecker, a vehicle engaged in authorized highway repair or maintenance, a vehicle of a peace officer, a vehicle operated by a rural letter carrier or a person under contract to deliver newspapers or other publications by motor route, a vehicle utilized for snow removal, a private security guard vehicle as authorized in subsection (7), a motor vehicle while engaged in escorting or transporting an oversize load that has been issued a permit by the state transportation department or a local authority with respect to highways under its jurisdiction, a vehicle owned by the national guard or a United States military vehicle while traveling under the appropriate recognized military authority, a motor vehicle while towing an implement of husbandry, or an implement of husbandry may be equipped with flashing, rotating, or oscillating amber lights. However, a wrecker may be equipped with flashing, rotating, or oscillating red lights which shall be activated only when the wrecker is engaged in removing or assisting a vehicle at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights shall not be activated except in those circumstances that the warning produced by the lights is required for public safety.

(g) A vehicle engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple or amber lights which shall not be activated except during a funeral procession.

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

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

(j) A public transit vehicle may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the vehicle approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the vehicle, which light may be actuated by the driver for use only in inclement weather such as fog, rain, or snow, when boarding or discharging passengers, from 1/2 hour before sunset until 1/2 hour after sunrise, or where conditions hinder the visibility of the public transit vehicle. As used in this subdivision, “public transit vehicle” means a motor vehicle, other than a station wagon or passenger van, with a gross vehicle weight rating of more than 10,000 pounds.

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

(6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light designed primarily for installation on an authorized emergency vehicle to a person except a police officer,

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sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant of the state, a county or municipality within the state, a person engaged in the business of operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization which owns and operates an emergency support vehicle used exclusively for emergencies. This subsection does not prohibit an authorized vehicle, equipped with flashing, rotating, or oscillating blue or red lights, from being operated by a person other than a person described in this section if the person receives authorization to operate the emergency vehicle from a police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fire fighter, volunteer ambulance driver, licensed ambulance driver or attendant, a person operating an ambulance or wrecker service, or a federally recognized nonprofit charitable organization which owns and operates an emergency support vehicle used exclusively for emergencies, except that the authorization shall not permit the person to operate lights as described in subsection (5)(a), (b), (c), (i), or (j), or to exercise the privileges described in section 603. A person who operates an authorized emergency vehicle in violation of the terms of an authorization is guilty of a misdemeanor.

(7) A private motor vehicle of a security guard agency or alarm company licensed pursuant to the private security guard act of 1968, 1968 PA 330, MCL 338.1051 to 338.1085, may display flashing, rotating, or oscillating amber lights. The flashing, rotating, or oscillating amber lights shall not be activated on a public highway when a vehicle is in motion.

(8) This section shall not be construed to prohibit, restrict, or limit the use of lights authorized or required under sections 697, 697a, and 698a.

(9) A person who violates subsection (1), (2), (3), or (4) is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 206, Imd. Eff. June 10, 1953 ;—Am. 1957, Act 19, Eff. Sept. 27, 1957;—Am. 1959, Act 151, Imd. Eff. July 16, 1959;—Am. 1964, Act 7, Imd. Eff. Mar. 20, 1964;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 347, Imd. Eff. Dec. 21, 1976;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 37, Imd. Eff. Mar. 12, 1980;—Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980;—Am. 1984, Act 100, Imd. Eff. May 8, 1984;—Am. 1984, Act 326, Imd. Eff. Dec. 26, 1984;—Am. 1990, Act 188, Eff. Aug. 15, 1990;—Am. 1990, Act 335, Imd. Eff. Dec. 21, 1990;—Am. 1994, Act 101, Imd. Eff. Apr. 18, 1994;—Am. 1997, Act 8, Imd. Eff. May 16, 1997;—Am. 1998, Act 247, Imd. Eff. July 8, 1998.

257.698a Vehicular traffic hazard; front and rear warning lamps.

Sec. 698a. Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

History: Add. 1962, Act 166, Eff. Mar. 28, 1963.

257.699 Multiple beam road lighting equipment; requirements and limitations.

Sec. 699. Except as hereinafter provided, the head lamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles shall be so arranged that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

(a) Head lamps shall in all cases emit a white light. Auxiliary lamps may emit either a white or amber light.

(b) There shall be an uppermost distribution of light, or composite beam, so aimed and of an intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(c) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(d) Every new motor vehicle except motorcycles and mopeds registered in this state which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted when the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 101, Eff. Aug. 13, 1954;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

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257.700 Multiple-beam road lighting equipment; oncoming traffic; intensity.

Sec. 700. (a) Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in section 684, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light, specified in section 699 paragraph (c), shall be deemed to avoid glare at all times regardless of road contour and loading.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1954, Act 101, Eff. Aug. 13, 1954.

257.701 Single-beam road-lighting equipment; intensity.

Sec. 701. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of 5 inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.702 Head lamps on mopeds; single beam or multiple beam type; requirements and limitations.

Sec. 702. The head lamp or head lamps upon every moped may be of the single beam or multiple beam type, but in either event shall comply with the requirements and limitations as follows:

(1) Every head lamp or head lamps on a moped shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet.

(2) If the moped is equipped with a multiple beam head lamp or head lamps, the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 699(b) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light, as set forth in section 699(c).

(3) If the moped is equipped with a single beam lamp or lamps, the lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.703 Slow-moving vehicles; reduced lighting power.

Sec. 703. Any motor vehicle may be operated under the conditions specified in section 684 when equipped with 2 lighted lamps upon the front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps required in section 699 or section 701: Provided, however, That at no time shall it be operated at a speed in excess of 20 miles per hour.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.704 Special restriction as to direction of certain lights.

Sec. 704. Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front direction signals which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.705 Brakes.

Sec. 705. (1) Brake equipment shall be required as follows:

(a) A motor vehicle, other than a motorcycle or moped, and a low-speed vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes

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to at least 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be constructed in a way that failure of 1 part of the operating mechanism shall not leave the motor vehicle without brakes on at least 2 wheels.

(b) A motorcycle or moped when operated upon a highway shall be equipped with at least 2 brakes, 1 on the front wheel and 1 on the rear wheel, which may be operated by hand or foot.

(c) A trailer or semitrailer of a gross weight of 15,001 pounds or more when operated upon a highway shall be equipped with brakes operating on all wheels and designed to be applied by the driver of the towing motor vehicle from its cab.

(d) A new motor vehicle, trailer, or semitrailer sold in this state and operated upon the highways shall be equipped with brakes on all wheels, except a motorcycle or moped, and except that a semitrailer, pole trailer, or trailer of less than 3,000 pounds gross weight need not be equipped with brakes if the gross weight of a trailer or pole trailer, no part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle, and if the gross weight of the towing vehicle and the gross weight of a semitrailer or pole trailer, part of the load of which rests upon the towing vehicle, does not exceed 40% of the gross weight of the towing vehicle when connected to the semitrailer or pole trailer. This subdivision shall not apply to a trailer or semitrailer owned by a farmer and used exclusively in connection with the farming operations of the farmer and not used for hire.

(e) Every bus, school bus, truck, or truck tractor shall be equipped with brakes operating on all wheels, except that a truck or truck tractor that has 3 or more axles need not have brakes on the front wheels if the vehicle was manufactured before July 25, 1980.

(f) In any combination of motor driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(g) A motor vehicle and combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be designed in a manner that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed in a manner that failure of 1 part shall not leave the vehicle without operative brakes.

(h) The brake shoes operating within or upon the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation.

(2) A motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material within the distances specified in this subsection, or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combination of vehicles having brakes on all wheels	30	14
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

(3) Subsection (2) does not apply to a combination of motor-drawn vehicles under all of the following circumstances:

(a) The drawn vehicle is an implement of husbandry as defined in section 21.

(b) The motor vehicle hauling the implement of husbandry does not exceed a maximum speed of 25 miles per hour if the implement of husbandry being drawn is not equipped with brakes that meet the standards set

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forth in 49 C.F.R. 393.40 and this act.

(c) If the implement of husbandry being drawn does not exceed any other implement or component design maximum speed limitation, the combination of vehicles shall not exceed that maximum speed limitation.

(4) All brakes shall be maintained in good working order and shall be adjusted in a manner as to operate as equally as practicable with respect to the wheels on the opposite side of the vehicle.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 29, Imd. Eff. May 1, 1964;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1974, Act 60, Imd. Eff. Apr. 1, 1974;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1988, Act 357, Eff. Apr. 1, 1989;—Am. 1995, Act 91, Imd. Eff. June 20, 1995;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2000, Act 214, Imd. Eff. June 27, 2000.

Compiler's note: In subsection (2), the second column heading that reads "Deceleration in feet per second" evidently should read "Deceleration in feet per second per second."

257.705a Brake fluid specifications.

Sec. 705a. On and after January 1, 1961, no person shall have for sale, or sell or offer for sale, for use in motor vehicle brake systems in this state, any hydraulic brake fluid which does not meet the minimum specifications of the society of automotive engineers for heavy duty brake fluid, as prescribed March 1, 1960.

History: Add. 1960, Act 60, Eff. Aug. 17, 1960.

257.706 Horn or other warning device; siren, whistle, air horn, or bell; theft alarm signal device.

Sec. 706. (a) A motor vehicle, including a motorcycle or moped, when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use the horn when upon a highway.

(b) A vehicle shall not be equipped with nor shall a person use upon a vehicle a siren, whistle, or bell, except as otherwise permitted in this section.

(c) A commercial vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(d) An authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.

(e) A motor vehicle licensed as an historic vehicle may be equipped with a siren, whistle, or bell which may be used when participating in a parade, exhibition, tour, or similar event.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1975, Act 100, Eff. July 1, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.707 Muffler, engine, power mechanism, and exhaust system; requirements; prohibitions.

Sec. 707. (1) A motor vehicle, including a motorcycle or moped, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon a motorcycle or moped on a highway or street.

(2) The engine and power mechanism of a motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(3) A motor vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 134, Imd. Eff. June 1, 1970;—Am. 1976, Act 44, Imd. Eff. Mar. 17, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.707a Definitions used in MCL 257.707a to 257.707e.

Sec. 707a. As used in sections 707a to 707e:

(a) "Decibel" means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American national standards institute standard S 1.1-1960.

(b) "Decibels on the a-weighted network" or "DBA" means decibels measured on the a-weighted network of a sound level meter, as specified in American national standards institute standard S 1.4-1971.

(c) "Fast meter response" means the meter ballistics of meter dynamic characteristics as specified by

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American national standard S 1.4-1971.

(d) "Maximum noise" means the noise emitted from a vehicle during that manner of operation which causes the highest DBA level possible from that vehicle.

(e) "Muffler" means a device for abating the sound of escaping gases of an internal combustion engine.

(f) "Exhaust system" means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) "Noise" means any sound.

(h) "Total noise" means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

(i) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a vehicle.

(j) "Combination vehicle" means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978.

257.707b Exhaust system; requirements.

Sec. 707b. (1) A motor vehicle, while being operated on a highway or street, shall be equipped with an exhaust system in good working order to prevent excessive or unusual noise and shall be equipped to prevent noise in excess of the limits established in this act.

(2) For purposes of sections 707a to 707f, a motor vehicle does not include a special mobile equipment.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.707c Noise limitations; prohibitions.

Sec. 707c. (1) After April 1, 1978, a motor vehicle shall 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.

(*ii*) Seventy-six 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 20 inches from the end of the tailpipe.

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

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

(b) A motorcycle or a moped—83 DBA.

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

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

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

(5) A person shall not modify, repair, replace, or remove a part of an exhaust system causing the motor vehicle to which the system is attached to produce noise in excess of the levels established by this act, or

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operate a motor vehicle so altered on a street or highway.

(6) A dealer shall not sell a used or secondhand motor vehicle for use upon a street or highway which is not in compliance with this act.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978.

257.707d Violations; penalties; liability; prima facie evidence.

Sec. 707d. (1) A person who violates section 707c(2), (4), or (6) is guilty of a misdemeanor punishable by a fine of $100.00.

(2) A person who violates section 707b or 707c(1), (3), or (5) is responsible for a civil infraction.

(3) A person who, at the time of installation, knowingly installs a muffler or exhaust system which exceeds the decibel limits of this act shall be liable to the person who receives a citation for violation of 707c for the amount of not less than $100.00, plus reasonable attorney fees and court costs.

(4) If it is shown that the noise level of a motor vehicle is in excess of the DBA levels established in this act, that evidence shall be prima facie evidence that the motor vehicle was producing excessive noise in violation of this act.

(5) A violation of section 707c(4) or (6) by a dealer licensed under this act is prima facie evidence of a fraudulent act under section 249.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.707e Test instrumentation and procedures; rules; local vehicle noise rules.

Sec. 707e. (1) Test instrumentation and procedures used for implementation and enforcement of sections 707a to 707d shall substantially conform with applicable standards and recommended practices established by the society of automotive engineers, inc., and the American national standards institute, inc., for the measurement of motor vehicle sound levels. Rules establishing these test procedures shall be promulgated by the department of state highways and transportation. The rules may provide for measurement at other than the distance specified in section 707c, provided that the decibel limits applied at the other distances are adjusted accordingly, to meet the standards in section 707c. The rules shall be promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

(2) This act occupies the whole field of vehicle noise regulation. A city, county, village, or township shall not adopt or enforce vehicle noise rules unless the rules are identical to the requirements of this act.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.707f Appropriation.

Sec. 707f. Funds shall be appropriated annually from the motor vehicle highway fund to implement sections 707a to 707e.

History: Add. 1978, Act 73, Imd. Eff. Mar. 21, 1978.

257.708 Mirrors.

Sec. 708. A person shall not drive a motor vehicle on a highway which is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located so as to reflect to the driver a view of the highway to the rear of the vehicle. In addition all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rearviewing angle from the driver's side of the vehicle, except a motor vehicle licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2 ton capacity or more, operating upon the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator shall have a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1967, Act 90, Eff. Jan. 1, 1968;—Am. 1970, Act 94, Imd. Eff. July 20, 1970;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978.

257.708a Windshields; goggles, eyeglasses, or face shields.

Sec. 708a. A motor vehicle shall not be operated on the public highways of this state unless it is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris, when the motor vehicle is moving forward. A farm tractor, other implement of husbandry, and historic vehicles as defined in section 803a are exempt from this section.

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When a motorcycle operated on the public highways of this state in excess of 35 miles per hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eyeglasses, which goggles, eyeglasses, or face shield shall be of shatter resistant material and of sufficient size to protect his eyes against insects, other airborne material, and highway surface water and debris.

History: Add. 1968, Act 142, Eff. Sept. 1, 1968;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

257.708b Operating motor vehicle with television or similar electronic device viewable by operator prohibited; exceptions; location of permitted visual device; special permit for research vehicle; violation as civil infraction.

Sec. 708b. (1) A person shall not operate a motor vehicle that is to be used upon the highways of this state with a television or other similar electronic device that displays a video image that can be viewed by the operator while the motor vehicle is in motion.

(2) This section does not apply to:

(a) An audio entertainment system, heating or air-conditioning controls, or other accessory controls in the motor vehicle.

(b) A vehicle information or navigation system for use in displaying only information pertaining to vehicle location, available routes and destinations, road layouts, weather conditions, traffic and road conditions, vehicle conditions, or traveler services.

(c) A research vehicle if the test plan for the vehicle has been approved by a process meeting federal guidelines established in 45 CFR part 46 for the protection of human beings and the vehicle has been issued a special registration permit by the secretary of state.

(d) A motor vehicle equipped with a video display to enhance or supplement the driver's view.

(e) A police vehicle, fire vehicle, or ambulance equipped with a monitor for use with a computer-aided dispatch system or emergency equipment controls.

(f) A police vehicle equipped with a monitor for use with recording equipment.

(g) A motor vehicle equipped with a video display to communicate vehicle, driver, or safety conditions.

(3) Except as otherwise provided in this subsection, a visual device permitted under subsection (2)(a) or (b) shall be built into the dashboard, center console, instrument panel, rearview mirror, or other control area of the vehicle and shall meet all applicable federal motor vehicle dash safety standards. An aftermarket visual device described in subsection (2)(a) or (b) may be installed or mounted on the windshield or above the dashboard, but shall not be mounted within the deployment profile of the vehicle airbags or in a manner that interferes with the operator's view or control. This subsection does not apply to a research vehicle described in subsection (2)(c).

(4) Upon receipt of a completed application, on a form prescribed by the secretary of state, and payment of a fee of $10.00, the secretary of state may issue a special permit authorizing a research vehicle to use the highways of this state. A copy of the authority received by the applicant under subsection (2)(c) shall be submitted as part of the application for the special permit. The special permit may be in a form as prescribed by, and shall be displayed on a research vehicle in a manner determined by, the secretary of state. The special permit shall expire upon completion of or expiration of the specific test plan approved under subsection (2)(c), whichever occurs first, and shall be immediately removed from the research vehicle and destroyed. A special permit shall not be transferred to another vehicle or person. The fee collected under this subsection shall be credited to the Michigan transportation fund and used to defray the expenses of the secretary of state in administering the special permit program. In addition to a special permit, the appropriate vehicle registration plate shall be displayed on a research vehicle to use a highway of this state.

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

History: Add. 1991, Act 55, Imd. Eff. June 27, 1991;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 19, Imd. Eff. Mar. 7, 2008.

257.709 Windshields and windows; prohibitions; rearview mirrors; exceptions; windshield wipers; exemption; hot air windshield defroster or electrically heated windshield or other device; windshield washer; definitions.

Sec. 709. (1) A person shall not drive a motor vehicle with any of the following:

(a) A sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the

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shade band, whichever is closer to the top of the windshield.

(b) A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film.

(c) A dangling ornament or other suspended object that obstructs the vision of the driver of the vehicle, except as authorized by law.

(2) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(3) This section shall not apply to:

(a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind the vehicle.

(b) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver.

(c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway.

(d) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province.

(e) A special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating that the special window treatment or application is a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

(4) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order.

(5) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. parts 100 to 199 having a windshield shall be equipped with not less than 2 automatically operating windshield wiper blades, 1 on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless 1 blade is so arranged as to clean an area of the windshield extending to within 1 inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this subsection shall apply only to the driven vehicle. In addition, 1 windshield wiper blade suffices under this subsection when the driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for 2 blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.

(6) A truck with a gross weight over 10,000 pounds, a truck tractor, a bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. parts 100 to 199 shall not be operated on the highways at any time unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other device to heat and maintain the windshield in operable condition at all times.

(7) As used in this section:

(a) “Physician” means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(b) “Optometrist” means that term as defined in section 17401 of the public health code, 1978 PA 368, MCL 333.17401.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 142, Eff. Sept. 28, 1951;—Am. 1954, Act 167, Eff. Aug. 13, 1954;—Am. 1955, Act 174, Eff. Oct. 14, 1955;—Am. 1958, Act 23, Eff. Sept. 13, 1958;—Am. 1978, Act 55, Imd. Eff. Mar. 10, 1978;—Am. 1980, Act 220, Eff. Mar. 31, 1981;—Am. 1988, Act 383, Eff. Apr. 1, 1989;—Am. 1988, Act 470, Eff. Apr. 1, 1989;—Am. 2000, Act 127, Imd. Eff. May 30, 2000.

257.710 Tires; studs or other traction devices; rules; exceptions; use or sale of unsafe tires

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prohibited.

Sec. 710. (a) A person shall not operate on a public highway of this state a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections (c), (d), and (e).

(b) A person shall not operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsections (c), (d), and (e). A person may, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion upon a vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to skid.

(c) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded if the tire is constructed so that the percent of metal in contact with the highway does not exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire the metal in contact with the highway shall not exceed 20% of the area.

(d) The department of state highways and transportation shall promulgate rules establishing acceptable standards to permit the use of a tire with studs or other traction devices to be used on a street or highway after April 1, 1975. The rules shall make separate provision for the extreme winter snow and ice conditions of the Upper Peninsula and the northern Lower Peninsula. The rules shall include a restriction on the amount and dimension of protrusions that may be allowed on a tire, the type of material that may be used in a stud, traction device, or tire, and the amount of road wear that a tire with studs or other traction devices may cause on a street or highway.

(e) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.

(f) A person shall not operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (h).

(g) A person in the business of selling tires shall not sell or offer for sale for highway use a tire which is unsafe as provided in subsection (h).

(h) A tire is unsafe if it is in any of the following conditions:

(*i*) Has a part of the belting material, tire cords, or plys exposed.

(*ii*) Has evidence of cord or tread separations.

(*iii*) Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:

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motorcycles and moped.....................1/32 inch front and rear
passenger cars and vehicles
   weighing less than 10,000
   pounds...................................2/32 inch front and rear
vehicles weighing 10,000 pounds
   or more..........................4/32 inch front and 2/32 rear
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Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle licensed as an historic vehicle under section 803a is exempt from the tread depth requirements of this subsection.

(*iv*) Has a marking "not for highway use", "for racing purposes only", "for farm use only", or "unsafe for highway use".

(*v*) Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1962, Act 41, Eff. Mar. 28, 1963;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1967, Act 127, Imd. Eff. June 27, 1967;—Am. 1973, Act 138, Eff. Mar. 29, 1974;—Am. 1977, Act 119, Imd. Eff. Oct. 19, 1977.

Compiler's note: In subdivision (h)(*i*), the word “plys” evidently should read “plies.”

Administrative rules: R 247.171 et seq. of the Michigan Administrative Code.

257.710a Safety belts and restraining devices; standards, rules and regulations.

Sec. 710a. No person shall sell, offer or keep for sale, or install for use in any motor vehicle to be operated on the highways of this state, any safety belt, safety restraining device, or attachments thereto as referred to in this section, unless of a type conforming to standards and specifications established by rules and regulations which have been established by the commissioner of the Michigan state police.

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The rules and regulations established pursuant to the authorization given in this section shall be promulgated in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110, inclusive, of the Compiled Laws of 1948.

History: Add. 1955, 1st Ex. Sess., Act 2, Eff. Feb. 3, 1956.

Popular name: Seat Belt Law

Administrative rules: R 28.901 et seq. of the Michigan Administrative Code.

257.710b Safety belts; bolts and brackets.

Sec. 710b. A private passenger vehicle manufactured after January 1, 1965 shall not be offered for sale in this state unless the vehicle is equipped with safety belts for the use of the driver and 1 other front seat passenger. All safety belts and bolts and brackets used in the installation of the safety belts shall meet the minimum specifications of the society of automotive engineers as prescribed on April 1, 1963. This section shall not apply to trucks, buses, hearses, motorcycles, or mopeds.

History: Add. 1961, Act 163, Eff. Sept. 8, 1961;—Am. 1963, Act 212, Eff. Sept. 6, 1963;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977.

Popular name: Seat Belt Law

257.710c Bumpers; height limitations; lift blocks; prohibited modifications; construction of section; applicability; definitions.

Sec. 710c. (1) A person shall not operate a motor vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function which bumper or system is securely bolted or permanently attached on both the front and rear of the vehicle. The bumper or energy absorption system shall be maintained in good operational condition, except as provided in subsection (5). Notwithstanding subsection (6), a person shall not drive a vehicle having a raised or lifted body height unless the vehicle is equipped with bumpers that comply with this subsection and subsection (2).

(2) A person shall not operate a motor vehicle of a type defined in subsection (8) that exceeds either of the following limits:

Vehicle Type	Frame Height	Bumper Height
Passenger vehicle.....	12 inches	22 inches
Other motor vehicle:		
Less than 4,501 pounds GVWR...	24 inches	26 inches
4,501 to 7,500 pounds GVWR....	24 inches	28 inches
7,501 to 10,000 pounds GVWR...	26 inches	30 inches

(3) If the GVWR cannot be determined on a motor vehicle other than a passenger vehicle, the limitations for a motor vehicle having less than 4,501 pounds GVWR shall apply.

(4) Notwithstanding subsection (2), a person shall not operate a motor vehicle having lift blocks between the front axle and springs, or with lift blocks that exceed 4 inches in height between the rear axle and springs in addition to those provided by the original manufacturer. Any body lift block shall be of single piece construction and shall not use more than a 3-inch spacer. Any suspension lift block shall use an alignment pin between the axle and the spring, and shall be of single piece construction. Spring shackle replacements shall not exceed the original equipment manufacture length by more than 2 inches, and coil spring spacers are prohibited. All steering components shall be geometrically arranged to function as original equipment manufacture. Welded pitman arms, drag links, and tie rods are prohibited. All parts used to modify the original suspension or height of a motor vehicle shall be factory manufactured and shall meet or exceed the original manufacturer's specifications.

(5) A person shall not modify a vehicle to be in violation of this section, alter or add to an original frame resulting in an increase in height of the vehicle, or cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body. No part of the suspension on a vehicle shall extend below the lowest portion of a wheel rim on the vehicle. A part of the original suspension system shall not be disconnected or modified to defeat the safe operation of the suspension system. This section does not prohibit the installation of heavy duty equipment including bumpers, shock absorbers, and overload springs within the limitations of this section, or the removal of a bumper when necessary to install a snowplow, lift ramp, or similar device while the device is in place and operational.

(6) This section shall not be construed to establish standards stricter than those formulated by the United States department of transportation for bumpers on a passenger motor vehicle sold within the United States.

(7) This section does not apply to a vehicle having a manufacturer's design which intrinsically precludes

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conformance with this section, a vehicle with a GVWR of 10,001 pounds or more, a vehicle designed to carry 16 or more passengers including the driver, implements of husbandry, or a road tractor, truck or truck tractor owned by a wood harvester or contractor and used exclusively in connection with wood harvesting and logging operations, or a vehicle which has an unaltered bumper or suspension system as supplied by the manufacturer. The operator of a vehicle cited for a violation of this section may assert as an affirmative defense that the vehicle in question, at the time of the violation, met original manufacturer's specifications for equipment which affected its bumper or frame height. The operator shall establish by a preponderance of this evidence the affirmative defense asserted pursuant to this subsection.

(8) As used in this section:

(a) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure. If the bottom of the bumper cannot be determined due to vehicle design, the measurement shall be made from the lowest point on the rearmost portion of the rear horizontal bumper bar, or the vertical distance between the lowest point on the forwardmost portion of the front horizontal bumper bar, as measured to a level surface when the vehicle is unladen with the vehicle tires inflated to the manufacturer's recommended pressure.

(b) "Frame" means the main longitudinal structural members of the chassis of the vehicle as equipped from the factory or, for a vehicle with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

(c) "Frame height" means the vertical distance between the ground and the lowest point on the frame, measured when the vehicle is unladen on a level surface at the lowest point on the frame midway between the front axle and the second axle on the vehicle with the vehicle tires inflated to the manufacturer's recommended pressure.

(d) "GVWR" means the original manufacturer's gross vehicle weight rating as defined in section 18b.

(e) "Multipurpose passenger motor vehicle" means a motor vehicle, other than a truck or passenger vehicle, designed to carry 10 passengers or less and constructed either on a truck chassis or with special features for occasional off-road operation.

(f) "Other motor vehicle" means any truck, multipurpose passenger motor vehicle, or other motor vehicle having a GVWR of 10,000 pounds or less, not including a passenger vehicle or motorcycle.

(g) "Passenger vehicle" means a motor vehicle with motive power designed to carry 10 passengers or less, or a van having a GVWR of 5,000 pounds or less, but not including a multipurpose passenger motor vehicle, motorcycle, or truck.

History: Add. 1978, Act 225, Eff. Mar. 30, 1979;—Am. 1987, Act 19, Eff. Jan. 1, 1991;—Am. 1991, Act 129, Eff. Mar. 30, 1992.

257.710d Child restraint system required; position; exceptions; violation as civil infraction; points; abstract; exemption by rules; alternate means of protection.

Sec. 710d. (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or federal regulation, each driver transporting a child less than 4 years of age in a motor vehicle shall properly secure that child in a child restraint system that meets the standards prescribed in 49 CFR 571.213.

(2) A driver transporting a child as required under subsection (1) shall position the child in the child restraint system in a rear seat, if the vehicle is equipped with a rear seat. If all available rear seats are occupied by children less than 4 years of age, then a child less than 4 years of age may be positioned in the child restraint system in the front seat. A child in a rear-facing child restraint system may be placed in the front seat only if the front passenger air bag is deactivated.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

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

(5) Points shall not be assessed under section 320a for a violation of this section. An abstract required under section 732 shall not be submitted to the secretary of state regarding a violation of this section.

(6) The secretary of state may exempt by rules promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

History: Add. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1990, Act 90, Eff. Mar. 28, 1991;—Am. 1999, Act 29, Eff. Mar. 10, 2000;

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—Am. 2009, Act 57, Imd. Eff. June 26, 2009.

Compiler's note: Enacting section 1 of 1999 PA 29, which amended this section, provides:

"Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders."

Popular name: Seat Belt Law

257.710e Safety belt required; driver or passenger to which section inapplicable; transporting child 4 years of age but less than 16 years of age; enforcement of section; violation as evidence of negligence; reduction of recovery for damages; violation as civil infraction; reports of police harassment; effect of primary enforcement; report of findings; intent; assessment of points prohibited.

Sec. 710e. (1) This section does not apply to an operator or passenger of any of the following:

(a) A motor vehicle manufactured before January 1, 1965.

(b) A bus.

(c) A motorcycle.

(d) A moped.

(e) A motor vehicle if the operator or passenger possesses a written verification from a physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(f) A motor vehicle that is not required to be equipped with safety belts under federal law.

(g) A commercial or United States postal service vehicle that makes frequent stops for the purpose of pickup or delivery of goods or services.

(h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.

(2) This section does not apply to a passenger of a school bus.

(3) Each operator and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt except as follows:

(a) A child who is less than 4 years of age shall be protected as required in section 710d.

(b) A child who is 4 years of age or older but less than 8 years of age and who is less than 4 feet 9 inches in height shall be properly secured in a child restraint system in accordance with the child restraint manufacturer's and vehicle manufacturer's instructions and the standards prescribed in 49 CFR 571.213.

(4) If there are more passengers than safety belts available for use, and all safety belts in the motor vehicle are being utilized in compliance with this section, the operator of the motor vehicle is in compliance with this section.

(5) Except as otherwise provided in subsection (3)(b), each operator of a motor vehicle transporting a child 4 years of age or older but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt and seated as required under this section. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the operator and all front seat passengers comply with subsection (3), the operator of a motor vehicle transporting a child 8 years of age or older but less than 16 years of age for which there is not an available safety belt is in compliance with this subsection if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the operator may transport the child in the front seat without a safety belt.

(6) If after December 31, 2005 the office of highway safety planning certifies that there has been less than 80% compliance with the safety belt requirements of this section during the preceding year, enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when an operator of a motor vehicle has been detained for a suspected violation of another section of this act.

(7) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, that negligence shall not reduce the recovery for damages by more than 5%.

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

(9) A law enforcement agency shall conduct an investigation for all reports of police harassment that result from the enforcement of this section.

(10) The secretary of state shall engage an independent organization to conduct a 3-year study to determine the effect that the primary enforcement of this section has on the number of incidents of police harassment of motor vehicle operators. The organization that conducts the study shall submit a report to the legislature not later than June 30, 2001 and an annual report not later than June 30 each year thereafter.

(11) The secretary of state shall promote compliance with the safety belt requirements of this section at the

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branch offices and through any print or visual media determined appropriate by the secretary of state.

(12) It is the intent of the legislature that the enforcement of this section be conducted in a manner calculated to save lives and not in a manner that results in the harassment of the citizens of this state.

(13) Points shall not be assessed under section 320a for a violation of this section.

History: Add. 1985, Act 1, Eff. July 1, 1985;—Am. 1989, Act 3, Imd. Eff. Apr. 6, 1989;—Am. 1990, Act 90, Eff. Mar. 28, 1991;—Am. 1991, Act 25, Imd. Eff. May 20, 1991;—Am. 1999, Act 29, Eff. Mar. 10, 2000;—Am. 2008, Act 43, Eff. July 1, 2008.

Compiler's note: Enacting section 1 of 1999 PA 29, which amended this section, provides:

"Enacting section 1. It is the intent of the legislature that the cost savings realized by insurance companies because of the changes made by this amendatory act shall be passed on to insurance policy holders."

Popular name: Seat Belt Law

257.710f Adoption of program to encourage compliance.

Sec. 710f. The secretary of state shall adopt a program to encourage compliance with the safety belt usage requirement, which shall inform all applicants for an operator license that safety belts are beneficial and that failure to use them properly is unlawful.

History: Add. 1985, Act 1, Eff. July 1, 1985.

Popular name: Seat Belt Law

257.710g Child car seat safety grant program; establishment.

Sec. 710g. The department of community health shall establish a child car seat safety grant program for the purpose of providing grants for training, promotion, and education concerning the child restraint system use requirements under sections 710d and 710e. The child car seat safety grant program shall provide grants to persons that the department of community health considers eligible.

History: Add. 2000, Act 282, Imd. Eff. July 10, 2000;—Am. 2000, Act 439, Imd. Eff. Jan. 9, 2001.

257.711 Safety glass required; safety plastic on buses; "safety glass" defined; penalties.

Sec. 711. (1) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter which is designed or used for the purpose of transporting passengers for compensation unless that vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966, as supplemented and amended, may be used on buses in lieu of safety glass, except that front windshields shall be equipped with safety glass.

(2) A person shall not sell a new motor vehicle nor shall a new motor vehicle be registered thereafter unless that vehicle is equipped with safety glass wherever glass is used in the windshield, doors, and windows; nor shall any glass be replaced in the windshield, doors, and windows of a motor vehicle unless the glass is safety glass as herein defined.

(3) The term "safety glass" shall mean a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

(4) In addition to the penalties imposed by this act, the permit issued by the Michigan public service commission to a person engaged in the passenger carrying business shall be subject to revocation or suspension in the discretion of the Michigan public service commission.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1974, Act 64, Imd. Eff. Apr. 1, 1974;—Am. 1990, Act 188, Eff. Aug. 15, 1990.

257.711a Repealed. 1990, Act 188, Eff. Aug. 15, 1990.

Compiler's note: The repealed section pertained to school bus gasoline tanks.

257.712, 257.713 Repealed. 2002, Act 282, Imd. Eff. May 9, 2002.

Compiler's note: The repealed sections pertained to flares, flags, reflector units, and flashing signals on stopped vehicles.

257.714 Repealed. 1980, Act 487, Imd. Eff. Jan. 21, 1981.

Compiler's note: The repealed section pertained to vehicles transporting explosives as cargo.

257.714a, 257.714b Repealed. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

Compiler's note: The repealed sections pertained to preventing commercial vehicles from throwing road surface substances from rear wheel and to fuel systems for trucks over 10,000 pounds, truck tractors, road tractors, or buses.

INSPECTION OF VEHICLES

257.715 Maintenance of equipment on vehicles; stopping and inspecting vehicles; citation for defects in equipment; inspection of vehicles involved in accident; temporary vehicle

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check lanes.

Sec. 715. (1) Equipment on motor vehicles as required under this act shall be maintained as provided in this act. A uniformed police officer may on reasonable grounds shown stop a motor vehicle to inspect the vehicle, and if any defects in equipment are found, issue an appropriate citation under section 728 or 742 to the driver and order the driver to have the defect or defects repaired immediately. In case of an accident a police officer may make an inspection of the vehicles involved in the accident.

(2) The director of the department of state police shall cause inspection to be made of motor vehicles operating on the public highways to detect defective equipment or other violations of law governing the use of public highways by motor vehicles, operators, and chauffeurs. For that purpose the director may establish temporary vehicle check lanes at appropriate locations throughout the state for checking for inadequacies and violations. A county, city, village, or township police department also may operate a temporary check lane within its limits with the express authorization of the director of the department of state police and under the direct supervision of a designated representative of the director.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 214, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.715a Inspection of certain school buses, buses, or other motor vehicles with seating capacity of 12 or more; delegation of inspection; rules.

Sec. 715a. (1) A school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers shall not be operated on a highway unless the vehicle has been inspected as provided in this section.

(2) The department of state police shall inspect each school bus, bus, or other motor vehicle with a manufacturers rated seating capacity of 12 or more, which is owned, leased or used by a nonpublic school, religious organization, nonprofit youth organization, nonprofit rehabilitation facility, or senior citizen center for the transportation of passengers, annually, and more frequently if defects are found in the organization's vehicles, to determine if the vehicles meet the specifications of the department of state police. The department of state police may delegate the inspection of vehicles under this section to publicly employed inspectors if the inspections comply with this section.

(3) The department of state police shall promulgate rules for safety equipment for a school bus, bus, or other motor vehicle regulated under this section pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: Add. 1978, Act 547, Imd. Eff. Dec. 22, 1978;—Am. 1984, Act 269, Imd. Eff. Dec. 18, 1984.

Administrative rules: R 257.951 et seq. of the Michigan Administrative Code.

SIZE, WEIGHT AND LOAD

257.716 Exceeding size and weight limitations as misdemeanor; exceptions; rules; operation of wrecker, disabled vehicle, and trailer; noncompliance; fine.

Sec. 716. (1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight specified in this chapter are lawful throughout this state, and local authorities shall not alter those size and weight limitations except as express authority is granted in this chapter.

(2) The provision of this chapter governing size, weight, and load do not apply to a fire apparatus, to an implement of husbandry, a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer used exclusively in a commercial boat storage operation and incidentally moved upon a highway, a combination of vehicles described in, and under the conditions provided by, subsection (4), or to a vehicle operated under the terms of a special permit issued as provided in this chapter.

(3) The state transportation department, under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter. The rules may restrict or proscribe the conditions of operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations in this chapter, if the restriction or proscription is necessary to protect the public safety or to prevent undue damage to a road foundation or surface, a structure, or an installation. The rules may provide for a reasonable inspection fee for an inspection of a vehicle or vehicles to determine whether their sizes and weights are in conformance with this act, and may require other security necessary to compensate for damage caused by the vehicle or vehicles described in this subsection.

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(4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and 1 trailer, that exceeds the size and weight limitations in this chapter may be operated upon the highways of this state under the following conditions:

(a) The wrecker is specifically designed for such towing operations, is equipped with flashing, oscillating, or rotating amber or red lights as permitted under section 698, and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(b) For a combination of disabled vehicles, the wrecker is issued a special permit under section 725 by the state transportation department if each trip beginning from the place of original disablement of the combination of disabled vehicles is 25 miles or less except that, for each trip that begins and ends north of a line between Ludington and Pinconning, the trip beginning from the place of original disablement of the combination of vehicles may be 50 miles or less. The special permit is valid for the entire towing distance set forth in this subdivision, and the operator of the wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

(c) For a single disabled vehicle, the wrecker is issued a special permit under section 725 by the state transportation department for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations for a special permit issued for purposes of this subdivision.

(d) The wrecker does not operate on any highway, road, street, or structure included on a list provided by the state transportation department unless the disabled vehicle or combination of vehicles is located on 1 of those roads or structures.

(5) The owner or operator of a wrecker that does not comply with subsection (4)(d) is responsible for a civil infraction and shall pay a civil fine of not less than $250.00 or more than $500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under section 724 or 725.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1970, Act 177, Imd. Eff. Aug. 3, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980;—Am. 1998, Act 427, Eff. Mar. 1, 1999;—Am. 2006, Act 509, Imd. Eff. Dec. 29, 2006;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.717 Maximum permissible width of vehicle or load; operation or movement of implement of husbandry; extension beyond center line of highway; permit; designation of highway for operation of vehicle or vehicle combination; special permit; boat lift or trailer; violation as civil infraction; charging owner.

Sec. 717. (1) The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section.

(2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit for an excessively wide vehicle or load under section 725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, under the conditions specified in section 639, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(3) The total outside width of the load of a vehicle hauling concrete pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(4) Except as provided in subsections (2) and (5) and this subsection, if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck and trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may be operated with a maximum width of not to exceed 108 inches in accordance with a special permit issued under section 725.

(5) The total outside body width of a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than 6 inches beyond the total outside body width is not a violation of this section.

(6) A vehicle shall not extend beyond the center line of a state trunk line highway except when authorized by law. Except as provided in subsection (2), if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under section 725.

(7) The director of the state transportation department, a county road commission, or a local authority may designate a highway under the agency's jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would

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otherwise be prohibited by this section. The agency making the designation may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This subsection does not restrict the issuance of a special permit under section 725 for the operation of a vehicle or vehicle combination. This subsection does not permit the operation of a vehicle or vehicle combination described in section 722a carrying a load described in that section if the operation would otherwise result in a violation of that section.

(8) The director of the state transportation department, a county road commission, or a local authority may issue a special permit under section 725 to a person operating a vehicle or vehicle combination if all of the following are met:

(a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

(*i*) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.

(*ii*) The facilities are located within 10 miles of each other.

(*iii*) The facilities are located within the city limits of the same city and the city is located in a county that has a population of more than 400,000 and less than 500,000 according to the most recent federal decennial census.

(c) The special permit and any renewals are each issued for a term of 1 year or less.

(9) A person may move or operate a boat lift of any width or an oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer in a commercial boat storage operation on a highway under a multiple trip permit issued on an annual basis as specified under section 725. The operation or movement of the boat lift or trailer shall minimize the interruption of traffic flow. It shall be used exclusively to transport a boat between a place of storage and a marina or in and around a marina. A boat lift or oversized hydraulic boat trailer may be operated, drawn, or towed on a street or highway only when transporting a vessel between a body of water and a place of storage or when traveling empty to or from transporting a vessel. A boat lift shall not be operated on limited access highways. A person moving or operating a boat lift or oversized hydraulic boat trailer shall follow all traffic regulations and shall ensure the route selected has adequate power and utility wire height clearance.

(10) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 68, Eff. Sept. 28, 1951;—Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952;—Am. 1953, Act 206, Imd. Eff. June 10, 1953;—Am. 1954, Act 92, Eff. Aug. 13, 1954;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1976, Act 320, Imd. Eff. Dec. 7, 1976;—Am. 1978, Act 391, Eff. Jan. 15, 1979;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 16, Eff. Aug. 1, 1979;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1987, Act 90, Imd. Eff. July 1, 1987;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1999, Act 63, Imd. Eff. June 17, 1999;—Am. 2000, Act 7, Imd. Eff. Feb. 25, 2000;—Am. 2002, Act 453, Imd. Eff. June 21, 2002;—Am. 2002, Act 552, Eff. Oct. 1, 2002;—Am. 2004, Act 511, Imd. Eff. Jan. 3, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

257.718 Width of load carried on passenger type vehicle; violation as civil infraction.

Sec. 718. (1) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than 6 inches beyond the line of the fenders on the right side of the vehicle.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

****** 257.719 SUBSECTIONS (2)(a) AND (3)(b) MAY NOT APPLY: See subsection (8) ******

257.719 Height of vehicle; liability for damage to bridge or viaduct; normal length maximum; prohibitions; connecting assemblies and lighting devices; gross weight; violation as civil infraction; applicability of subsections (2)(a) and (3)(b); definitions.

Sec. 719. (1) A vehicle unloaded or with load shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(2) Lengths described in this subsection shall be known as the normal length maximum. Except as provided in subsection (3), the following vehicles and combinations of vehicles shall not be operated on a highway in this state in excess of these lengths:

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(a) Subject to subsection (8), any single vehicle: 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle: 42.5 feet; any single bus or motor home: 45 feet.

(b) Articulated buses: 65 feet.

(c) Notwithstanding any other provision of this section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designed and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats, that does not exceed a length of 65 feet. Stinger-steered combinations shall not exceed a length of 75 feet. The load on the combinations of vehicles described in this subdivision may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(d) Truck tractor and semitrailer combinations: no overall length, the semitrailer not to exceed 50 feet.

(e) Truck and semitrailer or trailer: 59 feet.

(f) Except as provided in subdivision (g), truck tractor, semitrailer, and trailer, or truck tractor and 2 semitrailers: 59 feet.

(g) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28-1/2 feet long: 65 feet. This subdivision only applies while the vehicle is being used for a business purpose reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(h) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination, not to exceed 55 feet.

(3) Notwithstanding subsection (2), the following vehicles and combinations of vehicles shall not be operated on a designated highway of this state in excess of these lengths:

(a) Truck tractor and semitrailer combinations: no overall length limit, the semitrailer not to exceed 53 feet. All semitrailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center of the rear axle assembly. A semitrailer with a length longer than 50 feet shall not operate with more than 3 axles on the semitrailer. City, village, or county authorities may prohibit stops of vehicles with a semitrailer longer than 50 feet within their jurisdiction unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(b) Truck and semitrailer or trailer combinations: 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designed and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed to and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed 6 feet if the semitrailer does not exceed 50 feet in length.

(c) Notwithstanding subsection (4)(d), a truck tractor with a log slasher unit and a log saw unit: no overall limit if the length of each unit does not exceed 28-1/2 feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this subdivision shall meet the requirements established under the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(d) Truck tractor and 2 semitrailers, or truck tractor, semitrailer, and trailer combinations: no overall length limit, if the length of each semitrailer or trailer does not exceed 28-1/2 feet each, or the overall length of the semitrailer and trailer, or 2 semitrailers as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together does not exceed 58 feet.

(e) More than 1 motor vehicle, wholly or partially assembled, in combination, utilizing 1 tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of 1 of the vehicles in combination, not to exceed 75 feet.

(4) The following combinations and movements are prohibited:

(a) A truck shall not haul more than 1 trailer or semitrailer, and a truck tractor shall not haul more than 2 semitrailers or 1 semitrailer and 1 trailer in combination at any 1 time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, not exceeding in any combination a total length of 55 feet and at a speed limit

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not to exceed 15 miles per hour.

(b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the state transportation department or a local authority with respect to a highway under its jurisdiction.

(c) Any combination of vehicles not specifically authorized under this section is prohibited.

(d) Except as provided in subsection (3)(c), a combination of 2 semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connecting assembly that conforms to the requirements of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.25.

(e) A vehicle or a combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle.

(f) A vehicle described in subsections (2)(e) and (3)(e) employing triple saddle mounts unless all wheels that are in contact with the roadway have operating brakes.

(5) All combinations of vehicles under this section shall employ connecting assemblies and lighting devices that are in compliance with the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22.

(6) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and 2 semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent specified in the handbook published by the society of automotive engineers, inc. (SAE), 1977 edition.

(7) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

(8) The provisions in subsections (2)(a) and (3)(b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless section 127(d) of title 23 of the United States Code, 23 USC 127, is amended to allow crib vehicles carrying logs to be loaded as described in this section.

(9) As used in this section:

(a) "Designated highway" means a highway approved by the state transportation department or a local authority with respect to a highway under its jurisdiction.

(b) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix d. 23 CFR 658.16 and 23 CFR part 658, appendix d, as on file with the secretary of state are adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting structure to the rearmost transverse load supporting structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(c) "Stinger-steered combinations" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 43, Eff. Sept. 28, 1951;—Am. 1954, Act 111, Imd. Eff. Apr. 15, 1954;—Am. 1955, Act 208, Imd. Eff. June 17, 1955;—Am. 1956, Act 141, Imd. Eff. Apr. 16, 1956;—Am. 1957, Act 291, Eff. Sept. 27, 1957;—Am. 1958, Act 88, Imd. Eff. Apr. 11, 1958;—Am. 1964, Act 94, Eff. Aug. 28, 1964;—Am. 1966, Act 79, Imd. Eff. June 14, 1966;—Am. 1968, Act 43, Imd. Eff. May 21, 1968;—Am. 1969, Act 59, Imd. Eff. July 21, 1969;—Am. 1970, Act 70, Imd. Eff. July 12, 1970;—Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974;—Am. 1974, Act 95, Imd. Eff. Apr. 25, 1974;—Am. 1976, Act 201, Imd. Eff. July 23, 1976;—Am. 1978, Act 225, Eff. Mar. 30, 1979;—Am. 1978, Act 386, Imd. Eff. July 27, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 565, Imd. Eff. Dec. 29, 1978;—Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981;—Am. 1981, Act 147, Imd. Eff. Nov. 10, 1981;—Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1984, Act 1, Imd. Eff. Jan. 24, 1984;—Am. 1985, Act 174, Imd. Eff. Dec. 2, 1985;—Am. 1986, Act 187, Imd. Eff. July 8, 1986;—Am. 1988, Act 88, Eff. Apr. 15, 1988;—Am. 1988, Act 356, Imd. Eff. Dec. 7, 1988;—Am. 1990, Act 78, Imd. Eff. May 24, 1990;—Am. 1992, Act 127, Imd. Eff. June 30, 1992;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000;—Am. 2002, Act 78, Imd. Eff. Mar. 25, 2002;—Am. 2002, Act 453, Imd. Eff. June 21, 2002;—Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2009, Act 37, Imd. Eff. June 4, 2009.

Compiler's note: In subsection (9)(b), the reference to "appendix d" evidently should be followed by a comma instead of a period.

Administrative rules: R 460.16101 et seq. of the Michigan Administrative Code.

257.719a Operation of towing vehicle to which mobile home or park model trailer attached.

Sec. 719a. (1) Notwithstanding any other provisions of this act, a person shall not operate a towing vehicle to which a mobile home or park model trailer is attached on a street or highway if that mobile home or park model trailer is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle, is more than 12-1/2 feet in height, and has an actual body width of more than 102 inches at base rail,

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unless that person possesses either of the following:

(a) A permit issued by the jurisdictional authority under this section.

(b) A special permit issued by the jurisdictional authority under section 725.

(2) A jurisdictional authority may issue to a mobile home or park model trailer transport company, a mobile home or park model trailer manufacturer, or a mobile home or park model trailer dealer an annual permit to move on a street or highway, in the ordinary course of that company's, manufacturer's, or dealer's business, a mobile home or park model trailer that conforms to each of the following:

(a) The mobile home or park model trailer is not more than 12 feet wide.

(b) The actual body length of the mobile home or park model trailer is not more than 80 feet and the combined length of the mobile home or park model trailer and towing vehicle is not more than 105 feet or the total length of a combination of mobile homes or park model trailers is not more than 80 feet and the total length of a combination of mobile homes or park model trailers and towing vehicle is not more than 105 feet.

(3) A jurisdictional authority under section 725 may issue a special permit for the movement of a mobile home or park model trailer on a street or highway within its jurisdiction if the width of that mobile home or park model trailer conforms to both of the following:

(a) The mobile home or park model trailer is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than 6 inches from any side of the mobile home or park model trailer.

(b) The length of the mobile home or park model trailer complies with subsection (2)(b).

(4) A person operating a towing vehicle under subsection (3) shall transport a mobile home or park model trailer only on the lane farthest to the right of that person. A person shall not move a mobile home or park model trailer that is 14 or more feet in width including an eave of 2 feet when the wind velocity exceeds 25 miles per hour.

(5) A jurisdictional authority shall not issue a permit described in subsection (2) or (3) for the transport of a mobile home or park model trailer on a Saturday, Sunday, legal holiday, from the noon before until the noon after a holiday, or during the hours between sunset and sunrise.

(6) A jurisdictional authority shall provide and a person operating a towing vehicle shall comply with all of the following in a permit issued under this section:

(a) The date, day, and time period during which a mobile home or park model trailer subject to the permit may be moved on a highway.

(b) Notice that the permit is conditioned upon its holder's compliance with the permit's terms and with the law.

(c) Notice that the operator of a towing vehicle transporting the mobile home or park model trailer shall operate the towing vehicle on a highway as follows:

(*i*) At a safe speed and in a safe manner that will not impede motor traffic.

(*ii*) Only when the surface condition of the highway is not slippery.

(*iii*) In compliance with seasonal load restrictions.

(d) For a mobile home or park model trailer and towing vehicle that, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:

(*i*) Notice that the mobile home or park model trailer shall be equipped with 2 flashing amber lights on the rear of the mobile home or park model trailer and 1 flashing amber light on the top of the towing vehicle.

(*ii*) Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.

(*iii*) Notice that signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer or, in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.

(*iv*) Notice that the signs identified in subparagraph (*iii*) shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.

(*v*) Notice that a vehicle escort is required on those roads where the state police consider escort vehicles necessary for highway safety.

(7) Signs and other special identification for escort vehicles shall conform to state transportation department requirements for all escort vehicles for oversized loads.

(8) For a mobile home or park model trailer being moved pursuant to this section or section 725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axles and tires shall meet standards established by the state transportation department.

(9) This section does not grant or give authority to the state transportation department that did not exist on May 1, 1982, in accordance with 23 USC 127.

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(10) A person that violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than $500.00. The owner of the towing vehicle may be charged with a violation of this section.

(11) The state transportation commission may order the state transportation department to immediately cease issuing all special permits to move on the highways of the lower peninsula of this state a mobile home or park model trailer that is more than 14-1/3 feet wide plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of that mobile home or park model trailer if the state transportation commission makes a determination that those permits create an unreasonable safety hazard or hazards. The state transportation commission shall notify all other jurisdictional authorities of a determination made under this subsection. The order shall not prohibit the issuance of a special permit for the movement of a mobile home or park model trailer if a binding contract for the movement of that mobile home or park model trailer was executed before the commission determination of an unreasonable safety hazard or hazards.

(12) As used in this section:

(a) "Jurisdictional authority" means the state transportation department, a county road commission, or a local authority that has jurisdiction over a street or highway on which a mobile home is proposed to be moved.

(b) "Mobile home" means any of the following:

(*i*) A prebuilt housing module.

(*ii*) That term as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(*iii*) A section of a mobile home as that term is defined in subparagraph (*ii*).

History: Add. 1954, Act 111, Imd. Eff. Apr. 15, 1954;—Am. 1963, Act 84, Imd. Eff. May 8, 1963;—Am. 1969, Act 156, Eff. Mar. 20, 1970;—Am. 1971, Act 58, Imd. Eff. July 20, 1971;—Am. 1972, Act 163, Imd. Eff. June 13, 1972;—Am. 1973, Act 207, Imd. Eff. Jan. 11, 1974;—Am. 1975, Act 336, Imd. Eff. Jan. 12, 1976;—Am. 1980, Act 175, Imd. Eff. June 26, 1980;—Am. 1982, Act 533, Eff. Mar. 30, 1983;—Am. 1983, Act 224, Imd. Eff. Nov. 28, 1983;—Am. 1986, Act 284, Imd. Eff. Dec. 22, 1986;—Am. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1992, Act 128, Imd. Eff. June 30, 1992;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2009, Act 32, Eff. Dec. 1, 2009.

257.719b Certain mobile homes transported in lower peninsula; additional requirements.

Sec. 719b. All mobile homes transported on the highways of the Lower Peninsula of this state that are more than 14-1/3 feet wide, plus normal appurtenances that extend no more than 6 inches, and an eave that extends no more than 2 feet from the width of the mobile home, are subject to the following requirements in addition to the requirements of section 719a:

(a) Two escort vehicles shall escort the towing vehicle and mobile home on all 2-lane roads and on those roads where the state police consider 2 escort vehicles necessary for highway safety.

(b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.

(c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having policy limits of not less than $1,000,000.00.

(d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

History: Add. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1992, Act 128, Imd. Eff. June 30, 1992;—Am. 1992, Act 257, Imd. Eff. Dec. 7, 1992;—Am. 1993, Act 243, Imd. Eff. Nov. 22, 1993.

257.719c Truck and semitrailers used for transporting passengers for sightseeing purposes.

Sec. 719c. (1) Notwithstanding section 719, a truck may be used to haul not more than 4 semitrailers for the purpose of transporting passengers for sightseeing purposes with the approval of the local unit of government in which the truck is to be operated not to exceed 3 miles beyond the boundaries of the local unit and if the truck does not exceed a speed of 25 miles per hour.

(2) A truck and semitrailers described in this section shall meet the following requirements:

(a) Be equipped with hazard warning lights, and slow-moving vehicle emblems as described in section 688.

(b) Be equipped with safety belts as described in section 710e for each individual seat within 1 year after the effective date of this section.

(c) Any applicable federal safety standards.

(3) A driver of a truck regulated by this section shall secure the proper group vehicle designation and any endorsement required on his or her operator's or chauffeur's license before operating a truck regulated by this section.

(4) A truck and semitrailers used as described in this section shall be inspected annually by the department

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of state police.

History: Add. 1995, Act 105, Imd. Eff. June 23, 1995.

257.720 Construction or loading of vehicles to prevent contents from escaping; exception; closing tailgates, faucets, and taps; exemption; proof of violation; loading of vehicles not completely enclosed; prima facie liability; exceptions; front end loading device; violation; penalty; "logs" defined.

Sec. 720. (1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products when hay, straw, silage, or residue from a product, but not including the product itself, or when materials such as water used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this section.

(2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.

(3) Except as provided in this section, a vehicle carrying a load, other than logs or tubular products, which is not completely enclosed shall meet either of the following requirements:

(a) Have the load covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this subdivision shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(b) Have the load securely fastened to the body or the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner so as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(5) Subsection (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry transporting sand, gravel, and dirt necessary in the normal operation of a farm. However, a person operating a vehicle to transport agricultural commodities or sand, gravel, and dirt in the normal operation of the farm who violates subsection (1) or (4) is guilty of a misdemeanor and is subject to the penalties prescribed in subsection (9).

(6) Subsection (3)(a) does not apply to a motor vehicle transporting items of a load that because of their weight will not fall off the moving vehicle and that have their centers of gravity located at least 6 inches below the top of the enclosure nor to a motor vehicle carrying metal that because of its weight and density is so loaded as to prevent it from dropping or falling off the moving vehicle.

(7) Subsection (3)(a) does not apply to motor vehicles and other equipment engaged in work upon the surface of a highway or street in a designated work area.

(8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This subsection does not apply to a vehicle designed to be used or being used to transport agricultural commodities, to a vehicle en route to a repair facility, or to a vehicle engaged in construction activity. As used in this subsection, "agricultural commodities" means that term as defined in section 722.

(9) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than $500.00 or imprisonment for not more than 90 days, or both.

(10) As used in this section, "logs" means sawlogs, pulpwood, or tree length poles.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1959, Act 215, Imd. Eff. July 30, 1959;—Am. 1976, Act 301, Eff. Mar. 31, 1977;—Am. 1977, Act 111, Imd. Eff. Oct. 6, 1977;—Am. 1987, Act 41, Eff. July 1, 1987;—Am. 1988, Act 354, Eff. Apr. 1, 1989;—Am. 1989, Act 37, Imd. Eff. June 5, 1989;—Am. 1990, Act 67, Imd. Eff. Apr. 27, 1990;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 1996, Act 136, Imd. Eff. Mar. 21, 1996;—Am. 2002, Act 535, Imd. Eff. July 26, 2002;—Am. 2003, Act 142, Imd. Eff. Aug. 5, 2003;—Am. 2008, Act 131, Imd. Eff. May 21, 2008.

257.721 Passenger vehicle or pickup truck towing vehicle or trailer; drawbar or other connection; coupling devices and safety chains; pickup truck with fifth wheel assembly; conditions for towing additional trailer or semitrailer; speed limit requirements; violation as civil infraction.

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Sec. 721. (1) Except as otherwise provided in subsection (5), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than 1 vehicle or trailer.

(2) The drawbar or other connection between 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from 1 vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a red flag or other signal or cloth not less than 12 inches both in length and width.

(3) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with forms of coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than 3 inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements contained in 49 C.F.R. 393.70(d)(5).

(4) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22.

(5) Notwithstanding subsection (1), a pickup truck with a towing rating equal to, or greater than, the weight being towed, equipped with a fifth wheel assembly that conforms with the standards prescribed in the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11 to 480.22, towing attached with a semitrailer designed for recreational living purposes may tow an additional trailer or semitrailer under the following conditions:

(a) The additional trailer or semitrailer shall be attached pursuant to subsection (3). The safety chains described in subsection (3) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.

(b) The total length of the pickup truck, semitrailer designed for recreational living purposes, and additional trailer or semitrailer, and load, shall not exceed 65 feet on any highways in this state.

(c) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer.

(6) For the purposes of this section, a pickup truck towing a semitrailer and additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of section 627(5).

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1990, Act 75, Imd. Eff. May 17, 1990;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995;—Am. 1999, Act 24, Imd. Eff. May 13, 1999;—Am. 2000, Act 154, Imd. Eff. June 14, 2000
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257.722 Maximum axle load; normal loading maximum; designating highways as adequate for heavier loading; restrictions as to tandem axle assemblies; exceptions; public utility vehicles; normal size of tires; maximum wheel load; reduction of maximum axle load on concrete pavements during March, April, and May; exemptions; suspension of restrictions; determination of gross vehicle weight and axle weights; designation of highways for operation of certain vehicles; definitions.

Sec. 722. (1) The maximum axle load shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:

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

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

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

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

(2) When normal loading is in effect, the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, and revise a designation as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly, if there

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is no other axle within 9 feet of any axle of the assembly.

(3) On a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

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

(5) The seasonal reductions described under subsection (8) to the loading maximums and gross vehicle weight requirement of subsection (12) do not apply to a person hauling agricultural commodities if the person who picks up or delivers the agricultural commodity either from a farm or to a farm notifies the county road commission for roads under its authority not less than 48 hours before the pickup or delivery of the time and location of the pickup or delivery. The county road commission shall issue a permit to the person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain all of the following:

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

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

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

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

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

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

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

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

(b) For nonemergency public utility work on restricted roads, as follows:

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

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

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

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

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

(E) A requirement that a subcontractor vehicle or vehicle configuration shall display signage on the outside of the vehicle to identify the vehicle as operating on behalf of the public utility.

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

(A) The address or location of the nonemergency work.

(B) The date or dates of the nonemergency work.

(C) The route to be taken to the nonemergency work site.

(D) The restricted road or roads intended to be traveled upon to the nonemergency work site or sites.

(E) In the case of a subcontractor, the utility on whose behalf the subcontractor is performing services.

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

(8) Except as provided in this subsection and subsection (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period the seasonal road restrictions are in effect. Subject to subsection (5), this subsection does not apply to vehicles transporting agricultural commodities or, subject to subsection (6), public utility vehicles on a highway, road, or street under the jurisdiction of a local road agency. The state transportation department and each local authority with highways and streets under its jurisdiction to which the seasonal restrictions prescribed under this subsection apply shall post all of the following information on the homepage of its website or, if a local authority does not have a website, then on the website of a statewide road association of which it is a member:

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

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

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

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

(11) For the purpose of enforcing this act, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of subsection (12), the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(12) The loading maximum in this subsection applies to interstate highways, and the state transportation department, or a local authority with respect to highways under its jurisdiction, may designate a highway, or a

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section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

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

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

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

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of subsections (1), (2), and (3). As used in this subsection, "tandem axle weight" means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this subsection.

(13) As used in this section:

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

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

(c) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.

(d) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1965, Act 36, Imd. Eff. May 19, 1965;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1974, Act 348, Imd. Eff. Dec. 21, 1974;—Am. 1975, Act 270, Imd. Eff. Nov. 10, 1975;—Am. 1978, Act 385, Imd. Eff. July 27, 1978;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 217, Imd. Eff. July 18, 1980;—Am. 1980, Act 487, Imd. Eff. Jan. 21, 1981;—Am. 1982, Act 206, Imd. Eff. July 1, 1982;—Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1993, Act 22, Imd. Eff. Apr. 14, 1993;—Am. 2000, Act 6, Imd. Eff. Feb. 24, 2000;—Am. 2002, Act 41, Imd. Eff. Mar. 12, 2002;—Am. 2006, Act 83, Imd. Eff. Mar. 29, 2006;—Am. 2006, Act 658, Imd. Eff. Jan. 10, 2007;—Am. 2008, Act 579, Imd. Eff. Jan. 16, 2009;—Am. 2009, Act 146, Imd. Eff. Nov. 19, 2009.

257.722a Transporting flammable liquid; violation as misdemeanor; penalty; enforcement; "in bulk" defined; vehicles transporting hazardous materials.

Sec. 722a. (1) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit within this state.

(2) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling 2 semitrailers shall not transport a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180, within this state.

(3) A truck or a truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in this state, unless the truck or the semitrailer has a water capacity of less than 13,800 gallons. This subsection does not apply to those vehicles registered with the motor carrier division of the department of state police on or before January 1, 1986.

(4) A truck or truck tractor pulling a semitrailer shall not transport a flammable liquid, in bulk, which has a

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flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons.

(5) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $3,000.00, or imprisonment for not more than 90 days, or both.

(6) This section shall be enforced only by a police officer.

(7) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the motor carrier safety act, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1985, Act 141, Imd. Eff. Oct. 31, 1985;—Am. 1993, Act 249, Imd. Eff. Nov. 22, 1993;—Am. 1995, Act 248, Imd. Eff. Dec. 27, 1995.

257.723 Commercial vehicles with certain weight and towing or platform bed wrecker road service vehicles; identification requirements; compliance; exception; violation as civil infraction.

Sec. 723. (1) All commercial vehicles with a single or combination gross weight rating or total gross weight of more than 5,000 pounds and all towing or platform bed wrecker road service vehicles in operation upon the public highways of this state shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, and lessee of the vehicle if the vehicle is being operated under lease, painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(2) Except for towing or platform bed wrecker road service vehicles, the identification requirements of subsection (1) may be met through the use of removable devices which meet the requirements of subsection (1). These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

(3) A vehicle in compliance with the identification requirements of the federal motor carrier safety regulations, 49 CFR parts 390-399, is considered to be in compliance with this section.

(4) This section does not apply to a truck eligible for and registered under a farm or manufacturer license plate, that has a gross vehicle weight of less than 10,000 pounds.

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1963, Act 185, Eff. Sept. 6, 1963;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

257.724 Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor.

Sec. 724. (1) A police officer, a peace officer, or an authorized agent of the state transportation department or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(2) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this chapter. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section that are not paid in full immediately or for which a bond is not immediately posted in the amount of the civil fine and costs shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or

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magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates section 722 is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.

(4) Beginning January 1, 2006, if the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court shall impose a fine as follows:

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

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of $200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle found to be in violation of a special permit issued under section 725.

(c) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (3).

(5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is guilty of a misdemeanor.

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

(7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 233, Eff. Sept. 28, 1951;—Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952;—Am. 1955, Act 209, Imd. Eff. June 17, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1968, Act 135, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005;—Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009.

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257.724a Axle weight requirements; exception; weight after lift axles lowered; "lift axle" defined.

Sec. 724a. (1) The axle weight requirements of this chapter do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway, or other turn.

(2) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this act or a rule promulgated under this act or of a local ordinance substantially corresponding to this act or a rule promulgated under this act and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in subsection (1).

(3) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

History: Add. 2004, Act 420, Eff. Jan. 1, 2006.

257.725 Special permit for certain vehicles and loads required; fees; “jurisdictional authority” defined.

Sec. 725. (1) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:

(a) Of a size, weight, or load exceeding the maximum specified in this chapter.

(b) Otherwise not in conformity with this chapter.

(2) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(3) A jurisdictional authority may issue a special permit and charge a fee that does not exceed the administrative costs incurred authorizing the operation of the following upon a highway:

(a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.

(b) Other farm machinery otherwise prohibited under this chapter.

(c) A vehicle of a size or weight otherwise prohibited under this chapter that is hauling farm machinery to or from a farm.

(4) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. Except as otherwise provided in this section, the fee charged by the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be $50.00 and for multiple trips or on an annual basis shall be $100.00. Except as otherwise provided in this section, the fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle for a single trip shall be not more than $50.00 and for multiple trips or on an annual basis shall be not more than $100.00. Effective October 1, 1998, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection shall be the fee charged on September 30, 1997. The fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection may be increased above the amount charged on September 30, 1997 subject to the maximums allowed by this subsection subject to a prior public hearing with reasonable notice. However, the fee charged by a jurisdictional authority other than the state transportation department for a special permit under this subsection that is more than $50.00 for a single trip or that is more than $100.00 for multiple trips or on an annual basis, or both, on September 30, 1997 shall not be increased.

(5) The fee charged by the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles that exceed the maximum size specified in this chapter but do not exceed the maximum weight or load specified in this chapter or are otherwise not in conformity with this chapter shall be $15.00 for a single trip and $30.00 for multiple trips or on an annual basis. The fees charged under this subsection may be increased not more than once each year based on the percentage increase in the United States consumer price index for all urban consumers for the immediately preceding 12-month period rounded

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to the nearest whole dollar. This subsection takes effect October 1, 1998.

(6) The fee charged by a jurisdictional authority other than the state transportation department for an intrastate or an out-of-state vehicle or combination of vehicles of a size exceeding the maximum specified in this chapter but not exceeding the maximum weight or load specified in this chapter shall not exceed the administrative costs incurred by that jurisdictional authority in issuing the permit. This subsection takes effect October 1, 1998.

(7) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of a jurisdictional authority granting the special permit. A person shall not violate any of the terms or conditions of the special permit.

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

(9) A jurisdictional authority issuing a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a.

(10) As used in this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority having jurisdiction over a highway upon which a vehicle is proposed to be moved pursuant to a permit required under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1952, Act 69, Imd. Eff. Apr. 8, 1952;—Am. 1966, Act 237, Eff. Mar. 10, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 16, Eff. Aug. 1, 1979;—Am. 1991, Act 19, Imd. Eff. May 8, 1991;—Am. 1997, Act 80, Eff. Oct. 1, 1997;—Am. 1998, Act 247, Imd. Eff. July 8, 1998.

257.725a Transportation of farm machinery or implements by dealer; annual permit; condition.

Sec. 725a. Upon application, the state transportation department may issue an annual permit authorizing a farm implement dealer to transport by truck, truck tractor, semitrailer, or trailer upon a state highway during daylight hours, including Saturday, farm machinery or implements of a greater width or height than authorized by this act if the transportation is otherwise permitted under those rules promulgated pursuant to section 716 that do not conflict with this section.

History: Add. 1958, Act 132, Imd. Eff. Apr. 18, 1958;—Am. 1959, Act 250, Imd. Eff. Aug. 21, 1959;—Am. 1978, Act 581, Imd. Eff. Jan. 2, 1979;—Am. 1980, Act 311, Imd. Eff. Dec. 4, 1980;—Am. 2002, Act 653, Imd. Eff. Dec. 23, 2002.

257.726 Prohibitions, limitations, or truck route designations by local authorities and county road commissions; signs; written objection by adjoining township; violation as civil infraction.

Sec. 726. (1) Local authorities and county road commissions with respect to highways under their jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of section 608.

(3) If a township has established any prohibition or limitation under subsection (1) on any county primary road that an adjoining township determines diverts traffic onto a border highway or street shared by the township and the adjoining township, the adjoining township may submit a written objection to the county road commission having jurisdiction over the county primary road, along with a copy to the township that established the prohibition or limitation, on or before the later of March 1, 2009, or 60 days after the township approves the prohibition or limitation. The written objection shall explain how the prohibition or limitation diverts traffic onto the border highway or street shared by the township and the adjoining township. The county road commission shall then investigate the objection. The township and adjoining township shall cooperate with that investigation and negotiate in good faith to resolve the objection. If the objection is not resolved within 60 days after the township receives the copy of the written objection, the county road commission has the authority to, and shall, either approve or void the prohibition or limitation that is the subject of the objection within 60 days thereafter, which decision shall be final. For purposes of this subsection, "county primary road" means a highway or street designated as a county primary road pursuant to 1951 PA 51, MCL 247.671 to 247.675.

(4) A person who violates a prohibition, limitation, or truck route designation established pursuant to subsection (1) is responsible for a civil infraction.

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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1983, Act 107, Imd. Eff. June 30, 1983;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

Constitutionality: This section was held unconstitutional insofar as it deprives a municipality of the right to reasonable control over its streets, including state trunk lines within its limits, in violation of Const 1963, art VII, § 29. City of Dearborn v Sugden and Sivier, Inc , 343 Mich 257; 72 NW2d 185 (1955).

Compiler's note: In the last sentence of subsection (3), the citation "1951 PA 51, MCL 247.671 to 247.675" evidently should read "1951 PA 51, MCL 247.651 to 247.675".

257.726a Enforcement of act on boundary streets or highways.

Sec. 726a. A peace officer of any county, city, village or township of this state may exercise authority and powers outside his own county, city, village or township when he is enforcing this act on a street or highway which is on the boundary of the county, city, village or township the same as if he were in his own county, city, village or township.

History: Add. 1968, Act 47, Imd. Eff. May 28, 1968;—Am. 1972, Act 122, Imd. Eff. Apr. 27, 1972.

257.726b Violation as to load, weight, or height of vehicle or load; powers of police officer.

Sec. 726b. Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of section 719, 720, 722a, or 724 which violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of section 719, 720, 722a, or 724, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, may make an arrest for the violation, and may proceed as otherwise provided in this act.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984.

257.726c Duly authorized agent of county road commission; shoulder patch required; firearm.

Sec. 726c. (1) A duly authorized agent of a county road commission when enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 shall wear a shoulder patch which shall be clearly visible and shall identify the branch of government represented.

(2) A duly authorized agent of a county road commission shall not carry a firearm while enforcing sections 215, 255, 631(1), 717, 719, 719a, 720, 722, 724, 725, and 726 unless he or she meets the requirements of the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

History: Add. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1989, Act 173, Imd. Eff. Aug. 22, 1989.

****** 257.727 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.727.amended ******

257.727 Arrest without warrant; arraignment by magistrate or family division of circuit court.

Sec. 727. If a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be arraigned by the magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.13, or, if a minor, taken before the family division of circuit court within the county in which the offense charged is alleged to have been committed:

(a) The person is arrested upon a charge of negligent homicide.

(b) The person is arrested under section 625(1), (3), (4), (5), (6), (7), or (8), or an ordinance substantially corresponding to section 625(1), (3), (6), or (8).

(c) A person is arrested under section 626 or an ordinance substantially corresponding to that section. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 728.

(d) A person arrested does not have in his or her immediate possession a valid operator's or chauffeur's license or the receipt described in section 311a. If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension if the person fails to voluntarily appear before a designated magistrate or the family division of circuit court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 728.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1983, Act 63, Eff. Mar. 29, 1984;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1993, Act 301, Eff. June 30, 1994;—Am. 1998,

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Act 348, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004.

****** 257.727.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.727.amended Arrest without warrant; arraignment by magistrate or family division of circuit court.

Sec. 727. If a person is arrested without a warrant in any of the following cases, the arrested person shall, without unreasonable delay, be arraigned by the magistrate who is nearest or most accessible within the judicial district as provided in section 13 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.13, or, if a minor, taken before the family division of circuit court within the county in which the offense charged is alleged to have been committed:

(a) The person is arrested under section 601d.

(b) The person is arrested under section 625(1), (3), (4), (5), (6), (7), or (8), or an ordinance substantially corresponding to section 625(1), (3), (6), or (8).

(c) A person is arrested under section 626 or an ordinance substantially corresponding to that section. If under the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 728.

(d) A person arrested does not have in his or her immediate possession a valid operator's or chauffeur's license or the receipt described in section 311a. If the arresting officer otherwise satisfactorily determines the identity of the person and the practicability of subsequent apprehension if the person fails to voluntarily appear before a designated magistrate or the family division of circuit court as directed, the officer may release the person from custody with instructions to appear in court, given in the form of a citation as prescribed by section 728.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1983, Act 63, Eff. Mar. 29, 1984;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1993, Act 301, Eff. June 30, 1994;—Am. 1998, Act 348, Eff. Oct. 1, 1999;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

257.727a Repealed. 1979, Act 66, Eff. Aug. 1, 1979.

Compiler's note: The repealed section pertained to citations for traffic violations.

257.727b Citation books; issuance; receipt.

Sec. 727b. Each police chief, including the state police, and each sheriff shall issue citation books to each police officer of the department whose duties may or will include traffic duty or traffic law enforcement. Each police chief shall obtain a receipt from the officer to whom a citation book has been issued upon a form created by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police.

History: Add. 1966, Act 235, Eff. July 1, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.727c "Citation" defined; numbering, form, and parts of citation; modification and optional use of citation; complaint signed by police officer as made under oath; conditions.

Sec. 727c. (1) As used in this act, "citation" means a complaint or notice upon which a police officer shall record an occurrence involving 1 or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, be in a form as determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts:

(a) The original which shall be a complaint or notice to appear by the officer and shall be filed with the court in which the appearance is to be made.

(b) The first copy which shall be retained by the local traffic enforcement agency.

(c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor.

(d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.

(2) With the prior approval of the state officials enumerated in subsection (1), the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for other than moving violations is optional.

(3) For purposes of this act, a complaint signed by a police officer shall be treated as made under oath if the violation alleged in the complaint is either a civil infraction or a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both, and occurred or was committed in the signing officer's presence or under circumstances permitting the officer's issuance of a citation under section 625a or 728(8), and if the complaint contains the following statement immediately

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above the date and signature of the officer:

"I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

History: Add. 1967, Act 212, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1983, Act 172, Eff. Mar. 29, 1984;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.728 Arrest without warrant; preparation and contents of citation; informing offender of violation; arraignment before magistrate or probate court; appearance; guaranteed appearance certificate or deposit; fees; violation by officer or magistrate; issuance of citation to operator involved in accident; issuance of citation to person operating commercial motor vehicle.

Sec. 728. (1) When a person is arrested without a warrant for a violation of this act punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 617, 619, or 727, the arresting officer shall prepare, as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court containing the name and address of the person, the violation charged, and the time and place when and where the person shall appear in court. The officer shall inform the offender of the violation and shall give the second copy of the citation to the alleged offender. If the arrested person demands, he or she shall be arraigned by a magistrate or probate court as provided in section 727 in lieu of being given the citation.

(2) The time specified in the citation to appear shall be within a reasonable time after the arrest.

(3) The place specified in the citation to appear shall be before a magistrate or probate court within the county in which the violation charged is alleged to have been committed and who has jurisdiction of the violation.

(4) Appearance may be made in person, by representation, or by mail. If appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally appeared before him or her. The magistrate, by giving 5 days' notice of the date of appearance, may require appearance in person at the time and place designated in the citation.

(5) If a nonresident is arrested without warrant for a violation of this act that is punishable as a misdemeanor, or an ordinance substantially corresponding to a provision of this act and punishable as a misdemeanor, under conditions not referred to in section 727, the arresting officer, upon demand of the arrested person, immediately shall take the person for arraignment by a magistrate in the vicinity to answer to the complaint made against the person. If a magistrate is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his or her appearance by leaving with the officer a guaranteed appearance certificate or a sum of money not to exceed $100.00, in which case the following provisions apply:

(a) The officer making the arrest shall give a receipt to the person arrested for the guaranteed appearance certificate or the money deposited together with a written citation as provided in subsection (1).

(b) If the alleged offender fails to appear as required in the citation, the guaranteed appearance certificate or deposit shall be forfeited as in other cases of default in bail in addition to any other penalty provided in this chapter.

(c) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money either to the magistrate named in the citation together with a report of the facts relating to the arrest, or to the police chief or person authorized by the police chief to receive certificates and deposits. The police chief or person authorized by the police chief shall deposit with the court the certificate or the money deposited and the citation in the same manner as prescribed for citations in section 728a. Failure to make a report and deliver the money deposited is embezzlement of public money.

(d) "Guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of trial or sentencing or to pay any fines or costs imposed under this act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

(6) An officer making an arrest under this chapter for a misdemeanor without a warrant, except under section 727, is not entitled to any fees for making the arrest or the issuance of a citation under this section.

(7) An officer or magistrate who violates this section is guilty of misconduct in office and subject to removal from office.

(8) A police officer may issue a citation to a person who is an operator of a motor vehicle involved in an

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accident if, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a misdemeanor under this act in connection with the accident. The officer shall prepare an original and 3 copies of the citation, setting forth the name and address of the person, the violation that may be charged against the person, and the time and place of the appearance of the person in court. The citation shall inform the person of the office, bureau, or department to which requests for a change or adjournment of the court date may be made.

(9) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain the vehicle group designation and indorsement description of the vehicle operated by the person at the time of the alleged violation.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1955, Act 121, Eff. Oct. 14, 1955;—Am. 1957, Act 47, Eff. Sept. 27, 1957;—Am. 1962, Act 160, Imd. Eff. May 10, 1962;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 273, Eff. Mar. 31, 1966;—Am. 1966, Act 235, Eff. July 1, 1967;—Am. 1975, Act 267, Imd. Eff. Nov. 7, 1975;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1993, Act 301, Eff. June 30, 1994;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.728a Citation; delivery of copies to police chief or duly authorized person; deposit of original with court; mailing original to court; spoiled, mutilated, or voided citation; criminal complaint.

Sec. 728a. (1) At or before the completion of his or her tour of duty a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to his or her police chief or to a person duly authorized by the police chief to receive citations all copies of such citation duly signed. The police chief or a person duly authorized by the police chief shall deposit the original of the citation with the court having jurisdiction over the offense not later than 3 days after the date of the citation, excluding Saturdays, Sundays, and legal holidays.

(2) The citation shall be considered to have been deposited with the court as required under subsection (1) if the original of the citation is mailed not later than 2 days after the date of the citation as specified under this subsection. Mailing shall be accomplished by enclosing the original of the citation in a sealed envelope with first class postage fully prepaid, addressed to the court, and depositing the envelope and contents in the United States government mail.

(3) If a citation is spoiled, mutilated, or voided, it shall be endorsed with a full explanation thereof by the police officer voiding the citation, and shall be accounted for to the police officer's police chief or an authorized designee of the police chief.

(4) Nothing in this act shall prevent a person other than a police officer from applying for a criminal complaint for a vehicle law violation which is not a civil infraction, and that person need not show that the alleged offender has been issued a citation in connection with the offense.

History: Add. 1966, Act 235, Eff. July 1, 1967;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984.

257.728b Establishment of procedures to insure accountability; maintenance of citation records.

Sec. 728b. The state treasurer shall establish procedures to insure accountability which shall be maintained by all jurisdictions processing traffic violation citations. The record showing the issuance and subsequent disposition shall be maintained complete for at least the most recent 5-year period and such records and notices shall be available for public inspection.

History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728c Audit of citation records.

Sec. 728c. A complete audit of such citation records shall be made at least annually by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible; and may be audited by the state treasurer if deemed by him to be necessary.

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History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728d Falsification of citation or record of issuance; penalty.

Sec. 728d. Whoever knowingly falsifies a citation or copies thereof or a record of the issuance of same, or disposes of such citation, copy or record, in a manner other than as required in this act, or attempts so to falsify or dispose, or attempts to incite or procure another so to falsify or dispose shall be fined not more than $500.00 or imprisoned in the county jail for a term not to exceed 1 year, or both.

History: Add. 1966, Act 235, Eff. July 1, 1967.

257.728e Accepting plea; signing of complaint; filing sworn complaint; warrant for arrest.

Sec. 728e. When under section 728 an officer issues a citation for a misdemeanor punishable by imprisonment for not more than 90 days, a magistrate may accept a plea of guilty or not guilty upon the citation, without the necessity of a sworn complaint but the officer shall sign the complaint before the magistrate makes a docket return on the complaint. If the offender pleads not guilty, further proceedings may not be had until a sworn complaint is filed with the magistrate. A warrant for arrest shall not issue for an offense under this act until a sworn complaint is filed with the magistrate.

History: Add. 1967, Act 211, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.729 Fine and costs.

Sec. 729. In addition to a fine assessed for the charge or civil infraction when found guilty or determined responsible, the magistrate may also add to any fine and costs levied additional costs incurred in compelling the appearance of the person, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 129, Eff. Nov. 2, 1967;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981.

257.730 Provisions governing arrests without warrant and issuance of citations; execution of warrant.

Sec. 730. This chapter shall govern all police officers in making arrests without a warrant and in issuing civil infraction citations for violations of this act, but this act shall not be construed as preventing the execution of a warrant for the arrest of a person for a misdemeanor as in other cases of misdemeanors when the same may be necessary.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.731 Evidence of conviction or civil infraction determination inadmissible in civil action.

Sec. 731. Evidence of the conviction or civil infraction determination of a person for a violation of this chapter or of a local ordinance pertaining to the use of motor vehicles shall not be admissible in a court in a civil action.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 60, Eff. Oct. 2, 1953;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.732 Record of cases; forwarding abstract of record or report to secretary of state; settlement; abstracts forwarded; statements; noncompliance as misconduct in office; location and public inspection of abstracts; entering abstracts on master driving record; exceptions; informing courts of violations; entering order of reversal in book or index; modifications; abstract as part of written notice to appear; expunction prohibited.

Sec. 732. (1) Each municipal judge and each clerk of a court of record shall keep a full record of every case in which a person is charged with or cited for a violation of this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways and with those offenses pertaining to the operation of ORVs or snowmobiles for which points are assessed under section 320a(1)(c) or (i). Except as provided in subsection (16), the municipal judge or clerk of the court of record shall prepare and forward to the secretary of state an abstract of the court record as follows:

(a) Not more than 5 days after a conviction, forfeiture of bail, or entry of a civil infraction determination or default judgment upon a charge of or citation for violating or attempting to violate this act or a local ordinance substantially corresponding to this act regulating the operation of vehicles on highways.

(b) Immediately for each case charging a violation of section 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local ordinance substantially corresponding to section 625(1), (3), (6), or (8) or section 625m in which the charge is dismissed or the defendant is acquitted.

(c) Immediately for each case charging a violation of section 82127(1) or (3), 81134, or 81135 of the

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natural resources and environmental protection act, 1994 PA 451, MCL 324.82127, 324.81134, and 324.81135, or a local ordinance substantially corresponding to those sections.

(2) If a city or village department, bureau, or person is authorized to accept a payment of money as a settlement for a violation of a local ordinance substantially corresponding to this act, the city or village department, bureau, or person shall send a full report of each case in which a person pays any amount of money to the city or village department, bureau, or person to the secretary of state upon a form prescribed by the secretary of state.

(3) The abstract or report required under this section shall be made upon a form furnished by the secretary of state. An abstract shall be certified by signature, stamp, or facsimile signature of the person required to prepare the abstract as correct. An abstract or report shall include all of the following:

(a) The name, address, and date of birth of the person charged or cited.

(b) The number of the person's operator's or chauffeur's license, if any.

(c) The date and nature of the violation.

(d) The type of vehicle driven at the time of the violation and, if the vehicle is a commercial motor vehicle, that vehicle's group designation.

(e) The date of the conviction, finding, forfeiture, judgment, or civil infraction determination.

(f) Whether bail was forfeited.

(g) Any license restriction, suspension, or denial ordered by the court as provided by law.

(h) The vehicle identification number and registration plate number of all vehicles that are ordered immobilized or forfeited.

(i) Other information considered necessary to the secretary of state.

(4) The clerk of the court also shall forward an abstract of the court record to the secretary of state upon a person's conviction involving any of the following:

(a) A violation of section 413, 414, or 479a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

(b) A violation of section 1 of former 1931 PA 214.

(c) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle.

(d) A violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to that section.

(e) A violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

(f) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 as adopted by section 1a of the motor carrier safety act of 1963, 1963 PA 181, MCL 480.11a.

(g) A violation of section 57 of the pupil transportation act, 1990 PA 187, MCL 257.1857.

(h) A violation of motor carrier safety regulations 49 CFR 392.10 or 392.11 as adopted by section 31 of the motor bus transportation act, 1982 PA 432, MCL 474.131.

(i) An attempt to violate, a conspiracy to violate, or a violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, or a local ordinance that prohibits conduct prohibited under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, unless the convicted person is sentenced to life imprisonment or a minimum term of imprisonment that exceeds 1 year for the offense.

(j) An attempt to commit an offense described in subdivisions (a) to (h).

(k) A violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

(*l*) A violation of section 3101, 3102(1), or 3103 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.

(m) A violation listed as a disqualifying offense under 49 CFR 383.51.

(5) The clerk of the court shall also forward an abstract of the court record to the secretary of state if a person has pled guilty to, or offered a plea of admission in a juvenile proceeding for, a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to that section, and has had further proceedings deferred under that section. If the person is sentenced to a term of probation and terms and conditions of probation are fulfilled and the court discharges the individual and dismisses the proceedings, the court shall also report the dismissal to the secretary of state.

(6) As used in subsections (7) to (9), "felony in which a motor vehicle was used" means a felony during the commission of which the person operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

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(d) The vehicle was necessary for the commission of the felony.

(7) If a person is charged with a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.".

(8) If a juvenile is accused of an act, the nature of which constitutes a felony in which a motor vehicle was used, other than a felony specified in subsection (4) or section 319, the prosecuting attorney or family division of circuit court shall include the following statement on the petition filed in the court:

"You are accused of an act the nature of which constitutes a felony in which a motor vehicle was used. If the accusation is found to be true and the judge or referee finds that the nature of the act constitutes a felony in which a motor vehicle was used, as defined in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the secretary of state.".

(9) If the court determines as part of the sentence or disposition that the felony for which the person was convicted or adjudicated and with respect to which notice was given under subsection (7) or (8) is a felony in which a motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(10) As used in subsections (11) and (12), "felony in which a commercial motor vehicle was used" means a felony during the commission of which the person operated a commercial motor vehicle and while the person was operating the vehicle 1 or more of the following circumstances existed:

(a) The vehicle was used as an instrument of the felony.

(b) The vehicle was used to transport a victim of the felony.

(c) The vehicle was used to flee the scene of the felony.

(d) The vehicle was necessary for the commission of the felony.

(11) If a person is charged with a felony in which a commercial motor vehicle was used and for which a vehicle group designation on a license is subject to suspension or revocation under section 319b(1)(c)(*iii*), 319b(1)(d), 319b(1)(e)(*iii*), or 319b(1)(f)(*i*), the prosecuting attorney shall include the following statement on the complaint and information filed in district or circuit court:

"You are charged with the commission of a felony in which a commercial motor vehicle was used. If you are convicted and the judge finds that the conviction is for a felony in which a commercial motor vehicle was used, as defined in section 319b of the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle group designations on your driver's license shall be suspended or revoked by the secretary of state.".

(12) If the judge determines as part of the sentence that the felony for which the defendant was convicted and with respect to which notice was given under subsection (11) is a felony in which a commercial motor vehicle was used, the clerk of the court shall forward an abstract of the court record of that conviction to the secretary of state.

(13) Every person required to forward abstracts to the secretary of state under this section shall certify for the period from January 1 through June 30 and for the period from July 1 through December 31 that all abstracts required to be forwarded during the period have been forwarded. The certification shall be filed with the secretary of state not later than 28 days after the end of the period covered by the certification. The certification shall be made upon a form furnished by the secretary of state and shall include all of the following:

(a) The name and title of the person required to forward abstracts.

(b) The court for which the certification is filed.

(c) The time period covered by the certification.

(d) The following statement:

"I certify that all abstracts required by section 732 of the Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period _____ through _____ have been forwarded to the secretary of state.".

(e) Other information the secretary of state considers necessary.

(f) The signature of the person required to forward abstracts.

(14) The failure, refusal, or neglect of a person to comply with this section constitutes misconduct in office and is grounds for removal from office.

(15) Except as provided in subsection (16), the secretary of state shall keep all abstracts received under this section at the secretary of state's main office and the abstracts shall be open for public inspection during the office's usual business hours. Each abstract shall be entered upon the master driving record of the person to

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whom it pertains.

(16) Except for controlled substance offenses described in subsection (4), the court shall not submit, and the secretary of state shall discard and not enter on the master driving record, an abstract for a conviction or civil infraction determination for any of the following violations:

(a) The parking or standing of a vehicle.

(b) A nonmoving violation that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(c) A violation of chapter II that is not the basis for the secretary of state's suspension, revocation, or denial of an operator's or chauffeur's license.

(d) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(e) A violation of section 710e or a local ordinance substantially corresponding to section 710e.

(f) A violation of section 328(1) if, before the appearance date on the citation, the person submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the citation was issued. Insurance obtained subsequent to the time of the violation does not make the violation an exception under this subsection.

(g) A violation described in section 319b(10)(b)(*vii*) if, before the court appearance date or date fines are to be paid, the person submits proof to the court that he or she held a valid commercial driver license on the date the citation was issued.

(h) A violation of section 311 if the person was driving a noncommercial vehicle and, before the court appearance date or the date fines are to be paid, the person submits proof to the court that he or she held a valid driver license on the date the citation was issued.

(17) Except as otherwise provided in this subsection, the secretary of state shall discard and not enter on the master driving record an abstract for a bond forfeiture that occurred outside this state. The secretary of state shall enter on the master driving record an abstract for a conviction as defined in section 8a(b) that occurred outside this state in connection with the operation of a commercial motor vehicle or for a conviction of a person licensed as a commercial motor vehicle driver.

(18) The secretary of state shall inform the courts of this state of the nonmoving violations and violations of chapter II that are used by the secretary of state as the basis for the suspension, restriction, revocation, or denial of an operator's or chauffeur's license.

(19) If a conviction or civil infraction determination is reversed upon appeal, the person whose conviction or determination has been reversed may serve on the secretary of state a certified copy of the order of reversal. The secretary of state shall enter the order in the proper book or index in connection with the record of the conviction or civil infraction determination.

(20) The secretary of state may permit a city or village department, bureau, person, or court to modify the requirement as to the time and manner of reporting a conviction, civil infraction determination, or settlement to the secretary of state if the modification will increase the economy and efficiency of collecting and utilizing the records. If the permitted abstract of court record reporting a conviction, civil infraction determination, or settlement originates as a part of the written notice to appear, authorized in section 728(1) or 742(1), the form of the written notice and report shall be as prescribed by the secretary of state.

(21) Notwithstanding any other law of this state, a court shall not take under advisement an offense committed by a person while operating a commercial motor vehicle or by a person licensed to drive a commercial motor vehicle while operating a noncommercial motor vehicle at the time of the offense, for which this act requires a conviction or civil infraction determination to be reported to the secretary of state. A conviction or civil infraction determination that is the subject of this subsection shall not be masked, delayed, diverted, suspended, or suppressed by a court. Upon a conviction or civil infraction determination, the conviction or civil infraction determination shall immediately be reported to the secretary of state in accordance with this section.

(22) Except as provided in this act and notwithstanding any other provision of law, a court shall not order expunction of any violation reportable to the secretary of state under this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1965, Act 41, Imd. Eff. May 25, 1965;—Am. 1965, Act 309, Eff. Mar. 31, 1966;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 518, Eff. Mar. 31, 1981;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1985, Act 1, Eff. July 1, 1985;—Am. 1988, Act 205, Eff. July 1, 1988;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 1991, Act 99, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1993, Act 359, Eff. Sept. 1, 1994;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1996, Act 493, Eff. Apr. 1, 1997;—Am. 1998, Act 348, Eff. Oct. 1, 1999;—Am. 1999,

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Act 21, Eff . Oct. 1, 2000;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 103, Eff. Oct. 1, 2001;—Am. 2001, Act 134, Eff. Feb. 1, 2002;—Am. 2002, Act 259, Imd. Eff. May 1, 2002;—Am. 2002, Act 422, Eff. Oct. 1, 2002;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2004, Act 495, Imd. Eff. Dec. 29, 2004;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 205 of 1988 provides: "This amendatory act shall take effect July 1, 1988 and apply to violations which occur on or after that date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

***** *257.732a THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.732a.amended* *****

257.732a Driver responsibility fee; assessment; notice; payment by installment; failure to pay fee; fire protection fund; creation; disposition of funds; transmission of fees to state treasurer; appropriation.

Sec. 732a. (1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a $100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of $50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.

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

(a) Upon posting of an abstract that an individual has been found guilty for a violation of law listed or described in this subdivision, the secretary of state shall assess a $1,000.00 driver responsibility fee each year for 2 consecutive years:

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

(*ii*) Section 601b(2) or (3), 601c(1) or (2), or 653a(3) or (4).

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

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

(*v*) Fleeing or eluding an officer.

(b) Upon posting of an abstract that an individual has been found guilty for a violation of law listed in this subdivision, the secretary of state shall assess a $500.00 driver responsibility fee each year for 2 consecutive years:

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

(*ii*) Section 626.

(*iii*) Section 904.

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

(c) Upon posting of an abstract that an individual has been found guilty for a violation of section 301, the secretary of state shall assess a $150.00 driver responsibility fee each year for 2 consecutive years.

(d) Upon the posting of an abstract indicating that an individual has been found guilty or determined responsible for a violation listed in section 328, the secretary of state shall assess a $200.00 driver

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responsibility fee each year for 2 consecutive years.

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

(4) The secretary of state may authorize payment by installment for a period not to exceed 24 months.

(5) Except as otherwise provided under this subsection, if payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request, be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but fails to make full or timely payments under that plan, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once.

(6) A fee shall not be assessed under this section for 7 points or more on a driving record on October 1, 2003. Points assigned after October 1, 2003 shall be assessed as prescribed under subsections (1) and (2).

(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.

(8) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of energy, labor, and economic growth shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state owned facilities for fire services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

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

(a) The first $65,000,000.00 shall be credited to the general fund.

(b) If more than $65,000,000.00 is collected under this section, the next amount collected in excess of $65,000,000.00 up to $68,500,000.00 shall be credited to the fire protection fund created in this section.

(c) If more than $100,000,000.00 is collected under this section, the next amount collected in excess of $100,000,000.00 up to $105,000,000.00 shall be credited to the fire protection fund created in this section.

(d) Any amount collected after crediting the amounts under subdivisions (a), (b), and (c) shall be credited to the general fund.

(10) For fiscal year 2003-2004, $3,500,000.00 is appropriated from the fire protection fund described in subsection(8) to the department of energy, labor, and economic growth for the purposes described under subsection (8).

History: Add. 2003, Act 165, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2008, Act 460, Eff. Apr. 1, 2009.

****** 257.732a.amended THIS AMENDED SECTION IS ALSO AMENDED EFFECTIVE OCTOBER 31, 2010 ******

257.732a.amended Driver responsibility fee; assessment; notice; payment by installment; failure to pay fee; reinstatement; fire protection fund; creation; disposition of funds; transmission of funds to state treasurer.

Sec. 732a. (1) An individual, whether licensed or not, who accumulates 7 or more points on his or her driving record pursuant to sections 320a and 629c within a 2-year period for any violation not listed under subsection (2) shall be assessed a $100.00 driver responsibility fee. For each additional point accumulated above 7 points not listed under subsection (2), an additional fee of $50.00 shall be assessed. The secretary of state shall collect the fees described in this subsection once each year that the point total on an individual driving record is 7 points or more.

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

(a) Upon posting an abstract indicating that an individual has been found guilty for a violation of law listed or described in this subdivision, the secretary of state shall assess a $1,000.00 driver responsibility fee each year for 2 consecutive years:

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

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

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

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

(*v*) Fleeing or eluding an officer.

(b) Upon posting an abstract indicating that an individual has been found guilty for a violation of law listed in this subdivision, the secretary of state shall assess a $500.00 driver responsibility fee each year for 2 consecutive years:

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

(*ii*) Section 626(2).

(*iii*) Section 904.

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

(c) Upon posting an abstract indicating that an individual has been found guilty for a violation of section 301, the secretary of state shall assess a $150.00 driver responsibility fee each year for 2 consecutive years.

(d) Upon posting an abstract indicating that an individual has been found guilty or determined responsible for a violation listed in section 328, the secretary of state shall assess a $200.00 driver responsibility fee each year for 2 consecutive years.

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

(4) The secretary of state may authorize payment by installment for a period not to exceed 24 months.

(5) Except as otherwise provided under this subsection, if payment is not received or an installment plan is not established after the time limit required by the second notice prescribed under subsection (3) expires, the secretary of state shall suspend the driving privileges until the assessment and any other fees prescribed under this act are paid. However, if the individual's license to operate a motor vehicle is not otherwise required under this act to be denied, suspended, or revoked, the secretary of state shall reinstate the individual's operator's driving privileges if the individual requests an installment plan under subsection (4) and makes proper payment under that plan. Fees required to be paid for the reinstatement of an individual's operator's driving privileges as described under this subsection shall, at the individual's request, be included in the amount to be paid under the installment plan. If the individual establishes a payment plan as described in this subsection and subsection (4) but fails to make full or timely payments under that plan, the secretary of state shall suspend the individual's driving privileges. The secretary of state shall only reinstate a license under this subsection once.

(6) A fee shall not be assessed under this section for 7 points or more on a driving record on October 1, 2003. Points assigned after October 1, 2003 shall be assessed as prescribed under subsections (1) and (2).

(7) A driver responsibility fee shall be assessed under this section in the same manner for a conviction or determination of responsibility for a violation or an attempted violation of a law of this state, of a local ordinance substantially corresponding to a law of this state, or of a law of another state substantially corresponding to a law of this state.

(8) The fire protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The department of energy, labor, and economic growth shall expend money from the fund, upon appropriation, only for fire protection grants to cities, villages, and townships with state owned facilities for fire services, as

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provided in 1977 PA 289, MCL 141.951 to 141.956.

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

(a) The first $65,000,000.00 shall be credited to the general fund.

(b) If more than $65,000,000.00 is collected under this section, the next amount collected in excess of $65,000,000.00 up to $68,500,000.00 shall be credited to the fire protection fund created in this section.

(c) If more than $100,000,000.00 is collected under this section, the next amount collected in excess of $100,000,000.00 up to $105,000,000.00 shall be credited to the fire protection fund created in this section.

(d) Any amount collected after crediting the amounts under subdivisions (a), (b), and (c) shall be credited to the general fund.

History: Add. 2003, Act 165, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2008, Act 460, Eff. Apr. 1, 2009;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

****** 257.733 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 1, 1010: See 257.733.amended ******

257.733 Release of accident information to nongovernmental agency.

Sec. 733. (1) The department shall not release information relating to an accident on the record of a driver to a nongovernmental agency unless the driver was subsequently convicted of or determined responsible for a violation of this act in connection with the accident.

(2) The department shall not release information relating to an accident on the record of a police officer, fire fighter, or a person authorized to operate an ambulance or other emergency vehicle to a nongovernmental agency if the accident occurred while the person was operating the vehicle during the course of his or her employment.

(3) The department shall not release information received under section 732(5) concerning a plea to and the discharge and dismissal of a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, except as provided in section 703(3) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

History: Add. 1974, Act 208, Imd. Eff. July 11, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 545, Eff. Oct. 1, 1979;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 2004, Act 62, Eff. Sept. 1, 2004.

****** 257.733.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 1, 2010 ******

257.733.amended Release of accident information to nongovernmental agency; exception.

Sec. 733. (1) The department shall not release information relating to an accident on the record of a driver to a nongovernmental agency unless the driver was subsequently convicted of or determined responsible for a violation of this act in connection with the accident.

(2) Except as otherwise provided in subsection (4), the department shall not release information relating to an accident on the record of any of the following to a nongovernmental agency if the accident occurred while the person was operating the vehicle during the course of his or her employment:

(a) A police officer.

(b) A firefighter.

(c) An employee of the state transportation department, a county road commission, or a local authority having jurisdiction over a highway who is authorized to operate a motor vehicle or equipment while working within the highway right-of-way.

(d) A person authorized to operate an ambulance or other emergency vehicle.

(3) The department shall not release information received under section 732(5) concerning a plea to and the discharge and dismissal of a violation of section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, except as provided in section 703(3) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

(4) Subsection (2) does not apply to a person described in subsection (2) who was convicted of a crime under this act in connection with the accident.

History: Add. 1974, Act 208, Imd. Eff. July 11, 1974;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1978, Act 545, Eff. Oct. 1, 1979;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 2004, Act 62, Eff. Sept. 1, 2004;—Am. 2006, Act 650, Eff. Oct. 1, 2010.

257.741 Civil infraction action as civil action; commencement; plaintiff; jurisdiction; time and place for appearance; venue.

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Sec. 741. (1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 742. The plaintiff in a civil infraction action shall be either the state if the alleged civil infraction is a violation of this act, or a political subdivision if the alleged civil infraction is a violation of a local ordinance of that subdivision which substantially corresponds to a provision of this act.

(2) The following courts shall have jurisdiction over civil infraction actions:

(a) The district court.

(b) Any municipal court.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 742.

(4) The place specified in the citation for appearance shall be the court listed in subsection (2) which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.742 Stopping, detaining, and issuing citation for civil infraction; pursuing, stopping, and detaining person outside village, city, township, or county; purpose; violation as to load, weight, height, length, or width of vehicle or load; powers of police officer; issuing citation to driver of motor vehicle; form of citation; informing person of alleged civil infraction; delivering copy of citation to alleged offender; issuing, serving, and processing citations for parking and standing violations; filing citation with court; "parking violation notice" and "parking violations bureau" defined.

Sec. 742. (1) A police officer who witnesses a person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, may stop the person, detain the person temporarily for purposes of making a record of vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation, which shall be a notice to appear in court for 1 or more civil infractions. If a police officer of a village, city, township, or county, or a police officer who is an authorized agent of a county road commission, witnesses a person violating this act or a local ordinance substantially corresponding to this act within that village, city, township, or county and that violation is a civil infraction, that police officer may pursue, stop, and detain the person outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this section and section 749, as applicable.

(2) Any police officer, having reason to believe that the load, weight, height, length, or width of a vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726 which violation is a civil infraction, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If, after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, height, length, or width of the vehicle or load are in violation of section 717, 719, 719a, 722, 724, 725, or 726, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check and issue a citation to the driver or owner of the vehicle as provided in those sections.

(3) A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable cause to believe that the person is responsible for a civil infraction in connection with the accident. A police officer may issue a citation to a person who is a driver of a motor vehicle when, based upon personal investigation by the police officer of a complaint by someone who witnessed the person violating this act or a local ordinance substantially corresponding to this act, which violation is a civil infraction, the officer has reasonable cause to believe that the person is responsible for a civil infraction and if the prosecuting attorney or attorney for the political subdivision approves in writing the issuance of the citation.

(4) The form of a citation issued under subsection (1), (2), or (3) shall be as prescribed in sections 727c and 743.

(5) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.

(6) In a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation is not required to be served personally upon the defendant but may be served upon the registered owner by

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attaching the copy to the vehicle. A city may authorize personnel other than a police officer to issue and serve a citation for a violation of its ordinance involving the parking or standing of a motor vehicle. A city may authorize a person other than personnel or a police officer to issue and serve a citation for parking violations described in section 675d if the city has complied with the requirements of section 675d. State security personnel receiving authorization under section 6c of 1935 PA 59, MCL 28.6c, may issue and serve citations for violations involving the parking or standing of vehicles on land owned by the state or land of which the state is the lessee when authorized to do so by the director of the department of state police.

(7) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court described in section 741(4) and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 but shall consist of a sworn complaint containing the allegations stated in the parking violation notice and shall fairly inform the defendant how to respond to the citation.

(8) A citation issued under subsection (6) or (7) for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant under subsection (1) or (3).

(9) As used in subsection (7):

(a) "Parking violation notice" means a notice, other than a citation, directing a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.

(b) "Parking violations bureau" means a parking violations bureau established pursuant to section 8395 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8395, or a comparable parking violations bureau established in a city or village served by a municipal court or established pursuant to law by the governing board of a state university or college.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 1984, Act 74, Imd. Eff. Apr. 18, 1984;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 268, Eff. Oct. 1, 2000;—Am. 2008, Act 171, Imd. Eff. July 2, 2008.

257.743 Contents of citation issued pursuant to MCL 257.742; timely appearance.

Sec. 743. (1) A citation issued pursuant to section 742 shall contain the name of the state or political subdivision acting as plaintiff, the name and address of the person to whom the citation is issued, the civil infraction alleged, the place where the person shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) The citation shall inform the defendant to the effect that he or she, at or by the time specified for appearance, may:

(a) Admit responsibility for the civil infraction in person, by representation, or by mail.

(b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.

(c) Deny responsibility for the civil infraction by doing either of the following:

(*i*) Appearing in person for an informal hearing before a district court magistrate or a judge without the opportunity of being represented by an attorney.

(*ii*) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) The citation shall inform the defendant that if the person desires to admit responsibility "with explanation" other than by mail or to have an informal hearing or a formal hearing, the person must apply to the court in person, by mail, or by telephone, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.

(4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitute a timely appearance.

(5) If the citation is issued to a person who is operating a commercial motor vehicle, the citation shall contain a vehicle group designation and indorsement description of the vehicle, which vehicle is operated by the person at the time of the alleged civil infraction.

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History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1990;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.744 Admissions or denials; sworn complaint; warrant for arrest.

Sec. 744. If an officer issues a citation under section 742 for a civil infraction or if a citation is issued under section 742 for a parking or standing violation, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, further proceedings shall not be had until a sworn complaint is filed with the court. A warrant for arrest under section 321a for failure to appear on the civil infraction citation shall not issue until a sworn complaint relative to the civil infraction is filed with the court.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.744a Police officer knowingly making materially false statement in citation as perjury; felony; penalty; contempt of court.

Sec. 744a. A police officer who, knowing the statement is false, makes a materially false statement in a citation issued under section 742 is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court.

History: Add. 1983, Act 172, Eff. Mar. 29, 1984.

257.745 Responding to allegations in citation; appearance in person, by representation, or by mail; admission of responsibility; acceptance of admission; denial of responsibility; scheduling of informal or formal hearing.

Sec. 745. (1) A person to whom a citation is issued under section 742 shall appear by or at the time specified in the citation and may respond to the allegations in the citation as provided in this section.

(2) If the person wishes to admit responsibility for the civil infraction, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 907.

(3) If the person wishes to admit responsibility for the civil infraction "with explanation", the person may do so in either of the following ways:

(a) By appearing by mail.

(b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear, at which time the person shall appear in person or by representation.

(4) If a person admits responsibility for a civil infraction "with explanation" under subsection (3), the court shall accept the admission as though the person has admitted responsibility under subsection (2) and may consider the person's explanation by way of mitigating any sanction which the court may order under section 907. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court, but the court may require the person to provide a further explanation or to appear in court.

(5) If the person wishes to deny responsibility for a civil infraction, the person shall do so by appearing for an informal or formal hearing. Unless the hearing date is specified on the citation, the person shall contact the court in person, by representation, by mail, or by telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the hearing date is specified on the citation, the person shall appear on that date for an informal hearing unless the person contacts the court at least 10 days before that date in person, by representation, by mail, or by telephone to request a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to

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section 746 and a formal hearing shall be conducted pursuant to section 747.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979.

257.746 Informal hearing; procedure.

Sec. 746. (1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court district or by a judge of a court listed in section 741(2). A district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing shall not be required.

(2) At an informal hearing the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or attorney for a political subdivision.

(3) Notice of a scheduled informal hearing shall be given to the citing police agency, which agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) If the judge or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge or magistrate shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the circuit court. In other instances an appeal shall be de novo in the form of a scheduled formal hearing as follows:

(a) The appeal from a judge of the district court shall be heard by a different judge of the district.

(b) The appeal from a district court magistrate shall be heard by a judge of the district.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.747 Formal hearing; procedure.

Sec. 747. (1) A formal hearing shall be conducted only by a judge of a court having jurisdiction over civil infraction actions under section 741(2).

(2) In a formal hearing the person cited may be represented by an attorney, but is not entitled to appointed counsel at public expense.

(3) Notice of a formal hearing shall be given to the prosecuting attorney or attorney for the political subdivision who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs, by the city or village when the hearing involves an ordinance violation in a district where the district court is not functioning, or by the county when the hearing involves a violation of this act in a district where the district court is not functioning.

(4) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section 907. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 426, Imd. Eff. Jan. 13, 1981.

257.748 Default judgment; suspension of license.

Sec. 748. If the person to whom a citation is issued for a civil infraction fails to appear as directed by the citation or other notice, at a scheduled appearance under section 745(3)(b) or (4), at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against that person and the person's license shall be suspended pursuant to section 321a until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

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History: Add. 1978, Act 510, Eff. Aug. 1, 1979.

257.749 Stopping nonresident for civil infraction; taking operator's or chauffeur's license as security for appearance; delivery of license to court, police chief, or authorized person; depositing driver's license and citation with court; contempt; arrest; guaranteed appearance certificate or deposit; answering before magistrate; return or retention of license; receipt; failure to deliver money deposited as embezzlement; default judgment; forfeiture of certificate or money deposited; "guaranteed appearance certificate" defined.

Sec. 749. (1) When a nonresident is stopped under section 742 for a civil infraction, the police officer making the stop shall take that person's operator's license or chauffeur's license as security for the nonresident's appearance in court and satisfaction of any order that may be issued under section 907 and shall issue to that person a citation as provided in sections 727c and 742. At or before the completion of his or her tour of duty, a police officer taking the operator's license or chauffeur's license shall deliver that license either to the court named in the citation or to the police chief or person authorized by the police chief to receive citations and operator's licenses and chauffeur's licenses. The police chief or person authorized shall deposit the license and citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the license shall be considered contempt of court. If the person does not have an operator's license or a chauffeur's license in immediate possession in violation of section 301 or a license or the receipt described in section 311a in violation of section 311, the officer shall arrest that person under section 727(d).

(2) In lieu of the officer's taking of the license under subsection (1) or before appearance in court, the person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed $100.00.

(3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed $100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 747 but the defendant's license shall be retained by the court until final resolution of the matter unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (2) as security for appearance at the scheduled formal hearing.

(4) The officer receiving a guaranteed appearance certificate or deposit of money under subsection (2) shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation required under subsection (1).

(5) At or before the completion of his or her tour of duty a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation, or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized shall deposit the certificate or the money deposited and the citation with the court in the same manner as prescribed for citations in section 728a. Failure to deliver the money deposited shall be embezzlement of public money.

(6) If the person who posts a certificate or deposit fails to appear as required in the citation or for a scheduled formal hearing, the court having jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposited shall be forfeited and applied to any civil fine or costs ordered under section 907.

(7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed under section 907, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed $200.00.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1984, Act 331, Imd. Eff. Dec. 26, 1984;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.750 Issuance of citations; number as factor in evaluation of police officer's performance; applicability of MCL 257.901; fees prohibited; violation of MCL 257.749 as misconduct in office; removal.

Sec. 750. (1) A police officer shall not be required to issue a certain number of citations for violations of

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this act or of local ordinances substantially corresponding to provisions of this act, including parking or standing violations, unless the issuance of citations is a part of a police officer's performance evaluation system and the issuance of citations is not given any greater consideration than any other factor in the evaluation of a police officer's performance. In the absence of a police officer's performance evaluation system, the issuance of citations shall not be given any greater consideration than any other factor in the evaluation of a police officer's performance. Section 901 does not apply to a violation of this subsection.

(2) A police officer shall not be entitled to any fees for issuing a citation. A police officer, judge, district court magistrate, or other person employed by the state or by a local governmental unit who violates section 749 or this subsection is guilty of misconduct in office and subject to removal from office.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 446, Imd. Eff. Dec. 27, 1988.

CHAPTER VII
REGISTRATION FEES

257.801 Registration taxes on vehicles; schedules; computation; exemption from ad valorem taxes on vehicles in stock or bond; increase and disposition of certain taxes; late fee; definitions.

Sec. 801. (1) The secretary of state shall collect the following taxes at the time of registering a vehicle, which shall exempt the vehicle from all other state and local taxation, except the fees and taxes provided by law to be paid by certain carriers operating motor vehicles and trailers under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to 207.234; and except as otherwise provided by this act:

(a) For a motor vehicle, including a motor home, except as otherwise provided, and a pickup truck or van that weighs not more than 8,000 pounds, except as otherwise provided, according to the following schedule of empty weights:

Empty weights	Tax
0 to 3,000 pounds.....$	29.00
3,001 to 3,500 pounds.....	32.00
3,501 to 4,000 pounds.....	37.00
4,001 to 4,500 pounds.....	43.00
4,501 to 5,000 pounds.....	47.00
5,001 to 5,500 pounds.....	52.00
5,501 to 6,000 pounds.....	57.00
6,001 to 6,500 pounds.....	62.00
6,501 to 7,000 pounds.....	67.00
7,001 to 7,500 pounds.....	71.00
7,501 to 8,000 pounds.....	77.00
8,001 to 8,500 pounds.....	81.00
8,501 to 9,000 pounds.....	86.00
9,001 to 9,500 pounds.....	91.00
9,501 to 10,000 pounds.....	95.00
over 10,000 pounds.....$	0.90 per 100 pounds of empty weight

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency. A van that is owned by an individual who uses a wheelchair or by an individual who transports a member of his or her household who uses a wheelchair and for which registration plates are issued under section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(b) For a trailer coach attached to a motor vehicle, the tax shall be assessed as provided in subdivision (*l*). A trailer coach not under 1959 PA 243, MCL 125.1035 to 125.1043, and while located on land otherwise assessable as real property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, if the trailer coach is used as a place of habitation, and whether or not permanently affixed to the soil, is not exempt from real property taxes.

(c) For a road tractor, truck, or truck tractor owned by a farmer and used exclusively in connection with a farming operation, including a farmer hauling livestock or farm equipment for other farmers for remuneration

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in kind or in labor, but not for money, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, truck, or truck tractor owned by a farmer is also used for a nonfarming operation, the farmer is subject to the highest registration tax applicable to the nonfarm use of the vehicle but is not subject to more than 1 tax rate under this act.

(d) For a road tractor, truck, or truck tractor owned by a wood harvester and used exclusively in connection with the wood harvesting operations or a truck used exclusively to haul milk from the farm to the first point of delivery, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. A registration secured by payment of the tax prescribed in this subdivision continues in full force and effect until the regular expiration date of the registration. As used in this subdivision:

(*i*) "Wood harvester" includes the person or persons hauling and transporting raw materials in the form produced at the harvest site or hauling and transporting wood harvesting equipment. Wood harvester does not include a person or persons whose primary activity is tree-trimming or landscaping.

(*ii*) "Wood harvesting equipment" includes all of the following:

(A) A vehicle that directly harvests logs or timber, including, but not limited to, a processor or a feller buncher.

(B) A vehicle that directly processes harvested logs or timber, including, but not limited to, a slasher, delimber, processor, chipper, or saw table.

(C) A vehicle that directly processes harvested logs or timber, including, but not limited to, a forwarder, grapple skidder, or cable skidder.

(D) A vehicle that directly loads harvested logs or timber, including, but not limited to, a knuckle-boom loader, front-end loader, or forklift.

(E) A bulldozer or road grader being transported to a wood harvesting site specifically for the purpose of building or maintaining harvest site roads.

(*iii*) "Wood harvesting operations" does not include the transportation of processed lumber, Christmas trees, or processed firewood for a profit making venture.

(e) For a hearse or ambulance used exclusively by a licensed funeral director in the general conduct of the licensee's funeral business, including a hearse or ambulance whose owner is engaged in the business of leasing or renting the hearse or ambulance to others, $1.17 per 100 pounds of the empty weight of the hearse or ambulance.

(f) For a vehicle owned and operated by this state, a state institution, a municipality, a privately incorporated, nonprofit volunteer fire department, or a nonpublic, nonprofit college or university, $5.00 per plate. A registration plate issued under this subdivision expires on June 30 of the year in which new registration plates are reissued for all vehicles by the secretary of state.

(g) For a bus including a station wagon, carryall, or similarly constructed vehicle owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school or society, church Sunday school, or any other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility; or a motor vehicle owned and operated by a senior citizen center, $10.00, if the bus, station wagon, carryall, or similarly constructed vehicle or motor vehicle is designated by proper signs showing the organization operating the vehicle.

(h) For a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; for a vehicle owned by the civil air patrol, as organized under 36 USC 40301 to 40307, $10.00 per plate, if the vehicle is designated by a proper sign showing the civil air patrol's name; for a vehicle owned and operated by a nonprofit veterans center; for a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization; for a motor vehicle having a truck chassis and a locomotive or ship's body that is owned by a nonprofit veterans organization and used exclusively in parades and civic events; or for an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization, $10.00 per plate.

(i) For each truck owned and operated free of charge by a bona fide ecclesiastical or charitable corporation, or red cross, girl scout, or boy scout organization, 65 cents per 100 pounds of the empty weight of the truck.

(j) For each truck, weighing 8,000 pounds or less, and not used to tow a vehicle, for each privately owned truck used to tow a trailer for recreational purposes only and not involved in a profit making venture, and for each vehicle designed and used to tow a mobile home or a trailer coach, except as provided in subdivision (b), $38.00 or an amount computed according to the following schedule of empty weights, whichever is greater:

Empty weights	Per 100 pounds
0 to 2,500 pounds.....	$ 1.40
2,501 to 4,000 pounds.....	1.76
4,001 to 6,000 pounds.....	2.20

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6,001 to 8,000 pounds	2.72
8,001 to 10,000 pounds	3.25
10,001 to 15,000 pounds	3.77
15,001 pounds and over	4.39

If the tax required under subdivision (p) for a vehicle of the same model year with the same list price as the vehicle for which registration is sought under this subdivision is more than the tax provided under the preceding provisions of this subdivision for an identical vehicle, the tax required under this subdivision is not less than the tax required under subdivision (p) for a vehicle of the same model year with the same list price.

(k) For each truck weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8,001 pounds or more, road tractor or truck tractor, except as provided in subdivision (j) according to the following schedule of elected gross weights:

Elected gross weight	Tax
0 to 24,000 pounds	$ 491.00
24,001 to 26,000 pounds	558.00
26,001 to 28,000 pounds	558.00
28,001 to 32,000 pounds	649.00
32,001 to 36,000 pounds	744.00
36,001 to 42,000 pounds	874.00
42,001 to 48,000 pounds	1,005.00
48,001 to 54,000 pounds	1,135.00
54,001 to 60,000 pounds	1,268.00
60,001 to 66,000 pounds	1,398.00
66,001 to 72,000 pounds	1,529.00
72,001 to 80,000 pounds	1,660.00
80,001 to 90,000 pounds	1,793.00
90,001 to 100,000 pounds	2,002.00
100,001 to 115,000 pounds	2,223.00
115,001 to 130,000 pounds	2,448.00
130,001 to 145,000 pounds	2,670.00
145,001 to 160,000 pounds	2,894.00
over 160,000 pounds	3,117.00

For each commercial vehicle registered under this subdivision, $15.00 shall be deposited in a truck safety fund to be expended for the purposes prescribed in section 25 of 1951 PA 51, MCL 247.675.

If a truck or road tractor without trailer is leased from an individual owner-operator, the lessee, whether a person, firm, or corporation, shall pay to the owner-operator 60% of the tax prescribed in this subdivision for the truck tractor or road tractor at the rate of 1/12 for each month of the lease or arrangement in addition to the compensation the owner-operator is entitled to for the rental of his or her equipment.

(*l*) For each pole trailer, semitrailer, trailer coach, or trailer, the tax shall be assessed according to the following schedule of empty weights:

Empty weights	Tax
0 to 2,499 pounds	$ 75.00
2,500 to 9,999 pounds	200.00
10,000 pounds and over	300.00

The registration plate issued under this subdivision expires only when the secretary of state reissues a new registration plate for all trailers. Beginning October 1, 2005, if the secretary of state reissues a new registration plate for all trailers, a person who has once paid the tax as increased by 2003 PA 152 for a vehicle under this subdivision is not required to pay the tax for that vehicle a second time, but is required to pay only the cost of the reissued plate at the rate provided in section 804(2) for a standard plate. A registration plate issued under this subdivision is nontransferable.

(m) For each commercial vehicle used for the transportation of passengers for hire except for a vehicle for which a payment is made under 1960 PA 2, MCL 257.971 to 257.972, according to the following schedule of empty weights:

Empty weights	Per 100 pounds
0 to 4,000 pounds	$ 1.76
4,001 to 6,000 pounds	2.20
6,001 to 10,000 pounds	2.72
10,001 pounds and over	3.25
(n) For each motorcycle	$ 23.00

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised

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for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year that preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency.

Beginning January 1, 1984, the registration tax for each motorcycle is increased by $3.00. The $3.00 increase is not part of the tax assessed under this subdivision for the purpose of the annual October 1 revisions but is in addition to the tax assessed as a result of the annual October 1 revisions. Beginning January 1, 1984, $3.00 of each motorcycle fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a.

(o) For each truck weighing 8,001 pounds or more, road tractor, or truck tractor used exclusively as a moving van or part of a moving van in transporting household furniture and household effects or the equipment or those engaged in conducting carnivals, at the rate of 80% of the schedule of elected gross weights in subdivision (k) as modified by the operation of that subdivision.

(p) After September 30, 1983, each motor vehicle of the 1984 or a subsequent model year as shown on the application required under section 217 that has not been previously subject to the tax rates of this section and that is of the motor vehicle category otherwise subject to the tax schedule described in subdivision (a), and each low-speed vehicle according to the following schedule based upon registration periods of 12 months:

(*i*) Except as otherwise provided in this subdivision, for the first registration that is not a transfer registration under section 809 and for the first registration after a transfer registration under section 809, according to the following schedule based on the vehicle's list price:

List Price	Tax
$ 0 - $ 6,000.00	$ 30.00
More than $ 6,000.00 - $ 7,000.00	$ 33.00
More than $ 7,000.00 - $ 8,000.00	$ 38.00
More than $ 8,000.00 - $ 9,000.00	$ 43.00
More than $ 9,000.00 - $ 10,000.00	$ 48.00
More than $ 10,000.00 - $ 11,000.00	$ 53.00
More than $ 11,000.00 - $ 12,000.00	$ 58.00
More than $ 12,000.00 - $ 13,000.00	$ 63.00
More than $ 13,000.00 - $ 14,000.00	$ 68.00
More than $ 14,000.00 - $ 15,000.00	$ 73.00
More than $ 15,000.00 - $ 16,000.00	$ 78.00
More than $ 16,000.00 - $ 17,000.00	$ 83.00
More than $ 17,000.00 - $ 18,000.00	$ 88.00
More than $ 18,000.00 - $ 19,000.00	$ 93.00
More than $ 19,000.00 - $ 20,000.00	$ 98.00
More than $ 20,000.00 - $ 21,000.00	$ 103.00
More than $ 21,000.00 - $ 22,000.00	$ 108.00
More than $ 22,000.00 - $ 23,000.00	$ 113.00
More than $ 23,000.00 - $ 24,000.00	$ 118.00
More than $ 24,000.00 - $ 25,000.00	$ 123.00
More than $ 25,000.00 - $ 26,000.00	$ 128.00
More than $ 26,000.00 - $ 27,000.00	$ 133.00
More than $ 27,000.00 - $ 28,000.00	$ 138.00
More than $ 28,000.00 - $ 29,000.00	$ 143.00
More than $ 29,000.00 - $ 30,000.00	$ 148.00

More than $30,000.00, the tax of $148.00 is increased by $5.00 for each $1,000.00 increment or fraction of a $1,000.00 increment over $30,000.00. If a current tax increases or decreases as a result of 1998 PA 384, only a vehicle purchased or transferred after January 1, 1999 shall be assessed the increased or decreased tax.

(*ii*) For the second registration, 90% of the tax assessed under subparagraph (*i*).

(*iii*) For the third registration, 90% of the tax assessed under subparagraph (*ii*).

(*iv*) For the fourth and subsequent registrations, 90% of the tax assessed under subparagraph (*iii*).

For a vehicle of the 1984 or a subsequent model year that has been previously registered by a person other than the person applying for registration or for a vehicle of the 1984 or a subsequent model year that has been previously registered in another state or country and is registered for the first time in this state, the tax under this subdivision shall be determined by subtracting the model year of the vehicle from the calendar year for which the registration is sought. If the result is zero or a negative figure, the first registration tax shall be paid. If the result is 1, 2, or 3 or more, then, respectively, the second, third, or subsequent registration tax shall be

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paid. A van that is owned by an individual who uses a wheelchair or by an individual who transports a member of his or her household who uses a wheelchair and for which registration plates are issued under section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(q) For a wrecker, $200.00.

(r) When the secretary of state computes a tax under this section, a computation that does not result in a whole dollar figure shall be rounded to the next lower whole dollar when the computation results in a figure ending in 50 cents or less and shall be rounded to the next higher whole dollar when the computation results in a figure ending in 51 cents or more, unless specific taxes are specified, and the secretary of state may accept the manufacturer's shipping weight of the vehicle fully equipped for the use for which the registration application is made. If the weight is not correctly stated or is not satisfactory, the secretary of state shall determine the actual weight. Each application for registration of a vehicle under subdivisions (j) and (m) shall have attached to the application a scale weight receipt of the vehicle fully equipped as of the time the application is made. The scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year that shows on its face the weight of the motor vehicle as registered with the secretary of state and that is accompanied by a statement of the applicant that there has not been a structural change in the motor vehicle that has increased the weight and that the previous registered weight is the true weight.

(2) A manufacturer is not exempted under this act from paying ad valorem taxes on vehicles in stock or bond, except on the specified number of motor vehicles registered. A dealer is exempt from paying ad valorem taxes on vehicles in stock or bond.

(3) Until October 1, 2011, the tax for a vehicle with an empty weight over 10,000 pounds imposed under subsection (1)(a) and the taxes imposed under subsection (1)(c), (d), (e), (f), (i), (j), (m), (o), and (p) are each increased as follows:

(a) A regulatory fee of $2.25 that shall be credited to the traffic law enforcement and safety fund created in section 819a and used to regulate highway safety.

(b) A fee of $5.75 that shall be credited to the transportation administration collection fund created in section 810b.

(4) If a tax required to be paid under this section is not received by the secretary of state on or before the expiration date of the registration plate, the secretary of state shall collect a late fee of $10.00 for each registration renewed after the expiration date. An application for a renewal of a registration using the regular mail and postmarked before the expiration date of that registration shall not be assessed a late fee. The late fee collected under this subsection shall be deposited into the general fund.

(5) As used in this section:

(a) "Gross proceeds" means that term as defined in section 1 of the general sales tax act, 1933 PA 167, MCL 205.51, and includes the value of the motor vehicle used as part payment of the purchase price as that value is agreed to by the parties to the sale, as evidenced by the signed agreement executed under section 251.

(b) "List price" means the manufacturer's suggested base list price as published by the secretary of state, or the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under 15 USC 1232, if the secretary of state has not at the time of the sale of the vehicle published a manufacturer's suggested retail price for that vehicle, or the purchase price of the vehicle if the manufacturer's suggested base list price is unavailable from the sources described in this subdivision.

(c) "Purchase price" means the gross proceeds received by the seller in consideration of the sale of the motor vehicle being registered.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 55, Eff. Dec. 1, 1951;—Am. 1952, Act 161, Eff. Sept. 18, 1952;—Am. 1953, Act 179, Imd. Eff. June 8, 1953;—Am. 1954, Act 147, Eff. Aug. 13, 1954;—Am. 1956, Act 130, Eff. Aug. 11, 1956;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1960, Act 104, Imd. Eff. Apr. 26, 1960;—Am. 1962, Act 82, Eff. Mar. 28, 1963;—Am. 1963, Act 41, Eff. Sept. 6, 1963;—Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967;—Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969;—Am. 1970, Act 106, Imd. Eff. July 23, 1970;—Am. 1976, Act 26, Imd. Eff. Feb. 27, 1976;—Am. 1976, Act 114, Imd. Eff. May 14, 1976;—Am. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1976, Act 441, Eff. Mar. 31, 1977;—Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978;—Am. 1979, Act 47, Imd. Eff. July 3, 1979;—Am. 1980, Act 117, Imd. Eff. May 14, 1980;—Am. 1980, Act 153, Imd. Eff. June 11, 1980;—Am. 1980, Act 270, Imd. Eff. Oct. 1, 1980;—Am. 1981, Act 58, Imd. Eff. June 4, 1981;—Am. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1982, Act 350, Imd. Eff. Dec. 21, 1982;—Am. 1982, Act 439, Eff. Jan. 1, 1983;—Am. 1983, Act 165, Eff. Oct. 1, 1983;—Am. 1984, Act 173, Imd. Eff. June 29, 1984;—Am. 1985, Act 32, Imd. Eff. June 13, 1985;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1990, Act 181, Imd. Eff. July 18, 1990;—Am. 1994, Act 50, Imd. Eff. Mar. 25, 1994;—Am. 1994, Act 94, Imd. Eff. Apr. 13, 1994;—Am. 1994, Act 95, Eff. June 1, 1994;—Am. 1994, Act 395, Eff. Mar. 30, 1995;—Am. 1995, Act 129, Imd. Eff. June 30, 1995;—Am. 1995, Act 226, Imd. Eff. Dec. 14, 1995;—Am. 1997, Act 80, Eff. Oct. 1, 1997;—Am. 1998, Act 384, Eff. Jan. 1, 1999;—Am. 2000, Act 47, Imd. Eff. Mar. 27, 2000;—Am. 2000, Act 82, Eff. July 1, 2000;—Am. 2000, Act 502, Imd. Eff. Jan. 11, 2001;—Am. 2002, Act 417, Imd. Eff. June 5, 2002;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 427, Imd. Eff.

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Dec. 17, 2004;—Am. 2006, Act 136, Imd. Eff. May 12, 2006;—Am. 2006, Act 562, Eff. Jan. 1, 2007;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.801a Registration fees; portable feed mills or mixers.

Sec. 801a. In computing the tax imposed by section 801 on portable feed mills or mixers used to grind or mix grain at the farm for use on the farm and not for resale, the secretary of state shall use the weight of the cab and chassis only.

History: Add. 1958, Act 3, Imd. Eff. Feb. 27, 1958.

257.801b Refund of specific tax paid in error; refund of dealer license fees; refund on and return of registration plates or tabs; refund in case of original application for certain registration plates; refund or credit for plates issued under MCL 257.801g.

Sec. 801b. (1) If a person, through error either on his or her own part or that of the secretary of state, pays the specific tax required by section 801 or 802 more than once on the same equipment, the secretary of state, upon application and satisfactory proof, shall refund the amount paid in error. A claim shall be filed within 1 year after the date of payment and verified by the secretary of state before a refund is made. If an application for a dealer license provided for in section 248 is withdrawn by the applicant or the applicant's heir, before issuance of the dealer license, the fees that accompanied the application under sections 803, 803a, and 807 may be refunded by the secretary of state upon application and satisfactory proof.

(2) If a person's license to drive a motor vehicle is revoked, suspended, or denied for medical or physical reasons, the person may return the registration plates and obtain a refund on the plates prorated on a monthly basis for the time period remaining in the registration year from the date the plates are returned. However, the refund shall not exceed the original registration fee.

(3) Upon the death of a spouse, the surviving spouse may return registration plates and obtain a refund on the plates prorated on a monthly basis for the time period remaining in the registration year from the date the plates are returned. However, the refund shall not exceed the original registration fee.

(4) The owner of a registered vehicle who transfers or assigns title or interest in that registered vehicle before placing upon the registered vehicle the registration plates or tabs issued for that registered vehicle may obtain a refund in full from the secretary of state for the registration plates or tabs. Registration plates, or tabs issued for 1978 and thereafter shall be returned by the owner within 30 days following the date of transfer or assignment.

(5) The owner of a vehicle registered pursuant to section 801d(2) who transfers or assigns title or interest in the vehicle may obtain a refund on the registration for each unused, whole registration period remaining on the registration from the date the plates are returned and the application for a refund is made.

(6) In the case of an original application for registration plates issued under section 217a or 803b, the secretary of state shall issue a refund prorated on a monthly basis from the date of application for the time period remaining in the previously issued registration, if an application for the refund is made and satisfactory proof is presented to the secretary of state. A refund shall not be made if the amount due is less than $5.00.

(7) In the case of an original application for the registration plates bearing the letters “SEN” or “REP”, the secretary of state shall issue a refund prorated on a monthly basis from the date of application for the time period remaining in the previously issued registration.

(8) In the case of an original application and issuance of an international registration plan registration plate under section 801g, the secretary of state shall make a refund as a credit prorated on a monthly basis from the date of application for the months remaining for the previously issued registration on the same vehicle, if an application for the refund as a credit is made and satisfactory proof of eligibility is presented to the secretary of state. A refund as a credit shall not exceed the total amount of the Michigan apportioned fees assessed for the plates issued under section 801g nor be made if the amount due is less than $5.00. For the purpose of this subsection, a month shall mean 30 consecutive days and a partial month shall be considered as a whole month.

History: Add. 1959, Act 64, Imd. Eff. June 5, 1959;—Am. 1974, Act 187, Imd. Eff. July 2, 1974;—Am. 1978, Act 62, Imd. Eff. Mar. 14, 1978;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1978, Act 587, Imd. Eff. Jan. 3, 1979;—Am. 1980, Act 46, Imd. Eff. Mar. 19, 1980;—Am. 1980, Act 281, Imd. Eff. Oct. 9, 1980;—Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986.

257.801c Nonpayment of check or draft for fee or tax on vehicle; liability; penalties; collection of delinquent accounts.

Sec. 801c. (1) If a check or draft in payment of a fee or tax under this act is not paid on its first presentation, the fee or tax is delinquent as of the date the check or draft was tendered. The person tendering the check or draft remains liable for the payment of each fee or tax and a penalty.

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(2) If a fee or tax is still delinquent 15 days after the department gives notice to the person tendering the check or draft, a penalty shall be assessed and collected in addition to the fee or tax, and the penalty shall be deposited in the state general fund. The penalty shall be assessed according to the following table:

Amount of Check or Draft	Penalty
$ .01 to 15.00	$ 5.00
15.01 to 50.00	10.00
50.01 to 100.00	20.00
100.01 to 300.00	60.00
300.01 and higher	20% of the check or draft

(3) An operator's or chauffeur's license shall not be issued or renewed for a person who has had outstanding against him or her a claim resulting from nonpayment of a check or draft used to pay a fee or tax to the secretary of state.

(4) The department shall suspend, until all fees, taxes, and penalties due are paid, the operator's or chauffeur's license of a person who has had outstanding against him or her for not less than 60 days a claim resulting from nonpayment of a check or draft used to pay a fee or tax to the secretary of state. A person whose operator's or chauffeur's license has been suspended under this section shall not be subject to the examination provisions of section 320c.

(5) The collection of delinquent accounts remains the responsibility of the office of secretary of state.

History: Add. 1971, Act 8, Eff. July 1, 1971;—Am. 1976, Act 315, Imd. Eff. Dec. 7, 1976;—Am. 1980, Act 281, Imd. Eff. Oct. 9, 1980;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

257.801d Repealed. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to taxes for pole trailer, semitrailer, or trailer, and issuance and registration fees for fleet vehicles.

257.801e Moped; application for registration; form; signature; fee; issuance and contents of certificate of registration; insurance; size, legibility, and inspection of certificate; issuance and display of decal; rules; certificate of registration for use in testing or demonstrating moped; duration of registration.

Sec. 801e. (1) When a moped required to be registered under this act is sold by a retailer to a general purchaser, the certificate of registration shall be obtained in the name of the purchaser by the retailer. In other cases, the certificate of registration shall be obtained by the purchaser. The application shall be signed by the purchaser of the moped and shall be accompanied by a fee of $15.00. Upon receipt of the application in approved form, the secretary of state shall enter the application upon the secretary of state's records and issue to the applicant a certificate of registration containing the decal for the moped, the name and address of the owner, and other information the secretary of state considers necessary. A moped shall not be required to be insured in the manner specified for motor vehicles under chapter 31 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. The certificate of registration shall be pocket size, shall accompany the vehicle, shall be legible, and shall be made available for inspection upon demand by a law enforcement officer.

(2) A decal indicating that the certificate of registration is in full force and effect shall be issued. A registration certificate and decal shall not be issued earlier than 90 days preceding the commencement date of the new registration period. Display of the decal shall be as prescribed by rule promulgated by the secretary of state.

(3) A retailer or manufacturer of mopeds, upon application to the secretary of state upon forms provided by the secretary of state, may obtain certificates of registration for use in the testing or demonstrating of a moped upon payment of $10.00 for each of the first 2 registration certificates. Additional certificates may be issued at a cost of $5.00 each and used by the applicant only in the testing or demonstrating of mopeds by temporary placement of the registration on the moped being tested or demonstrated. A certificate issued pursuant to this subsection may be used on only 1 moped at any given time.

(4) A moped registration shall be valid for a 3-year period which begins on May 1 and expires on April 30 of the third registration year. For purposes of this subsection, a registration year begins on May 1 and ends on April 30.

History: Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978;—Am. 1979, Act 120, Eff. Apr. 15, 1980;—Am. 1983, Act 91, Imd. Eff. June 16, 1983.

257.801f Moped; notice of destruction or abandonment; surrender and cancellation of certificate of registration; notice of change of address; transfer of certificate; fee; duration

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of registration; duplicate certificate.

Sec. 801f. (1) The owner of a moped shall notify the secretary of state if the moped is destroyed or abandoned within 15 days after its destruction or abandonment. Notice shall consist of a surrender of the certificate of registration on which the proper information shall be noted on a place to be provided. The secretary of state shall cancel the certificate and enter that fact in the records of the secretary of state.

(2) The owner of a moped shall notify the secretary of state upon a change of address. The new address shall be recorded by the secretary of state and a certificate of registration bearing that information shall be returned to the owner.

(3) The transferee of a moped, within 15 days after acquiring it, shall make application to the secretary of state for transfer of the certificate of registration issued to the moped, giving the transferee's name, address, and the number of the moped and pay to the secretary of state a transfer fee of $10.00. A registration fee of $10.00 shall be assessed if the transferred registration would have remained valid for 1 year or less. If the transferred registration would have remained valid for more than 1 year but less than 2 years, a registration fee of $5.00 shall be assessed. A registration fee shall not be assessed if the transferred registration would have remained valid for 2 or more years. Upon receipt of the application and fees, the secretary of state shall transfer the certificate of registration issued for the moped to the new owner. The registration shall be valid for 3 registration years. Unless the application is made and the fee paid within 15 days, the moped shall be considered to be without certificate of registration and a person shall not operate the moped until a certificate is issued.

(4) If a certificate of registration is lost, mutilated, or becomes illegible, the owner of a moped shall obtain a duplicate of the certificate upon application and payment of a fee of $2.00.

History: Add. 1976, Act 439, Imd. Eff. Jan. 13, 1977;—Am. 1979, Act 120, Eff. Apr. 15, 1980;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.801g Apportionment of fee under international registration plan if permitted by reciprocal compact, agreement, or other arrangement; definition; issuance of registration plate and cab card upon payment of apportioned fee; purchase of annual international registration plan plates; service fee; notice; effect of late payment; effect of surrendering or not surrendering registration plate; temporary registration.

Sec. 801g. (1) Notwithstanding section 801(1)(j) or 801(1)(k), for a truck, truck tractor, or road tractor engaged in interstate commerce, for which a registration fee otherwise would be provided in section 801(1)(j) or 801(1)(k), the fee may be apportioned under the international registration plan according to the miles traveled in this state in relation to the total miles traveled by the vehicle, if the apportionment is permitted by a reciprocal compact, agreement, or other arrangement entered into by the Michigan highway reciprocity board.

(2) For the purposes of this section, “international registration plan” means a method of licensing trucks and bus fleets proportionally among 2 or more member jurisdictions and includes an apportioned fee that is determined according to the fleet's percentage of miles generated in the various jurisdictions. Upon payment of the apportioned fee there shall be issued 1 registration plate and 1 cab card for each vehicle with the cab card indicating the jurisdictions in which the unit is registered and the registered weight for each jurisdiction.

(3) If the apportionment is permitted, and if at the time of purchase a person elects to have the fees apportioned and the registration is valid for at least 12 months, the annual international registration plan plates may be purchased by paying any out of state portion and 1/2 the amount apportioned for Michigan fees and an extra $10.00 service fee per vehicle upon purchase and the balance within 180 days before the date of expiration. The secretary of state shall notify a person who has elected to use the installment option of this subsection informing the person of the amount due and of the penalties that shall be imposed if payment is not received within 180 days before the date of expiration. If a person is late on paying the balance, a penalty shall be assessed and collected in addition to the fee and that person shall not be eligible to elect the apportionment payment plan for the next 2 registration years following the year of the delinquency. The penalty shall be 25% of the outstanding balance. The secretary of state shall suspend the registration of any vehicle for which the registration fee is not paid in full and transmit a statement of the delinquent balance, including the penalty, to the department of treasury for collection.

(4) If a person surrenders a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section for the same vehicle, the apportioned fee for the exchange registration shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the exchange registration bears to 12 months. Partial months shall be considered as whole months in the

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calculation of the required fee and in the determination of the length of time between the application for a registration and the last day of the month of expiration. The calculation shall include any refund as a credit provided for in section 801b(8). The fee required for the registration shall be rounded off to whole dollars as provided in section 801.

(5) If a person does not surrender a registration plate purchased under section 801(1)(j) or 801(1)(k) for a registration under this section, the apportioned fee shall be determined as provided for in this section except the apportioned fee for a registration purchased shall bear the same relationship to the fee required under this section for a 12-month registration as the length of time the registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required fee and in the determination of the length of time between the application for a registration and the last day of the month of expiration. The fee required for this registration shall be rounded off to whole dollars as provided in section 801. Fees under this subsection shall not be prorated for less than 6 months.

(6) Upon proper application for registration of a vehicle under this section, the secretary of state may issue a temporary registration which shall be valid for not more than 45 days from the date of issuance.

(7) The secretary of state may designate an owner or registrant having a fleet of motor vehicles currently registered under this section to act as an agent for the secretary of state for the purpose of issuing to himself or herself a temporary registration. Upon issuance of a temporary registration an agent shall make proper application for an international registration plan registration to the secretary of state within 5 days after issuance of the temporary registration.

(8) An owner issued a temporary registration under this section shall be liable for the fees provided in this section.

(9) If the owner of a vehicle for which a temporary registration is issued pursuant to this subsection fails to pay the registration fee as required in this section, the secretary of state shall suspend the registrations of all vehicles registered by that owner under this section. The registrations shall remain suspended until payment of the fee is made.

History: Add. 1980, Act 505, Imd. Eff. Jan. 22, 1981;—Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984;—Am. 1986, Act 311, Imd. Eff. Dec. 23, 1986;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 1992, Act 29, Eff. Jan. 1, 1993.

257.801h Fleet registration; application; issuance and display of registration plates; tax; adding or deleting registration; ineligible vehicle; determination of owner's compliance.

Sec. 801h. (1) Notwithstanding any other provision in this act, the owner or lessee of a fleet of 25 or more vehicles that are or will be registered under section 801 may apply to the secretary of state for special registration plates for any number of 25 or more vehicles in a fleet. An application shall be on a form prescribed by the secretary of state and include an agreement that, at a minimum, the applicant agrees to pay annual fleet registration taxes under this section.

(2) Upon approval of the application and payment of the required registration taxes, the secretary of state may issue the applicant a registration plate under section 224 and a registration certificate under section 222 for each vehicle. The registration plate and certificate shall each be in a format as prescribed by the secretary of state.

(3) The name, emblem, trademark, or logo of the company issued fleet registration plates under this section shall be prominently displayed on the right and left sides of all vehicles registered under this section by that applicant. The name, emblem, trademark, or logo shall contain letters, figures, or numerals in sharp contrast to the background of the name, emblem, trademark, or logo and shall be of such size, shape, and color as to be readily legible during daylight hours from a distance of 50 feet.

(4) The registration tax for each vehicle registered under this section shall be paid annually. Registration taxes under this section are payable in full not later than the due date provided in section 226. If the owner of a vehicle registered under this section fails to pay the annual registration tax for that vehicle or fails to comply with the terms of the fleet registration plate agreement provided in subsection (1), the secretary of state shall immediately suspend the registration of all vehicles registered by that owner under this section. The registration shall remain suspended and the owner shall not apply for the registration or reregistration of a vehicle under this section until payment in full of the tax owed is made. After providing notice to the owner, the secretary of state shall notify law enforcement of any plate suspended under this section.

(5) At any time an owner or lessee in good standing may add a vehicle to the list of vehicles registered under this section. To add a vehicle, the owner or lessee shall make application to the secretary of state, in a form prescribed by the secretary of state, accompanied by the registration taxes required under section 801.

(6) At any time an owner or lessee may delete the registration of a vehicle from the list of vehicles registered under this section. To delete a vehicle, the owner shall notify the secretary of state of the proposed deletion in a form prescribed by the secretary of state and surrender to the secretary of state the registration

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plate assigned to the deleted vehicle.

(7) A vehicle not titled or leased in the name of the applicant is not eligible for registration under this section. A vehicle registered under section 801g is not eligible for registration under this section. Passenger vehicle rental fleets are not eligible for registration under this section.

(8) The secretary of state or the authorized representative of the secretary of state may visit and examine the vehicle registration records of an owner whose vehicles are registered under this act. This authority only applies to visits during the regular business hours of the owner and to those vehicles and records necessary for the secretary of state to determine an owner's compliance with this section.

History: Add. 1996, Act 551, Eff. Oct. 1, 1997.

257.801i Issuance of registration for more than 1 period.

Sec. 801i. (1) The secretary of state, upon request, may issue a vehicle registration under this act for more than 1 registration period in a manner determined by the secretary of state. The registration tax shall be prorated according to the taxes and expiration dates provided for under this act.

(2) If a registration is purchased under this section, an annual tax increase provided for under this act shall not be assessed during the remainder of the period that the registration was purchased.

History: Add. 2000, Act 36, Eff. Apr. 1, 2001.

257.802 Special registrations; registration of commercial vehicles and motorcycles; temporary registration plates or markers; tax rates, fees, and service charges; disposition.

Sec. 802. (1) For a special registration issued as provided for in section 226(8), there shall be paid 1/2 the tax imposed under section 801 and in addition a service fee of $10.00.

(2) For all commercial vehicles registered after August 31 for the period expiring the last day of February, a tax of 1/2 the rate otherwise imposed by this act shall be collected. This subsection does not apply to vehicles registered by manufacturers or dealers under sections 244 to 247.

(3) For each special registration as provided for in section 226(9), a service fee of $10.00 shall be collected.

(4) For temporary registration plates or markers as provided for in section 226a(1), a service fee of $5.00 for each group of 5 of those temporary registration plates or markers shall be collected.

(5) For a temporary registration as provided in section 226b, the fee shall be either of the following:

(a) For a 30-day temporary registration, 1/10 of the fee prescribed under section 801 or $20.00, whichever is greater, and an additional $10.00 service fee.

(b) For a 60-day temporary registration, 1/5 of the fee prescribed under section 801 or $40.00, whichever is greater, and an additional $10.00 service fee.

(6) For registration plates as provided for in section 226a(5), (6), and (7), a service fee of $40.00 for 2 registration plates and $20.00 for each additional registration plate shall be collected.

(7) For special registrations issued for special mobile equipment as provided in section 216(d), a service fee of $15.00 each for the first 3 special registrations, and $5.00 for each special registration issued in excess of the first 3 shall be collected.

(8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the full registration fee provided in section 801(1)(k) and in addition a service fee of $10.00.

(9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor that is used exclusively for the purpose of gratuitously transporting farm crops or livestock bedding between the field where produced and the place of storage, feed from on-farm storage to an on-farm feeding site, or fertilizer, seed, or spray material from the farm location to the field may obtain a special registration. The service fee for each special registration shall be $20.00. The special registration shall be valid for a period of up to 12 months and shall expire on December 31. As used in this subsection:

(a) "Feed" means hay or silage.

(b) "Livestock bedding" means straw, sawdust, or sand.

(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of $10.00. No special registration shall be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than $50.00.

(11) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a

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vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration shall be 1/12 of the fee provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of $10.00.

(12) The service fees collected under subsections (1), (3), (4), (5), (6), (7), (8), (9), (10), and (11) shall be deposited in the transportation administration collection fund created in section 810b through October 1, 2011.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1953, Act 179, Imd. Eff. June 8, 1953;—Am. 1957, Act 33, Eff. Sept. 27, 1957;—Am. 1958, Act 55, Eff. July 1, 1958;—Am. 1959, Act 155, Eff. Mar. 19, 1960;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1968, Act 278, Imd. Eff. July 1, 1968;—Am. 1969, Act 309, Imd. Eff. Aug. 14, 1969;—Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1980, Act 172, Imd. Eff. June 23, 1980;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1982, Act 19, Imd. Eff. Mar. 4, 1982;—Am. 1983, Act 165, Eff. Oct. 1, 1983;—Am. 1983, Act 186, Imd. Eff. Oct. 25, 1983;—Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1989, Act 286, Imd. Eff. Dec. 26, 1989;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 1992, Act 297, Eff. Jan. 1, 1993;—Am. 1996, Act 551, Eff. Oct. 1, 1997;—Am. 1997, Act 80, Eff. Oct. 1, 1997;—Am. 1998, Act 396, Imd. Eff. Dec. 17, 1998;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 163, Imd. Eff. June 23, 2004;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

Compiler's note: For effective date of increases in certain fees, charges or taxes provided by this section, see MCL 257.817(1).

257.802a Temporary permits; collection and disposition of fee; bulk sales to agents.

Sec. 802a. (1) For temporary permits, as provided for in section 243 of this act, a fee of $20.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of such temporary permits.

(2) The secretary of state may sell temporary permits in bulk to vehicle owners or to persons who shall act as agents of the secretary of state for the purpose of issuing temporary permits.

History: Add. 1960, Act 98, Imd. Eff. Apr. 26, 1960;—Am. 1984, Act 330, Imd. Eff. Dec. 26, 1984.

257.803 Special plates for manufacturer, transporter, or dealer; fees.

Sec. 803. The secretary of state shall charge a $10.00 fee for each special plate issued under section 244. The secretary of state shall determine the number of special plates reasonably needed by a manufacturer, transporter, or dealer.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1966, Act 216, Eff. Mar. 10, 1967;—Am. 1967, Ex. Sess., Act 3, Imd. Eff. Nov. 15, 1967;—Am. 2002, Act 490, Eff. Oct. 1, 2002.

257.803a Issuance of historic vehicle registration plate or registration tab; fee; certification; registration certificate; registration transferable; expiration or revocation of registration.

Sec. 803a. (1) The secretary of state may issue to the owner of an historic vehicle an historic vehicle registration plate which shall bear the inscription “historical vehicle - Michigan” and the registration number.

(2) The owner of an historic vehicle applying for an historic vehicle registration plate or a registration tab under this section shall pay a fee of $30.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is transferable to another historic vehicle upon completion of the application for transfer and payment of the fee in the manner described in section 809.

(3) A registration issued under this section shall expire on April 15 in the tenth year following the date of issuance of the registration.

(4) The secretary of state may revoke a registration issued under this section, for cause shown and after a hearing, for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

History: Add. 1951, Act 144, Eff. Sept. 28, 1951;—Am. 1961, Act 186, Eff. Sept. 8, 1961;—Am. 1978, Act 427, Imd. Eff. Sept. 30, 1978;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982;—Am. 1987, Act 190, Eff. Apr. 15, 1988;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1990, Act 347, Imd. Eff. Dec. 26, 1990;—Am. 1996, Act 404, Eff. Dec. 21, 1996.

257.803b Personalized registration plate; number; use; letters and numbers; offensive connotation; material; duplication prohibited; submission of application; payment, disposition, and use of service fee; expiration date; letters and numbers given to different person in subsequent year; other sequence of letters and numbers; temporary permit.

Sec. 803b. (1) The secretary of state may issue 1 personalized vehicle registration plate which shall be used

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on the passenger motor vehicle, pick-up truck, motorcycle, van, motor home, hearse, bus, trailer coach, or trailer for which the plate is issued instead of a standard plate. Personalized plates shall bear letters and numbers as the secretary of state prescribes. The secretary of state shall not issue a letter combination which might carry a connotation offensive to good taste and decency. The personalized plates shall be made of the same material as standard plates. Personalized plates shall not be a duplication of another registration plate.

(2) An application for a personalized registration plate shall be submitted to the secretary of state pursuant to section 217. Application for an original personalized registration plate shall be accompanied with payment of a service fee of $8.00 for the first month and of $2.00 per month for each additional month of the registration period in addition to the regular vehicle registration fee. A second duplicate registration plate may be obtained by requesting that option on the application and paying an additional service fee of $5.00. The original and duplicate service fees shall be deposited in the transportation administration collection fund created in section 810b through October 1, 2011. Application for the renewal of a personalized registration plate shall be accompanied with payment of a service fee of $15.00 in addition to the regular vehicle registration fee. The service fee shall be credited to the Michigan transportation fund and shall be allocated pursuant to section 10 of 1951 PA 51, MCL 247.660. The amount allocated to the state trunk line fund shall be used by the state transportation department for litter pickup and cleanup on state roads and rights of way.

(3) The expiration date for a personalized registration plate shall be pursuant to section 226. Upon the issuance or renewal of a personalized registration plate, the secretary of state may issue a tab or tabs designating the month and year of expiration. Upon the renewal of a personalized registration plate, the secretary of state shall issue a new tab or tabs for the rear plate designating the next expiration date of the plate. Upon renewal, the secretary of state shall not issue the owner a new exact duplicate of the expired plate unless the plate is illegible and the owner pays the service fee and registration fee for an original personalized registration plate.

(4) The sequence of letters or numbers or combination of letters and numbers on a personalized plate shall not be given to a different person in a subsequent year unless the person to whom the plate was issued does not reapply before the expiration date of the plate.

(5) An applicant who applies for a registration plate under section 217d, 803e, 803f, 803j, 803k, 803*l*, 803n, or 803o is eligible to request, and the secretary of state may issue, the registration plate with a sequence of letters and numbers otherwise authorized under this section.

(6) The secretary of state may issue a temporary permit to a person who has submitted an application and the proper fees for a personalized plate if the applicant's vehicle registration may expire prior to receipt of his or her personalized plate. The temporary registration shall be valid for not more than 60 days after the date of issuance. The temporary permit shall be issued without a fee.

History: Add. 1972, Act 314, Imd. Eff. Jan. 2, 1973;—Am. 1976, Act 49, Imd. Eff. Mar. 18, 1976;—Am. 1978, Act 548, Imd. Eff. Dec. 22, 1978;—Am. 1978, Act 549, Imd. Eff. Dec. 22, 1978;—Am. 1980, Act 476, Eff. Mar. 31, 1981;—Am. 1981, Act 225, Imd. Eff. Jan. 6, 1982;—Am. 1988, Act 419, Eff. Mar. 30, 1989;—Am. 1993, Act 295, Eff. Apr. 1, 1994;—Am. 1996, Act 142, Imd. Eff. Mar. 25, 1996;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 426, Eff. Jan. 1, 2006;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.803c Personalized registration plates; confiscation for improper use.

Sec. 803c. Use of personalized automobile registration plates on a vehicle other than the vehicle for which the plates were issued is a misdemeanor. The secretary of state shall confiscate the personalized automobile registration plates of any person who is in violation of this section.

History: Add. 1972, Act 314, Imd. Eff. Jan. 2, 1973.

257.803d Special registration plates for disabled persons or for vehicles used to transport disabled persons; inscription; statements; fees; application; violation; penalty.

Sec. 803d. A disabled person may make application to the secretary of state and the secretary of state may issue special registration plates inscribed with the official international wheelchair symbol or a reasonable facsimile of that symbol and special identification numbers. Vehicles registered pursuant to section 801(1)(a) may be issued special registration plates pursuant to this section. A vehicle which is used to transport disabled persons may qualify for these distinguishing plates when the registered owner of the vehicle resides at the same address as the disabled person, submits as part of his or her application for the plates a statement to the effect that the vehicle is used for that purpose, and provides the secretary of state with a medical statement attesting to the fact that the person being transported is a disabled person. The fees for the special registration plates shall correspond with the registration fees provided in section 801(1)(a). Application for the special plates shall be on a form prescribed by the secretary of state. As part of a penalty imposed for violation of the special privileges conferred by this section, a magistrate or judge may order the special plates confiscated and returned to the secretary of state together with a certified copy of the sentence imposed. The use of special

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plates on a vehicle other than the vehicle for which the plates are issued or by a person who does not qualify under this section is a misdemeanor.

History: Add. 1974, Act 41, Imd. Eff. Mar. 13, 1974;—Am. 1976, Act 279, Imd. Eff. Oct. 14, 1976;—Am. 1977, Act 19, Eff. Oct. 1, 1977;—Am. 1984, Act 175, Imd. Eff. July 3, 1984;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.803e Special registration plate for certain persons; inscription; application; form; proof; service fee; issuance of plate; exemption; misdemeanor; expiration of plate; application for renewal.

Sec. 803e. (1) A person who has been a prisoner of war or a person whose spouse has been a prisoner of war may make application to the secretary of state for a special registration plate which shall be inscribed with special identification numbers preceded by the letters "EX-POW" and shall have the words "ex-prisoner of war" inscribed beneath the registration number.

(2) A person who was a member of the armed services during World War I may make application to the secretary of state for a special registration plate, which shall be inscribed with special identification numbers preceded by the letters "WWI" and shall have the words "World War I veteran" inscribed beneath the registration number.

(3) A person who was a member of the armed services during 1941, stationed at a United States military or naval establishment at Pearl Harbor in the Hawaiian islands, and who survived the attack by Japan on Pearl Harbor on December 7, 1941 may make application to the secretary of state for a special registration plate, which shall be inscribed with special identification numbers and shall have the words "Pearl Harbor survivor" inscribed beneath the registration number.

(4) A person who is a recipient of the purple heart medal may make application to the secretary of state for a special registration plate which shall be inscribed with special identification numbers and shall have the words "combat wounded veteran" inscribed beneath the registration number. In addition, the special registration plate described under this subsection shall be inscribed with a vignette of the official purple heart medal.

(5) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant having been a prisoner of war, World War I veteran, Pearl Harbor survivor, or recipient of the purple heart medal that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(6) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section and who makes payment of the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. One person in any household is entitled to 1 special registration plate issued under subsection (1) that is exempt from payment of the tax provided in section 801. The person who is issued an additional special registration plate under subsection (1) shall be assessed the applicable tax provided for in section 801. A person issued 1 or more special registration plates under subsection (2), (3), or (4) shall be assessed the applicable tax provided in section 801.

(7) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(8) The special registration plate issued under this section expires on the birthday of the vehicle owner in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant is not required to furnish the proof provided in subsection (5).

History: Add. 1982, Act 152, Imd. Eff. May 17, 1982;—Am. 1986, Act 260, Imd. Eff. Dec. 9, 1986;—Am. 1988, Act 148, Eff. Nov. 11, 1988;—Am. 1988, Act 149, Eff. Nov. 11, 1988;—Am. 1988, Act 150, Eff. Nov. 11, 1988;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2003, Act 30, Imd. Eff. June 30, 2003.

257.803f Special registration plates for totally disabled veterans; inscription; application; form; service fee; proof; tax exemption; expiration of plates; renewal; tab for persons with disabilities; misdemeanor.

Sec. 803f. (1) A person who is a totally disabled veteran with an honorable discharge from the armed services may make an application to the secretary of state if he or she owns a private passenger motor vehicle, and the secretary of state may issue a special registration plate which shall be inscribed with special identification numbers preceded by the letters "DV" and shall have the words "disabled veteran" inscribed beneath the registration number. For the purposes of this section, "private passenger motor vehicle" means a

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motor vehicle which is personally owned by the disabled veteran and is used for the primary purpose of transporting the disabled veteran and family members of the disabled veteran, but does not include a motor home.

(2) Application for the special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by a service fee of $5.00 and proof that the applicant was honorably discharged from the armed services and either 1 of the following:

(a) That the applicant has been determined by the veterans' administration of the federal government to have a service-connected total or permanent total disability rating for compensation.

(b) That the applicant has been determined to have a service-connected total or permanent total disability rating and is receiving disability retirement pay from a branch of the uniformed armed services.

(3) A special registration issued under this section is exempt from payment of the tax provided in section 801.

(4) The special registration plate shall expire on the birthday of the disabled veteran in a year in which new plates are issued by the secretary of state. Application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (2).

(5) The secretary of state may issue to a disabled person who has been issued a special registration plate under this section a tab for persons with disabilities. The tab for persons with disabilities shall be an adhesive tab displaying the international wheelchair symbol or a reasonable facsimile of that symbol. The tab for persons with disabilities may be attached only to the special registration plate issued to the disabled person under this section.

(6) An application for a tab for persons with disabilities shall be on a form prescribed by the secretary of state. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675.

(7) The tab for persons with disabilities shall be issued free of charge.

(8) When a disabled person who has been issued a tab for persons with disabilities renews his or her special registration plate under this section, the secretary of state shall issue a new tab for persons with disabilities to the disabled person, free of charge. The disabled person shall not be required to again furnish the proof required under subsection (6).

(9) The use of the special registration plate or a tab for persons with disabilities on a motor vehicle other than the motor vehicle for which the special registration plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

History: Add. 1985, Act 99, Imd. Eff. July 18, 1985;—Am. 1986, Act 222, Eff. Oct. 1, 1986;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.803g Special registration for member of congress from Michigan; issuance; expiration; fee.

Sec. 803g. The secretary of state may issue a special registration to a member of the United States congress from Michigan. The expiration date of a registration issued under this section shall be January 31. The fee for the special registration shall correspond with the registration fees provided in section 801(a) or (q).

History: Add. 1987, Act 151, Imd. Eff. Oct. 29, 1987.

257.803h Tab for persons with disabilities.

Sec. 803h. (1) The secretary of state may issue a tab for persons with disabilities to a disabled person who is issued or has been issued a Michigan motor vehicle registration plate other than a section 803d registration plate for persons with disabilities. The tab for persons with disabilities shall be an adhesive tab displaying the international wheelchair symbol or a reasonable facsimile of that symbol. The use of a tab for persons with disabilities on a registration plate other than the plate for which the tab was issued or by a person who does not qualify as a disabled person is a misdemeanor.

(2) A tab for persons with disabilities shall not be used on a registration plate attached to a motor vehicle owned and operated by this state; a state institution; a municipality; a governmental unit; a nonprofit organization; the civil air patrol; or a nonprofit, nonpublic college or university; or on a commercial motor vehicle. A tab for persons with disabilities shall not be placed on a registration plate used for intransit-repair or repossession of a motor vehicle.

History: Add. 1988, Act 419, Eff. Mar. 30, 1989;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.803i Special registration plate for member of national guard, military reserve, or armed services; display of vignette; inscription; application form; proof; fee; issuance; tab for

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persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803i. (1) A person who was or is a member of the national guard may apply to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the words "national guard" inscribed beneath the registration numbers.

(2) A person who was or is a member of the military reserve may apply to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers.

(3) A person who was a member of any branch of the armed services of the United States, who has retired or been granted an honorable discharge from that branch of the armed forces, and who is not otherwise eligible for a special registration plate under this act may apply to the secretary of state for a special registration plate which shall display an appropriate vignette preceding the registration numbers.

(4) Application for a special registration plate shall be on a form prescribed by the secretary of state and shall be accompanied by any proof of the applicant being or having been a member of the national guard or military reserve or a member of any branch of the armed services of the United States as described in subsection (3) that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(5) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section and who pays the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1), (2), or (3) shall be assessed the applicable tax provided in section 801.

(6) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(7) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (4).

History: Add. 1989, Act 19, Eff. Nov. 11, 1989;—Am. 1992, Act 280, Imd. Eff. Dec. 18, 1992;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1997, Act 12, Imd. Eff. May 28, 1997;—Am. 1998, Act 68, Imd. Eff. May 4, 1998.

257.803j Special registration plate for member or spouse of member of armed services during Korean war; display of vignette; inscription; application form; proof; fee; issuance; tab for persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803j. (1) A person who was a member of the armed services or a person whose spouse was a member of the armed forces during the Korean War may make application to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the word "veteran" inscribed beneath the registration numbers.

(2) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant or the applicant's spouse having been a Korean War veteran that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(3) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section and who makes payment of the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) shall be assessed the applicable tax provided in section 801.

(4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(5) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (2).

History: Add. 1989, Act 17, Eff. Nov. 11, 1989;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999.

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257.803k Special registration plate for member or spouse of member of armed services during Vietnam war; display of vignette; inscription; application form; proof; fee; issuance; tab for persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803k. (1) A person who was a member of the armed services during the Vietnam War or a person whose spouse was a member of the armed services during the Vietnam War may make application to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the word "veteran" inscribed beneath the registration numbers.

(2) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant or applicant's spouse having been a Vietnam War veteran that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(3) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section and who makes payment of the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) shall be assessed the applicable tax provided in section 801.

(4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(5) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (2).

History: Add. 1989, Act 18, Eff. Nov. 11, 1989;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999.

257.803*l* Special registration plate for member or spouse of member of armed services during World War II; display of vignette; inscription; application form; proof; fee; issuance; tab for persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803*l*. (1) A person who was a member of the armed services during World War II or a person whose spouse was a member of the armed services during World War II may make application to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the word "veteran" inscribed beneath the registration numbers.

(2) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant or applicant's spouse having been a World War II veteran that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(3) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 special registration plate for each applicant for use on a passenger vehicle. A person who is disabled who makes application for a special registration plate under this section and who makes payment of the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued a special registration plate under subsection (1) shall be assessed the applicable tax provided in section 801.

(4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(5) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (2).

History: Add. 1989, Act 16, Eff. Nov. 11, 1989;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000.

257.803m Special organization plates.

Sec. 803m. (1) The secretary of state may issue 2 special organization motor vehicle registration plates to an applicant for use on a passenger motor vehicle, pickup truck, van, or motor home for which the plates are

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issued instead of standard plates. A special organization motor vehicle registration plate is a registration plate issued by the secretary of state that bears on its face the symbol or emblem of an organization.

(2) Special organization plates shall bear letters and numbers as the secretary of state prescribes. Special organization plates may contain the symbol of the organization to the left of the plate number. The secretary of state shall not issue a letter combination or permit the use of a symbol which might carry a connotation offensive to good taste and decency. The special organization plates shall be made of the same material as standard plates. Special organization plates shall not be a duplication of another registration plate.

(3) In order to qualify its members to receive special organization plates, an organization shall meet all of the following criteria:

(a) Be a nonprofit fraternal or public service organization.

(b) Certify that it consists of not less than 500 members and that not less than 500 members will apply for special organization registration plates.

(c) Have a recognizable state, national, or international symbol or emblem of the organization.

(d) Submit a service fee of $500.00 for the initial manufacture of the symbols or emblems for the special registration plates.

(e) Not practice or influence others to practice any form of discrimination prohibited by the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(4) If an organization meets the criteria set forth in subsection (3), the organization may request the secretary of state to manufacture special organization registration plates for its members. A request shall be accompanied by all of the following:

(a) A copy of the organization's charter and bylaws, if any.

(b) A statement of the organization's consent to use of the organization's symbol or emblem on special organization plates. The statement shall be signed by the president or chief executive officer of the organization.

(c) A sample of the organization's symbol or emblem.

(d) The name of the organization's representative who will serve as a contact person with the secretary of state.

(5) A member of an organization which has met the criteria set forth in subsection (3) shall individually make application for a special organization plate and submit with the application the organization's confirmation of membership on a form provided by the secretary of state.

(6) An application for a special organization registration plate shall be submitted to the secretary of state pursuant to the procedures prescribed in section 217. In addition to the regular registration fee, each application for a new special organization plate shall be accompanied by a service fee of $25.00. The service fee prescribed in this subsection shall not be charged in connection with an application for a renewal tab for an existing special organization plate. A special organization registration plate shall expire as provided in section 226.

(7) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper fees for a special organization plate, if the applicant's current vehicle registration will expire before his or her receipt of an organization plate. The temporary registration shall expire upon the applicant's receipt of an organization plate or upon the expiration of 60 days after the date of issuance, whichever occurs first. A temporary permit issued under this subsection shall be issued without charge.

(8) This section shall apply to an organization described in section 811c only to the extent provided by section 811c.

History: Add. 1989, Act 111, Eff. Mar. 29, 1990;—Am. 1994, Act 332, Imd. Eff. Oct. 18, 1994;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

257.803n Special registration plate for member or spouse of member of national guard, reserve, or branch of armed services during Persian Gulf war or conflicts in Grenada, Panama, or Lebanon; display of vignette; inscription; application form; proof; fee; issuance; tab for persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803n. (1) A person who was a member or a person whose spouse was a member of the Michigan national guard, the United States armed forces reserve, or any branch of the armed services of the United States and who was called to active duty during the Persian Gulf War may apply to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the word “veteran” inscribed beneath the registration numbers.

(2) A person who was a member or a person whose spouse was a member of the armed services during the conflict in Grenada, the conflict in Panama, or the conflict in Lebanon may apply to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and

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shall have the word “veteran” inscribed beneath the registration numbers.

(3) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant or applicant's spouse having been a war or conflict veteran that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(4) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section and who pays the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) or (2) shall be assessed the applicable tax provided in section 801.

(5) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(6) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (3).

History: Add. 1992, Act 280, Imd. Eff. Dec. 18, 1992;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999.

257.803o Special registration plate for member or spouse of member of national guard, reserve, or branch of armed services called to active duty during declared war or armed conflict; display of vignette; inscription; application form; proof; fee; issuance; tab for persons with disabilities; tax; misdemeanor; expiration; renewal.

Sec. 803o. (1) On and after December 18, 1992, a person who was a member or a person whose spouse was a member of the Michigan national guard, the United States armed forces reserve, or any branch of the armed services of the United States and who was called to active duty during a declared war or an armed conflict in which the United States was a participant may apply to the secretary of state for a special registration plate, which shall display an appropriate vignette preceding the registration numbers and shall have the word “veteran” inscribed beneath the registration numbers.

(2) Application for a special registration plate shall be on a form prescribed by the secretary of state, and shall be accompanied by any proof of the applicant or applicant's spouse having been a veteran of a declared war or an armed conflict in which the United States was a participant that the secretary of state may require. The application for a special registration plate shall also be accompanied with payment of a $5.00 service fee.

(3) Upon proper application and payment of the $5.00 service fee, the secretary of state shall issue 1 or more special registration plates for each applicant for use on a passenger vehicle. A person who is disabled who applies for a special registration plate under this section and who pays the $5.00 service fee shall be issued a tab for persons with disabilities as provided in section 803f for his or her special registration plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675. A person issued 1 or more special registration plates under subsection (1) shall be assessed the applicable tax provided in section 801.

(4) The use of a special registration plate on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(5) The special registration plate issued under this section shall expire on the birthday of the vehicle owner. When new plates are issued by the secretary of state, application for renewal of the special registration plate shall be accompanied by a $5.00 service fee. The applicant shall not be required to furnish the proof provided in subsection (2).

History: Add. 1992, Act 280, Imd. Eff. Dec. 18, 1992;—Am. 1994, Act 104, Eff. Oct. 1, 1994;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 1999, Act 183, Imd. Eff. Nov. 24, 1999.

257.803p Authentic Michigan registration plate; fee; certification; registration certificate; transferability; validity; revocation of registration.

Sec. 803p. (1) The owner of an historic vehicle may use an authentic Michigan registration plate of the same year as the model year in which the vehicle was manufactured instead of an historic vehicle registration plate issued under section 803a by presenting the authentic plate number and year to the secretary of state at the time of registration. The owner of an historic vehicle may purchase an authentic Michigan registration plate from another person and restore the plate to its authentic condition for use pursuant to this section. An

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authentically restored plate shall be considered an authentic Michigan registration plate.

(2) The owner of an historic vehicle applying to use an authentic Michigan registration plate under this section shall pay a fee of $35.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is not transferable to another historic vehicle.

(3) A registration issued under this section shall remain valid until the registrant either sells, transfers, or scraps the vehicle or modifies the vehicle in a manner that requires the issuance of a new certificate of title for the vehicle under this act.

(4) After a hearing and for cause shown, the secretary of state may revoke a registration issued under this section for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

History: Add. 1996, Act 404, Eff. Dec. 21, 1996.

257.803q Special registration plate; "honorary consul" designation; fee; tax; prohibited use; violation as misdemeanor; expiration; status or immunity.

Sec. 803q. (1) A person who is designated an honorary consul by a diplomatic corps of a nation other than the United States that is recognized by the government of the United States and who is assigned or stationed in Michigan may make application to the secretary of state for a set of 2 special registration plates. Each special registration plate shall have the words "honorary consul" inscribed on the plate.

(2) Application for the set of 2 special registration plates described in subsection (1) shall be on a form prescribed by the secretary of state, and shall be accompanied by proof that the applicant is designated as an honorary consul. The application for the set of 2 special registration plates shall also be accompanied by payment of a $35.00 consulate identification fee for the set of 2 special registration plates. The consulate identification fee shall be deposited in the state treasury and be credited to the Michigan transportation fund. It shall be used first to defray the expenses of the secretary of state in issuing these plates.

(3) Upon proper application and payment of the appropriate consulate identification fee required under subsection (2), the secretary of state shall issue a set of 2 special registration plates described in subsection (1) for each applicant for use on a passenger vehicle. A person issued a set of 2 special registration plates under this section shall be assessed the applicable tax under section 801.

(4) The use of a special registration plate described in subsection (1) on a vehicle other than the vehicle for which the plate is issued, or by a person who does not qualify under this section, is a misdemeanor.

(5) A special registration plate issued under this section shall expire on the birthday of the vehicle owner.

(6) The issuance of a set of 2 special registration plates to an applicant under this section does not confer diplomatic status or diplomatic immunity upon the applicant.

History: Add. 2000, Act 119, Eff. Oct. 1, 2000.

257.803r Service fees; deposit in transportation administration collection fund.

Sec. 803r. The service fees collected under sections 803e, 803f, 803i, 803j, 803k, 803*l*, 803m, 803n, and 803o shall be deposited into the transportation administration collection fund created under section 810b through October 1, 2011.

History: Add. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.804 Fee for duplicate, replacement, distinctive, or commemorative plates; deposit in transportation administration collection fund.

Sec. 804. (1) In addition to any other fees required under this act, a $5.00 service fee shall be paid with each application for each distinctive or commemorative plate provided for in this act to cover manufacturing and issuance costs unless these costs are otherwise specifically provided for in this act.

(2) Each applicant for a duplicate or replacement license plate provided for in this act shall pay the following service fee to the secretary of state, in addition to any other fees required under this act:

(a) Five dollars for a standard or graphic standard plate, personalized registration plate, veterans special registration plate, or other registration plate for which the duplicate or replacement fee has not been specified in this act.

(b) Ten dollars for a set of plates provided for in section 803m.

(c) Ten dollars for each fund-raising registration plate issued under section 811e or 811f, or collector plate described in section 811g.

(3) The service fees collected under this section shall be deposited in the transportation administration

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collection fund created in section 810b through October 1, 2011.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1989, Act 111, Eff. Mar. 29, 1990;—Am. 1995, Act 129, Imd. Eff. June 30, 1995;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.805 Repealed. 1951, Act 51, Eff. June 1, 1951.

Compiler's note: The repealed section provided for disposition of registration, special and duplicate plate fees.

CERTIFICATE OF TITLE, DEALER'S LICENSE AND LIENS

257.806 Certificate of title or duplicate certificate of title; fees; deposit; special expeditious treatment fee; special identifying number; payment and disposition of tire disposal surcharge.

Sec. 806. (1) Until October 1, 2011, a fee of $10.00 shall accompany each application for a certificate of title required by this act or for a duplicate of a certificate of title. An additional fee of $5.00 shall accompany an application if the applicant requests that the application be given special expeditious treatment. A $3.00 service fee shall be collected, in addition to the other fees collected under this subsection, for each title issued and shall be deposited in the transportation administration collection fund created under section 810b through October 1, 2011. The $5.00 expeditious treatment fee collected on and after October 1, 2004 through October 1, 2011 shall be deposited into the transportation administration collection fund created under section 810b.

(2) A fee of $10.00 shall accompany an application for a special identifying number as provided in section 230.

(3) In addition to paying the fees required by subsection (1), until December 31, 2012, each person who applies for a certificate of title, a salvage vehicle certificate of title, or a scrap certificate of title under this act shall pay a tire disposal surcharge of $1.50 for each certificate of title or duplicate of a certificate of title that person receives. The secretary of state shall deposit money received under this subsection into the scrap tire regulatory fund created in section 16908 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16908.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 93, Imd. Eff. July 24, 1969;—Am. 1978, Act 492, Imd. Eff. Dec. 1, 1978;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1990, Act 148, Eff. Jan. 1, 1991;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 1995, Act 267, Imd. Eff. Jan. 8, 1996;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2001, Act 268, Imd. Eff. Jan. 11, 2002;—Am. 2002, Act 497, Eff. Oct. 1, 2002;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2005, Act 179, Eff. Oct. 20, 2005;—Am. 2006, Act 526, Imd. Eff. Dec. 29, 2006;—Am. 2007, Act 70, Imd. Eff. Sept. 30, 2007;—Am. 2008, Act 281, Imd. Eff. Sept. 29, 2008;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.807 License fees.

Sec. 807. (1) Except as provided in subsection (2), an applicant shall include with an application for a license under section 248 one of the following fees:

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Full year's license.................................. $  75.00
Half year's license (after June 30)..................    37.50
Multiple year license................................    75.00
                                                     per year.
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(2) An applicant shall include with an application for a used or secondhand vehicle parts dealer, an automotive recycler, or foreign salvage vehicle dealer license 1 of the following fees:

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Full year's license.................................. $ 160.00
Half year's license (after June 30)..................   80.00
Multiple year license................................  160.00
                                                     per year.
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History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994;—Am. 1998, Act 384, Eff. Jan. 1, 1999;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

257.808 Liens on motor vehicles; fees.

Sec. 808. Any application for the placement or discharge of a lien on a motor vehicle as provided for in section 238 of this act shall be accompanied by a fee of $1.00.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1962, Act 143, Eff. Mar. 28, 1963.

257.809 Application for transfer of registration; fee; payment of difference in fees; deposit.

Sec. 809. (1) An application for transfer of registration from a vehicle subject to section 801(1)(a) to another vehicle subject to that section shall be accompanied by a fee of $8.00. In addition to the fee of $8.00,

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if the registration is transferred from a passenger vehicle to a motor home and if the registration fee for the motor home is greater than the fee paid upon registration of the vehicle from which the registration was removed, then the difference in fee shall be paid by the applicant. If the fee is less than that paid for the registration of the vehicle from which the plates were removed, the difference shall not be refunded. The fees required by this subsection shall be considered to include all fees or charges imposed by this act for the transfer of registration, except those which may be assessed under section 234.

(2) An application for a transfer of registration, other than a transfer described in subsection (1), shall be accompanied by a fee of $8.00. In addition to the fee of $8.00, if the registration plates are transferred to another vehicle, as provided in section 233, and if the plate fee for a 12-month registration for the vehicle to which the registration is transferred is greater than the plate fee paid upon registration of the vehicle from which the registration was removed, then the difference shall be paid by the applicant for the new registration. If the fee is less than that paid for registration of the vehicle from which the registration was removed, the difference shall not be refunded.

(3) A transfer of registration fee collected under this section on and after October 1, 2004 through October 1, 2011 shall be deposited into the transportation administration collection fund created under section 810b.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1957, Act 90, Eff. Sept. 27, 1957;—Am. 1962, Act 166, Eff. Mar. 28, 1963;—Am. 1978, Act 62, Imd. Eff. Mar. 14, 1978;—Am. 1979, Act 25, Imd. Eff. June 6, 1979;—Am. 1984, Act 324, Imd. Eff. Dec. 26, 1984;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2007, Act 71, Imd. Eff. Sept. 30, 2007;—Am. 2008, Act 280, Imd. Eff. Sept. 29, 2008;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.810 Disposition of fees.

Sec. 810. Except as otherwise provided, all fees received and money collected under sections 801 to 809 shall be deposited in the state treasury and shall be credited to the Michigan transportation fund.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 55, Eff. Dec. 1, 1951;—Am. 1987, Act 238, Imd. Eff. Dec. 28, 1987;—Am. 2003, Act 152, Eff. Oct. 1, 2003.

257.810a Assessment; collection; disposition; purpose.

Sec. 810a. The secretary of state shall collect an assessment of 50 cents in connection with the issuance of a salvage vehicle certificate of title, a certificate of title, or beginning July 1, 1994 a scrap certificate of title. The assessment shall be collected in the same manner and at the same time as fees collected by the secretary of state pursuant to sections 217c and 806. Each assessment collected shall be deposited in a vehicle theft prevention account to be expended for purposes of developing a vehicle theft prevention program, including the administration, inspection, and enforcement of antitheft procedures, as described in this act.

History: Add. 1988, Act 255, Eff. Oct. 1, 1989;—Am. 1992, Act 304, Imd. Eff. Dec. 21, 1992;—Am. 1993, Act 300, Eff. Jan. 1, 1994.

257.810b Transportation administration collection fund; creation; investment, disposition, and expenditure of money; payments under certain sections of law; report of itemized list of deposits and expenditures; review of funds to be used to leverage additional federal funds.

Sec. 810b. (1) The transportation administration collection fund is created within the state treasury.

(2) The state treasurer may receive money from the collections authorized under this act for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall not lapse into the Michigan transportation fund.

(4) Except as provided in subsection (6), upon appropriation, the department of state shall expend money from the fund that is credited to the fund from revenue collected under sections 801 to 810 only to pay the necessary collection expenses incurred by the department of state in the administration and enforcement of sections 801 to 810.

(5) The department of treasury shall expend money in the fund, upon appropriation, only to defray the costs of collecting motor fuel taxes.

(6) The department of state shall expend money as appropriated from the fund that is credited to the fund on or after October 1, 2005 under each of the following sections of law to pay either the necessary collection of expenses incurred by the department of state in the administration and enforcement of sections 801 to 810 or other necessary expenses:

(a) Sections 208b and 232.

(b) Section 7 of 1972 PA 222, MCL 28.297.

(c) Sections 80130, 80315, 81114, and 82156 of the natural resources and environmental protection act,

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1994 PA 451, MCL 324.80130, 324.80315, 324.81114, and 324.82156.

(7) The department of state shall, by January 1 of each year, file a report with the secretary of the senate and the clerk of the house of representatives providing an itemized list of deposits into and expenditures from the fund for the preceding fiscal year.

(8) The state transportation department shall review all funds received by the state transportation department from funding sources provided for under this act to determine whether those funds can be used to leverage additional federal funds.

History: Add. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2005, Act 141, Imd. Eff. Sept. 29, 2005;—Am. 2006, Act 549, Imd. Eff. Dec. 29, 2006;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

LICENSES

257.811 Fees for operator's license, chauffeur's license, or minor's restricted license; renewal; refund to county or municipality; traffic law enforcement and safety fund; operator's license issued to persons under 18 years of age or licensed in another state; person on active military service at time of expiration; renewal rate.

Sec. 811. (1) An application for an original operator's or an original or renewal chauffeur's license as provided in sections 307 and 312 and an application for an original minor's restricted license as provided in section 312 shall be accompanied by the following fees:

Operator's license.....	$	25.00
Chauffeur's license.....		35.00
Minor's restricted license.....		25.00

The renewal fee for an operator's license renewed under this section is $18.00. However, if an operator's license is expired at the time of the renewal, the fee is the same as the original fee, except as provided in subsection (4). The date of an application for a renewal of an operator's license under this section that is delivered to the secretary of state by regular mail is the postmark date in determining the fee to be assessed.

(2) The secretary of state shall deposit the money received and collected under subsection (1) in the state treasury to the credit of the general fund. The secretary of state shall refund out of the fees collected to each county or municipality acting as an examining officer or examining bureau $2.50 for each applicant examined for an original license, $1.00 for each applicant examined for an original chauffeur's license, and $1.00 for every other applicant examined, if the application is not denied and the money refunded is paid to the county or local treasurer and is appropriated to the county, municipality, or officer or bureau receiving the money for the purpose of carrying out this act. The state treasurer shall deposit the sum of $4.00 in the traffic law enforcement and safety fund created in section 819a for each person examined for an original license, a renewal operator's license, an original chauffeur's license, or a renewal chauffeur's license, except that the sum deposited for each 2-year operator's or 2-year chauffeur's license shall be $2.00.

(3) Notwithstanding sections 306 and 308, an operator's license shall not be issued to a person under 18 years of age unless that person successfully passes a driver education course and examination given by a school licensed under the driver education and training schools act, 1974 PA 369, MCL 256.601 to 256.612. A person who has been a holder of a motor vehicle operator's license issued by any other state, territory, or possession of the United States, or any other sovereignty for 1 year immediately before application for an operator's license under this act is not required to comply with this subsection. Restricted licenses may be issued pursuant to section 312 without compliance with this subsection.

(4) A person who is on active military service at the time his or her operator's license expires shall be charged the renewal rate for renewing his or her operator's license under this section if all of the following apply:

(a) He or she applies for renewal within 30 days of returning to this state from active duty.

(b) He or she held a valid, unexpired operator's license from this state immediately prior to leaving this state for active military service.

(c) He or she presents such documentation as the secretary of state requires to establish eligibility under this subsection.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1953, Act 215, Eff. Oct. 2, 1953;—Am. 1955, 1st Ex. Sess., Act 1, Imd. Eff. Nov. 10, 1955;—Am. 1957, Act 235, Imd. Eff. June 6, 1957;—Am. 1958, Act 217, Eff. Sept. 13, 1958;—Am. 1959, Act 260, Eff. Mar. 19, 1960;—Am. 1966, Act 327, Eff. Jan. 1, 1967;—Am. 1967, Act 302, Eff. Sept. 1, 1967;—Am. 1970, Act 124, Imd. Eff. July 23, 1970;—Am. 1972, Act 244, Imd. Eff. Aug. 3, 1972;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1980, Act 308, Imd. Eff. Dec. 4, 1980;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1989, Act 299, Imd. Eff. Jan. 3, 1990;—Am. 1991, Act 193, Imd. Eff. Dec. 30, 1991;—Am. 1992, Act 235, Imd. Eff. Oct. 22, 1992;—Am. 1996, Act 387, Eff. Apr. 1, 1997;—Am. 2000, Act 456, Imd. Eff. Jan. 10, 2001;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 71, Imd. Eff. Apr. 20,

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2004;—Am. 2006, Act 589, Imd. Eff. Jan. 3, 2007.

Administrative rules: R 388.301 et seq. of the Michigan Administrative Code.

257.811a Motorcycle safety course; conducting; amount and use of fees; duties of secretary of state; rules; designation, qualifications, and funding of state coordinator of motorcycle safety education program; annual inspections; fulfillment of waiver requirement; audit.

Sec. 811a. (1) A motorcycle safety course required under section 312b conducted by a college or university, an intermediate school district, a local school district, a law enforcement agency, or any other governmental agency located in this state shall be conducted under this section.

(2) Except for motorcycle safety courses conducted under section 811b, an applicant for a motorcycle safety course shall pay not more than a $25.00 course fee. The course fees shall be used only for funding the administration and implementation of the motorcycle safety education program.

(3) The secretary of state is responsible for the establishment and administration of motorcycle safety courses and shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding teacher qualifications, reimbursement procedures, the establishment of the courses, and other requirements under this section.

(4) The secretary of state shall designate a person to be the state coordinator of the motorcycle safety education program. The person designated under this subsection shall successfully complete a motorcycle safety rider coach course before being designated.

(5) The position of state coordinator of the motorcycle safety education program shall be funded by the motorcycle safety fund.

(6) The secretary of state shall designate a person who has successfully completed a motorcycle safety rider coach course to perform annual inspections of motorcycle course sites.

(7) An 8-hour motorcycle safety course that meets the standards established by the secretary of state may be offered to an applicant who has passed a motorcycle operator skill test that has been approved by the secretary of state. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b.

(8) An audit of the motorcycle safety fund shall be conducted by the office of the auditor general to determine compliance with the requirements of this act with regard to the collection and expenditure of fees authorized under this section. A copy of this audit shall be transmitted to the legislature upon completion.

History: Add. 1982, Act 187, Eff. Jan. 1, 1984;—Am. 1987, Act 85, Imd. Eff. June 29, 1987;—Am. 1992, Act 59, Imd. Eff. May 20, 1992;—Am. 2003, Act 103, Eff. Oct. 1, 2003.

Compiler's note: Effective dates of MCL 257.312b(2) and of 257.811a(3): Section 2 of Act 187 of 1982 provides:
"(1) Except as provided in subsection (2), this amendatory act shall take effect January 1, 1984.
"(2) Sections 312b(2) and 811a(3) shall take effect July 1, 1982."

Administrative rules: R 257.1701 et seq. of the Michigan Administrative Code.

257.811b Motorcycle safety course conducted by private business enterprise; rules; fulfillment of waiver requirement.

Sec. 811b. (1) A motorcycle safety course required in section 312b may be conducted by a private business enterprise.

(2) The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to provide standards for the establishment and regulation of motorcycle safety courses conducted under this section.

(3) An 8-hour motorcycle safety course that meets the standards established by the secretary of state may be offered to an applicant who has passed a motorcycle operator skill test which has been approved by the secretary of state. Successful completion of a motorcycle safety course under this subsection shall fulfill the waiver requirement of section 312b.

History: Add. 1987, Act 85, Imd. Eff. June 29, 1987;—Am. 2003, Act 103, Eff. Oct. 1, 2003.

257.811c Repealed. 2006, Act 562, Eff. Jan. 1, 2007.

Compiler's note: The repealed section pertained to registration plate with olympic education-training center decal.

257.811d Definitions; fund-raising registration plate; requirements; design or logo by university or other person; written agreement.

Sec. 811d. (1) As used in this chapter:

(a) "Fund-raising plate" means a registration plate authorized to raise funds for a specified goal.

(b) "Collector plate" means a collector plate that matches any registration plate developed and issued under

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this act.

(c) "Nonprofit" means that which is exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501.

(d) "Transportation administration collection fund" means the fund created under section 810b.

(2) A fund-raising plate shall contain all of the following as prescribed or approved by the secretary of state:

(a) The same generic background.

(b) Letters and numbers.

(c) The word "Michigan" and any other unique identifier specified by the secretary of state.

(d) A design or logo.

(3) If the design or logo of a fund-raising plate uses 1 or more designs, trade names, trademarks, service marks, emblems, symbols, or other images that are owned by a Michigan university or other person, the Michigan university or other person shall grant to or obtain for the secretary of state both of the following pursuant to a written agreement between the parties:

(a) A nonexclusive worldwide license to use those designs, trade names, trademarks, service marks, emblems, symbols, or other images on and in conjunction with the marketing, promotion, sale, or copyrighting of the registration plate or image of the fund-raising plate.

(b) The authority to merchandise the fund-raising plate or an image of the fund-raising plate.

(4) In using or employing a design, trade name, trademark, service mark, emblem, symbol, logo, or other image on and in conjunction with the marketing, promotion, sale, copyrighting, or merchandising of a fund-raising plate or image of the fund-raising plate, the secretary of state may alter the size of the design, trade name, trademark, service mark, emblem, symbol, logo, or other image but shall not change the color or design of the design, trade name, trademark, service mark, emblem, symbol, logo, or other image without the prior written consent of the respective Michigan university or other person. The secretary of state shall not use or employ a design, trade name, trademark, service mark, emblem, symbol, logo, or other image on and in conjunction with the marketing, promotion, sale, copyrighting, or merchandising of a fund-raising plate or an image of the fund-raising plate in any manner that is offensive to the Michigan university or other person that owns the design, trade name, trademark, service mark, emblem, symbol, logo, or other image that is the subject of a written agreement under subsection (3).

History: Add. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2005, Act 317, Imd. Eff. Dec. 27, 2005;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811e Fund-raising registration plate.

Sec. 811e. (1) Beginning January 1, 2007, the secretary of state may develop a fund-raising plate as provided in this section.

(2) A start-up fee of $15,000.00 shall be paid for any new fund-raising plate authorized under this section. The fee shall be deposited in the transportation administration collection fund through October 1, 2011 to be used for the cost of creating, producing, and issuing fund-raising plates. If the fee described in this subsection is not paid within 18 months of the effective date of the public act that authorizes the development and issuance of a fund-raising plate, then the related fund-raising plate shall not be created, produced, or issued. A start-up fee paid under this subsection is nonrefundable.

(3) Not less than 3 years after the secretary of state first issues 1 of the fund-raising plates as described in subsection (1) and upon payment of $2,000.00, the Michigan university or other person sponsoring that fund-raising plate may redesign it as approved by the secretary of state. The payment required under this subsection shall be deposited in the transportation administration collection fund through October 1, 2011 to be used for the cost of creating, producing, and issuing fund-raising plates. A payment under this subsection is nonrefundable.

(4) The secretary of state may develop 1 or more limited term registration plates to recognize a Michigan university or an accomplishment or occasion of a Michigan university.

(5) The secretary of state may, at any 1 time, develop not more than 8 different state sponsored fund-raising registration plates as described in this section, and matching state-sponsored collector plates as described in section 811g.

(6) The secretary of state shall not develop or issue a fund-raising plate unless a public act authorizing the fund-raising plate, at a minimum, does all of the following:

(a) Identifies the purpose of the fund-raising plate.

(b) Creates a nonprofit fund or designates an existing nonprofit fund to receive the money raised through the sale of fund-raising plates and matching collector plates.

(c) If a fund is created, names the person or entity responsible for administering the fund.

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History: Add. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2001, Act 124, Imd. Eff. Oct. 12, 2001;—Am. 2006, Act 562, Eff. Jan. 1, 2007;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.811f Fund-raising plate; issuance; donation, tax, and fee; renewal; personalized fund-raising plate; disabled person's plate; expiration; temporary registration permit.

Sec. 811f. (1) The secretary of state may, upon application, issue 1 fund-raising plate instead of a standard registration plate to a person for use on a passenger motor vehicle or motor home or a pickup truck or van used exclusively to transport personal possessions or family members for nonbusiness purposes.

(2) A person may be issued a fund-raising plate for use on a vehicle under this act by applying to the secretary of state pursuant to section 217. An application for an original fund-raising plate shall be accompanied by a $25.00 fund-raising donation, payment of the regular vehicle registration tax prescribed under this act, and a $10.00 service fee. An application for renewal of a fund-raising plate shall be accompanied by payment of the vehicle registration tax required under section 801 and a $10.00 fund-raising donation. Application for a replacement fund-raising plate shall be accompanied by payment of only the fee prescribed under section 804.

(3) The secretary of state may issue a personalized fund-raising plate upon application and the payment of the personalized registration plate fee prescribed under section 803b in addition to the fees and donations prescribed under subsection (2) and the regular vehicle registration tax prescribed under this act.

(4) A disabled person who applies for a fund-raising plate under this section and who pays the required service fees shall be issued, as determined by the secretary of state, a disabled person's plate as provided in section 803d for his or her fund-raising plate. The secretary of state shall require the same proof that the applicant is a disabled person as is required for issuance of a permanent windshield placard under section 675.

(5) A fund-raising plate expires pursuant to section 226. The secretary of state may issue a tab or tabs designating the month and year of expiration for an original or renewal fund-raising plate.

(6) The secretary of state may issue a temporary registration permit to a person who submits an application and the proper fees and donation for a fund-raising plate, if the applicant's current vehicle registration will expire before his or her receipt of a fund-raising plate. The temporary registration shall expire upon the applicant's receipt of a fund-raising plate or upon the expiration of 30 days after the date of issuance, whichever occurs first. The temporary permit shall be issued without a separate fee.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811g Collector plate; display; purchase; ceasing sale.

Sec. 811g. (1) Except as otherwise provided in this act, the secretary of state may develop, market, promote, and sell a collector plate. However, the secretary of state shall only develop, market, and promote a collector plate with funds available from the collection of service fees under this chapter.

(2) A collector plate shall not be attached to a motor vehicle in a manner prescribed in section 225. A collector plate may be used on a vehicle in any lawful manner, including, but not limited to, being displayed on the front bumper of a vehicle.

(3) A person may purchase 1 or more collector plates by making payment to the secretary of state of the $10.00 service fee and a $25.00 fund-raising donation.

(4) The secretary of state may, as determined necessary by the secretary of state, cease to sell a collector plate.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811h Disposition and use of service fee collections; separate accounts; disbursement; ceasing issuance of fund-raising plate; ownership of right, title, and interest; royalty fee; report.

Sec. 811h. (1) Each service fee collected under sections 811f and 811g shall be credited to the transportation administration collection fund created under section 810b through October 1, 2011.

(2) The secretary of state shall identify and segregate the fund-raising donations collected under sections 811f and 811g into separate accounts. The secretary of state shall create a separate account for each fund-raising plate and its collector plates issued or sold by the secretary of state.

(3) As determined necessary by the secretary of state but not more than 45 days after the end of each calendar quarter, the secretary of state shall not less than once each calendar quarter authorize the disbursement of fund-raising donations segregated under subsection (2) and, independent from any disbursement under subsection (2), report the number of each type of fund-raising and collector plates issued, sold, or renewed to the following, as appropriate:

(a) The treasurer of a Michigan university.

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(b) The person or entity identified in a public act pursuant to section 811e to administer a state-sponsored fund-raising registration plate fund.

(c) The sponsor of a fund-raising plate issued as prescribed under section 811e that was developed and issued after the effective date of the amendatory act that added this subdivision.

(4) A fund-raising plate created after the effective date of the amendatory act that added this subsection shall meet or exceed the following sales goals:

(a) In the first year, 2,000 plates.

(b) In the second and each subsequent year for 5 years, 500 original plates.

(5) The secretary of state may cease to issue a fund-raising plate or to issue a duplicate replacement of a fund-raising plate for use on a vehicle if that fund-raising plate fails to meet a sales goal described in subsection (4). The secretary of state may also cease to sell a collector plate that matches the discontinued fund-raising plate. However, the secretary of state may continue to renew fund-raising plates already issued and collect the renewal fund-raising donation for those plates.

(6) The state of Michigan, through the secretary of state, shall own all right, title, and interest in all fund-raising plates and collector plates, including the right to use, reproduce, or distribute a fund-raising or collector plate or the image of a fund-raising or collector plate in any form. The secretary of state may authorize the commercial or other use of a fund-raising or collector plate design, logo, or image if written consent is obtained from the pertinent Michigan university or other person that sponsored a fund-raising plate. However, the secretary of state shall not authorize the commercial or other use of a fund-raising or collector plate under this section unless the user first agrees in writing to the terms and conditions that the secretary of state considers necessary. Those terms and conditions may include the payment of royalty fees to 1 or more of the following:

(a) This state.

(b) A Michigan university.

(c) Another person that sponsored a fund-raising plate.

(7) A royalty fee paid to this state under a written agreement described in subsection (6) shall be credited to the transportation administration collection fund through October 1, 2011.

(8) Beginning not later than February 1, 2007, and annually after that, an organization receiving fund-raising donations disbursed under this section shall report to the state treasurer. A report under this subsection shall include a summary of expenditures during the preceding year of the money received under this section.

History: Add. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2006, Act 562, Eff. Jan. 1, 2007;—Am. 2009, Act 99, Imd. Eff. Sept. 30, 2009.

257.811i Plates recognizing water quality; collection of donations; creation of water quality protection fund; definitions.

Sec. 811i.

(1) Fund-raising plate donations collected for plates recognizing the water quality of this state under section 811f and collector plate fund-raising donations collected under section 811g shall be disbursed under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the water quality protection fund created under subsection (3).

(2) The department of environmental quality shall establish and administer a "water quality protection fund grant program" and shall set policy and oversee this program. The program shall provide grants to local units of government for the purpose of protecting the water quality of the Michigan Great Lakes and inland lakes, rivers, and streams. The department of environmental quality may promulgate rules to implement this grant program under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The water quality protection fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Money from the fund shall be expended, upon appropriation, only for the purpose of protecting the water quality of the Michigan Great Lakes and inland lakes, rivers, and streams.

(4) For purposes of this chapter, "local unit of government" means any of the following:

(a) A county, city, village, or township.

(b) An agency of a county, city, village, or township.

(c) The office of a county drain commissioner.

(d) A soil conservation district established under part 93 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9301 to 324.9313.

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(e) A watershed council established under part 311 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.31101 to 324.31119.

(f) A local health department as that term is defined in section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

(g) A community college or junior college established pursuant to section 7 of article VIII of the state constitution of 1963.

(h) A 4-year institution of higher education, public or private, located in this state.

(i) An authority or other public body created by or pursuant to state law.

History: Add. 2000, Act 74, Eff. Mar. 28, 2001;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811j Children's trust fund-raising plate or collector plate; collection of donations.

Sec. 811j. (1) A fund-raising plate or collector plate recognizing children's trust shall be of a design as determined by the secretary of state after consultation with the state child abuse and neglect prevention board created in section 3 of the child abuse and neglect prevention act, 1982 PA 250, MCL 722.603.

(2) Fund-raising donations for plates recognizing children's trust collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the children's trust fund created under section 1 of 1982 PA 249, MCL 21.171, for the support and benefit of the children of this state.

History: Add. 2000, Act 71, Eff. Mar. 28, 2001;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811k Michigan lighthouse preservation grant fund; creation and expenditure of fund; annual accounting; grant awards; transfer and disposition of collected donations.

Sec. 811k.

(1) The Michigan lighthouse preservation grant fund is created as a separate fund in the department of treasury. The fund shall be expended only as provided in this section. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. The state treasurer shall annually present to the department of history, arts, and libraries an accounting of the amount of money in the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(2) The department of history, arts, and libraries shall administer the Michigan lighthouse preservation fund and may expend money from that fund through discretionary historical grants to preserve Michigan lighthouses. The department of history, arts, and libraries shall use not more than 10% of the funds for costs that occur from fund administration and grant project coordination.

(3) The department of history, arts, and libraries may award grants under subsection (2) for the preparation of plans and specifications for restoration and stabilization and for stabilization, rehabilitation, or other preservation work on a Michigan lighthouse, but grants shall not be awarded for operational purposes. The department of history, arts, and libraries shall allocate grant funds pursuant to eligibility and scoring requirements established by the department of history, arts, and libraries. To award grants under this section, the department of history, arts, and libraries shall solicit applications from eligible recipients, score applications based on the established criteria, and award grants through executed contracts. All plans and work performed under a grant shall be consistent with the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, 36 CFR 67, historic preservation certifications.

(4) Fund-raising donations for plates recognizing the historical lighthouses of this state under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the Michigan lighthouse preservation grant fund for the preservation of historic Michigan lighthouses.

History: Add. 2000, Act 73, Eff. Mar. 28, 2001;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

Compiler's note: For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

257.811*l* Critical nongame wildlife habitat fund-raising plate and collector plate; collection of donations; transfer and disposition.

Sec. 811*l*. (1) A fund-raising plate or collector plate recognizing the critical nongame wildlife habitats of this state shall be of a design as determined by the secretary of state after consulting with the director of the department of natural resources.

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(2) Fund-raising donations for plates described in subsection (1) collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the nongame fish and wildlife trust fund created under section 43902 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43902.

History: Add. 2000, Act 70, Eff. Mar. 28, 2001;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811m Plates recognizing Michigan veterans memorial; donations.

Sec. 811m. Fund-raising donations for plates recognizing the Michigan veterans memorial collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall credit the donation money to the Vietnam veterans memorial monument fund created in section 3 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053. These donations shall be used exclusively for the purposes described in sections 5 and 7 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1055 and 35.1057.

History: Add. 2006, Act 562, Eff. Jan. 1, 2007.

257.811n Agricultural heritage; fund-raising donations; collection; transfer and disbursement.

Sec. 811n. Fund-raising donations for plates recognizing the agricultural heritage of this state collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to Michigan state university development, designated for the FFA vision2000 endowment fund, for the purpose of providing grants for agri-science, natural resources, and environmental K-12 educational programs.

History: Add. 2000, Act 79, Eff. Mar. 28, 2001;—Am. 2006, Act 562, Eff. Jan. 1, 2007.

257.811o American pride; design; transfer and disbursement; proud to be American fund; report.

Sec. 811o. (1) A fund-raising plate or collector plate recognizing American pride shall be of a design as determined by the secretary of state and contain the words "proud to be American" and "Michigan". Fund-raising donations for plates recognizing American pride collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to the proud to be American fund established under this section.

(2) The proud to be American fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The state treasurer shall disburse money in the fund on a monthly basis as follows:

(a) Fifty percent to the American National Red Cross established under 36 USC 300101 as represented by the Michigan state service council.

(b) Fifty percent to the Salvation Army.

(5) The American National Red Cross and the Salvation Army shall expend the money received under this section for disaster preparedness and disaster relief in the United States of America.

(6) The American National Red Cross and the Salvation Army shall annually report to the department of treasury an accounting of money received and used under this section.

History: Add. 2006, Act 562, Eff. Jan. 1, 2007.

257.811p Olympic education-training center; design; logo; transfer and disbursement.

Sec. 811p. (1) A fund-raising plate or collector plate recognizing the Olympic education-training center in this state shall bear an appropriate logo, the design of which the Olympic education-training center shall submit to the secretary of state. The secretary of state shall confer with the department of state police to ensure that the design will not compromise the ability of law enforcement agencies to accurately identify specific vehicles.

(2) Registration plates bearing an Olympic education-training center logo shall not be a duplication of another registration plate. The Olympic education-training center shall comply with section 803m(2), (3)(c) and (d), and (4)(c) and (d).

(3) Fund-raising donations for plates recognizing the Olympic education-training center collected under section 811f or 811g shall be transferred by the secretary of state to the state treasurer, who shall credit the funds to the Olympic education-training center fund. The money in the Olympic education-training center

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fund shall, upon appropriation, be distributed to the Olympic education-training center.

History: Add. 2006, Act 562, Eff. Jan. 1, 2007.

257.811q Support for our troops; design; transfer and disbursement; support our troops fund; report.

Sec. 811q. (1) A fund-raising plate or collector plate recognizing support for our troops shall be of a design as determined by the secretary of state and contain the emblem or logo of Support Our Troops, Inc. of Michigan, displaying a soldier and a child and the words "support our troops" and "Michigan". Fund-raising donations for plates recognizing support for our troops collected under sections 811f and 811g shall be transferred under section 811h by the secretary of state to the state treasurer, who shall disburse the donation money to the support our troops fund established under this section.

(2) The support our troops fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The state treasurer shall disburse money in the fund on a monthly basis to Support Our Troops, Inc. of Michigan, which shall expend the money received under this section for troops and their families in accordance with its articles of incorporation.

(5) Support Our Troops, Inc. of Michigan shall annually report to the department of treasury an accounting of money received and used under this section.

(6) An application for a support our troops fund-raising or collector plate by a motor vehicle owner or lessee constitutes prior written consent and instruction by that owner or lessee to the secretary of state to provide the owner's or lessee's name and address to Support Our Troops, Inc. of Michigan.

History: Add. 2006, Act 562, Eff. Jan. 1, 2007.

257.812 Fee for duplicate or corrected license; renewal.

Sec. 812. (1) Except as otherwise provided in subsection (2), for each duplicate license as provided in section 313, and for each correction of a license, a person may apply for renewal of the license and pay the renewal fee prescribed in this act or the person may, at his or her option and upon payment of the fee prescribed in this section, apply for a duplicate license which expires on the same date as the license which was lost, destroyed, mutilated, or became illegible. The secretary of state may check the applicant's driving record through the national driver register and the commercial driver license information system before issuing a license under this section. The fee for a duplicate chauffeur's license is $18.00. The fee for a duplicate operator's license is $9.00. A renewal fee shall not be charged for a change of address, a correction required to correct a department error, or, beginning January 1, 2007, to add or remove a heart insignia described in section 310.

(2) Except with regard to a person who is less than 21 years of age or a person with a license containing a hazardous material indorsement, for each duplicate license as provided in section 313, and for each correction of a license, a person shall apply for renewal of the license and pay the renewal fee prescribed in this act if the license was due to expire within the next 12 months. Except as otherwise provided in this act, a license renewed under this subsection shall be renewed for the combined period of the time remaining on the license before its renewal and the 4-year renewal period.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1975, Act 122, Imd. Eff. July 1, 1975;—Am. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1989, Act 280, Imd. Eff. Dec. 26, 1989;—Am. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2005, Act 142, Imd. Eff. Sept. 29, 2005.

MISCELLANEOUS

257.813 Certified copies of records.

Sec. 813. For each page of a certified copy of a record as provided in section 207, paragraph (b) of chapter 2 of this act, $1.00. All money collected under this section shall be deposited to the credit of the general fund.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.814 Use tax; collection; disposition; collection upon registration of nonresident vehicle in this state.

Sec. 814. (a) If it appears to the secretary of state that a motor vehicle was purchased by an applicant in a state other than this state, unless the applicant produces a certificate of title issued to the applicant under the laws of that state, or a certificate of registration or registered bill of sale issued under the laws of another state

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showing the applicant for a Michigan certificate of title to have resided in the state that issued the certificate of title, certificate of registration, or registered bill of sale, the secretary of state shall conduct an investigation of the purchase and sale and of the title to the motor vehicle. If the secretary of state is satisfied that the applicant is the owner of the motor vehicle, or is otherwise entitled to register the motor vehicle in the applicant's name, the secretary of state shall issue to the applicant an appropriate certificate of title under section 217. Before the secretary of state issues the certificate of title, the applicant shall attach to the application a statement showing the amount of use tax due upon the motor vehicle described in the application on a form prescribed by the state treasurer, together with the amount of the use tax due upon the motor vehicle, under the use tax act, 1937 PA 94, MCL 205.91 to 205.111. However, if the motor vehicle is exempt by law from the payment of use tax, no use tax shall be paid.

(b) The secretary of state shall transmit the statement and the funds collected under subdivision (a) covering the payment of the use tax to the state treasurer. The secretary of state shall not issue a certificate of title for a motor vehicle until the requirements of this section are satisfied. An owner of a motor vehicle purchased outside of this state who paid the use tax to the secretary of state under this section is not required to comply with sections 6, 7, and 8 of the use tax act, 1937 PA 94, MCL 205.96, 205.97, and 205.98.

(c) An owner of a motor vehicle purchased from a Michigan dealer in this state without application of sales tax due to an exemption under section 4a of the general sales tax act, 1933 PA 167, MCL 205.54a, who later by reason of storage or use is required to register the vehicle in this state shall pay a use tax at the time of registration, computed on the retail dollar value of a like vehicle, except when the motor vehicle is exempt from the use tax. The secretary of state shall use as his or her guide the retail dollar value from the current issue of any nationally recognized used vehicle guide for financial institution appraisal purposes in this state.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1962, Act 80, Imd. Eff. Apr. 24, 1962;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008.

257.815 Application for registration or for transfer of license; statement of sales tax due; form; copies; exemption; certification; transmitting statement and sales tax funds to department of treasury; issuing or transferring title or license plates on motor vehicle sold by dealer; conditions; compensation for collection of sales tax.

Sec. 815. (1) Each application for registration, or for a transfer of the license, of a motor vehicle, shall be accompanied by a statement showing the amount of the sales tax due upon the sale of the motor vehicle, on a form prescribed by the department of treasury, together with the amount of the sales tax due upon the sale under Act No. 167 of the Public Acts of 1933, as amended, being sections 205.51 to 205.78 of the Michigan Compiled Laws, and the statement shall be in triplicate, 1 copy to be retained by the dealer and 1 copy to be delivered to the purchaser, except if the sale of a motor vehicle is exempt by law from the payment of the sales tax, a tax shall not be paid. However, if the sale of a motor vehicle is exempt by law from the payment of the sales tax, a certification, on a form as the secretary of state shall prescribe, shall accompany the application for registration, signed and certified by the purchaser stating that the motor vehicle is exempt by law from the payment of the sales tax by virtue of the fact that the sale was an isolated transaction, pursuant to Act No. 167 of the Public Acts of 1933, as amended.

(2) The secretary of state shall transmit the statement and the funds covering the payment of the sales tax to the department of treasury. The secretary of state shall not issue a title, license plates or transfer a title or license plates on a motor vehicle sold by a dealer until the requirements of this section regarding the payment of the sales tax have been complied with. A dealer of new or secondhand vehicles selling motor vehicles at retail paying the sales tax to the secretary of state pursuant to this section shall not be required to include the sale of the motor vehicles on the dealer's reports to the department of treasury nor pay the tax on the sale as required by Act No. 167 of the Public Acts of 1933, as amended.

(3) The department of treasury shall determine and pay to the secretary of state reasonable compensation for the collection of the sales tax pursuant to this section.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 398, Eff. Mar. 31, 1981.

257.816 Acceptance of credit cards for payment of tax or fee.

Sec. 816. The secretary of state may accept a credit card, in lieu of cash or check, as payment of a tax or fee required under this act. The secretary of state shall determine which major credit cards may be accepted for payment.

History: Add. 1986, Act 129, Imd. Eff. June 16, 1986.

257.817, 257.818 Repealed. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: The repealed sections pertained to effective date for fee, charge, or tax increase, and signs and lists of transaction

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costs and fees.

257.819 Disposition and use of revenues from increases in fees.

Sec. 819. (1) Except as otherwise provided in this section, revenue from the increases in fees provided in 1987 PA 232 shall be deposited in the transportation economic development fund established in section 2 of 1987 PA 231, MCL 247.902, and shall not be appropriated for any other purpose in any act making appropriations of state funds.

(2) For the fiscal year ending September 30, 1989, and each fiscal year thereafter, of the revenue from the increases in fees provided in 1987 PA 232, $2,500,000.00 shall be deposited in the state treasury and credited to the general fund, except that not more than $1,000,000.00 shall be credited to the gasoline inspection and testing fund established in section 8 of the motor fuels quality act, 1984 PA 44, MCL 290.648.

(3) Except as provided under subsection (2), for the fiscal year ending September 30, 2008, of the revenue from the increases in fees provided by 1987 PA 232, $13,000,000.00 shall be deposited in the state treasury and credited to the general fund.

(4) Except as provided under subsection (2), for the fiscal year ending September 30, 2009, of prior and current revenues from the increases in fees provided by 1987 PA 232, $18,000,000.00 shall be deposited in the state treasury and credited to the general fund and for the fiscal year ending September 30, 2010, $12,000,000.00 shall be deposited in the state treasury and credited to the general fund.

History: Add. 1987, Act 232, Imd. Eff. Dec. 28, 1987;—Am. 1990, Act 168, Imd. Eff. July 2, 1990;—Am. 2008, Act 7, Imd. Eff. Feb. 15, 2008;—Am. 2008, Act 346, Imd. Eff. Dec. 23, 2008;—Am. 2009, Act 137, Imd. Eff. Nov. 4, 2009.

257.819a Traffic law enforcement and safety fund; creation; investment, disposition, transfer, and expenditure of money.

Sec. 819a. (1) The traffic law enforcement and safety fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The director of the department of state police may transfer any amount in the fund to the trooper recruit school fund created under section 819b.

(5) Except as otherwise provided in subsection (4), the department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) To enhance enforcement of traffic laws.

(b) To enhance the ability to provide safety on the streets and highways of this state.

History: Add. 2003, Act 152, Eff. Oct. 1, 2003;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005.

257.819b Trooper recruit school fund; creation; investment, disposition, and expenditure of money.

Sec. 819b. (1) The trooper recruit school fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in an amount of not more than $5,000,000.00 in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. Any amount greater than $5,000,000.00 at the close of the fiscal year shall be credited to the traffic law enforcement and safety fund created under section 819a.

(4) The department of state police shall expend money from the fund, upon appropriation, only for 1 or more of the following purposes:

(a) Conduct a trooper recruit school to recruit and train new troopers.

(b) Conduct retraining schools for new troopers during the trooper probationary period.

History: Add. 2003, Act 152, Eff. Oct. 1, 2003.

257.820 Repealed. 2003, Act 152, Eff. Oct. 1, 2003.

Compiler's note: The repealed section pertained to applicability of fee increases.

257.821 Disposition and use of fees.

Sec. 821. For the fiscal year ending September 30, 1990 and each fiscal year thereafter, $120,000.00 or 5% of the revenue from the road test fees, whichever is greater, shall be deposited in the transportation economic development fund from behind-the-wheel road test fees collected pursuant to section 309 in connection with

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the issuance of a vehicle group designation or indorsement. The balance of the revenue from these fees shall be deposited in the state treasury and credited to the general fund and shall be used to cover administrative costs of the department of state associated with new duties imposed with respect to commercial vehicles pursuant to Act No. 346 of the Public Acts of 1988.

History: Add. 1989, Act 280, Imd. Eff. Dec. 26, 1989.

CHAPTER VIII
PENALTIES

257.901 Violation as misdemeanor; penalty.

Sec. 901. (1) It is a misdemeanor for a person to violate this act, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Unless another penalty is provided in this act or by the laws of this state, a person convicted of a misdemeanor for the violation of this act shall be punished by a fine of not more than $100.00, or by imprisonment for not more than 90 days, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1969, Act 240, Eff. Mar. 20, 1970;—Am. 1978, Act 510, Eff. Aug. 1, 1979.

257.901a Violation of MCL 257.311; waiver of fine and costs; certification.

Sec. 901a. If a person has received a citation for a violation of section 311, the court shall waive any fine and costs, upon receipt of certification by a law enforcement agency that the person, before the appearance date on the citation, has produced his or her operator's or chauffeur's license and that the license was valid on the date the violation of section 311 occurred.

History: Add. 1982, Act 433, Eff. Mar. 30, 1983.

257.902 Violation of act; felony, penalty.

Sec. 902. Any person who is convicted of a violation of any of the provisions of this act declared to constitute a felony, unless a different penalty is expressly provided herein, shall be punished by imprisonment for not less than 1 year nor more than 5 years, or by a fine of not less than $500.00 nor more than $5,000.00, or by both such fine and imprisonment.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.903 False certification as felony; penalty.

Sec. 903. (1) A person who makes a false certification to a matter or thing required by the terms of this act to be certified, including but not limited to an application for any type of driver license, dealer license, vehicle certificate of title, vehicle registration, vehicle inspection, self-insurance, personal information, or commercial driver training school, is guilty of a felony. A person who uses personal information for a purpose other than a permissible purpose identified in section 208c or 232 is guilty of a felony.

(2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than $1,500.00 or more than $7,000.00, or both.

(3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than $5,000.00 or more than $15,000.00, or both.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1992, Act 309, Eff. Mar. 31, 1993;—Am. 1997, Act 101, Imd. Eff. Aug. 7, 1997.

****** 257.904 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.904.amended ******

257.904 Operating vehicle if license, registration certificate, or designation suspended, revoked, or denied; penalty; extending period of suspension or revocation; informing court of record and status; applicability.

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

(2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area

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designated for the parking of vehicles, within this state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a. As used in this subsection and subsection (7), "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

(a) Loss of a limb or loss of use of a limb.

(b) Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.

(c) Loss of an eye or ear or loss of use of an eye or ear.

(d) Loss or substantial impairment of a bodily function.

(e) Serious visible disfigurement.

(f) A comatose state that lasts for more than 3 days.

(g) Measurable brain or mental impairment.

(h) A skull fracture or other serious bone fracture.

(i) Subdural hemorrhage or subdural hematoma.

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

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

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

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

(a) An abstract of conviction.

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

(c) An admission by the defendant.

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(10) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

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

(12) Upon receiving a record of the conviction, bond forfeiture, or a civil infraction determination of a person for unlawful operation of a motor vehicle requiring a vehicle group designation while the designation is suspended or revoked pursuant to section 319b, or while the person is disqualified from operating a commercial motor vehicle by the United States secretary of transportation or under 49 USC 31301 to 31317, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

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

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

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

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than $100.00, or both.

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 61, Eff. Nov. 2, 1967;—Am. 1978, Act 380, Imd. Eff. July 27, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 341, Eff. Oct. 1, 1999;—1998, Act 342, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004.

Compiler's note: Section 2 of Act 310 of 1982 provides: “All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date.”

Section 2 of Act 346 of 1988 provides:

“(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

“(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

“(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act.”

Section 2 of Act 173 of 1989 provides:

“(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public

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Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

****** 257.904.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.904.amended Operating vehicle if license, registration certificate, or designation suspended, revoked, or denied; penalty; extending period of suspension or revocation; informing court of record and status; applicability.

Sec. 904. (1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this state.

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

(3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable as follows:

(a) For a first violation, by imprisonment for not more than 93 days or a fine of not more than $500.00, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(b) For a violation that occurs after a prior conviction, by imprisonment for not more than 1 year or a fine of not more than $1,000.00, or both. Unless the vehicle was stolen, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.

(4) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than $2,500.00 or more than $10,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a.

(5) A person who operates a motor vehicle in violation of subsection (1) and who, by operation of that motor vehicle, causes the serious impairment of a body function of another person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than $1,000.00 or more than $5,000.00, or both. This subsection does not apply to a person whose operator's or chauffeur's license was suspended because that person failed to answer a citation or comply with an order or judgment pursuant to section 321a.

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

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

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

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

(a) A copy of a judgment of conviction.

(b) An abstract of conviction.

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

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

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

(f) Information contained in a presentence report.

(g) An admission by the defendant.

(10) Upon receiving a record of a person's conviction or civil infraction determination for the unlawful operation of a motor vehicle or a moving violation reportable under section 732 while the person's operator's or chauffeur's license is suspended or revoked, the secretary of state immediately shall impose an additional like period of suspension or revocation. This subsection applies only if the violation occurs during a suspension of definite length or if the violation occurs before the person is approved for a license following a revocation.

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

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

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

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

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

(16) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in section 212 of that suspension or revocation, or whose application for a vehicle group designation has been denied as provided in this act, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within this state, except as permitted under this act, while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than $100.00, or both.

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

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

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

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951;—Am. 1967, Act 61, Eff. Nov. 2, 1967;—Am. 1978, Act 380, Imd. Eff. July 27, 1978;—Am. 1979, Act 66, Eff. Aug. 1, 1979;—Am. 1980, Act 174, Imd. Eff. June 23, 1980;—Am. 1982, Act 310, Eff. Mar. 30, 1983;—Am. 1988, Act 346, Imd. Eff. Oct. 25, 1988;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1991, Act 100, Eff. Jan. 1, 1993;—Am. 1994, Act 450, Eff. May 1, 1995;—Am. 1998, Act 341, Eff. Oct. 1, 1999;—1998, Act 342, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999;—Am. 2000, Act 77, Eff. Oct. 1, 2000;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2004, Act 362, Imd. Eff. Oct. 4, 2004;—Am. 2008, Act 461, Eff. Oct. 31, 2010.

Compiler's note: Section 2 of Act 310 of 1982 provides: "All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this amendatory act takes effect are saved and may be consummated according to the law in force when they are

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commenced. This amendatory act shall not be construed to affect any prosecution pending or initiated before the effective date of this amendatory act, or initiated after the effective date of this amendatory act for an offense committed before that effective date."

Section 2 of Act 346 of 1988 provides:

"(1) Except as otherwise provided in this section, this amendatory act shall take effect October 1, 1989.

"(2) Sections 634, 710g, 722, 723, 724, 802, and 907 of this amendatory act shall take effect January 1, 1989.

"(3) Sections 4B and 801 of this amendatory act shall take effect upon the date of enactment of this amendatory act."

Section 2 of Act 173 of 1989 provides:

"(1) The amendments made to sections 8b, 57, 67a, 301, 303, 305, 306, 307, 309, 310, 312d, 312e, 312f, 312g, 312h, 314, 314b, 319a, 321a, 323, 728, 732, 743, and 907 of Act No. 300 of the Public Acts of 1949, being sections 257.8b, 257.57, 257.67a, 257.301, 257.303, 257.305, 257.306, 257.307, 257.309, 257.310, 257.312d, 257.312e, 257.312f, 257.312g, 257.312h, 257.314, 257.314b, 257.319a, 257.321a, 257.323, 257.728, 257.732, 257.743, and 257.907 of the Michigan Compiled Laws, by Act No. 346 of the Public Acts of 1988 shall take effect January 1, 1990.

"(2) Enacting section 2 of Act No. 346 of the Public Acts of 1988 is repealed."

257.904a Operation of motor vehicle by unlicensed person as misdemeanor; penalty; second offense.

Sec. 904a. Any person, not exempt from license under this act, who shall operate a motor vehicle upon the highways of this state and who is unable to show that he or she has been issued a license to operate a motor vehicle by any state or foreign country valid within the 3 years preceding is guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for not more than 90 days, or by a fine of not less than $50.00 nor more than $100.00, or both. Any person convicted of a second offense under this section shall be punished by imprisonment for not less than 2 nor more than 90 days, or by a fine of $100.00, or both.

History: Add. 1965, Act 264, Eff. Mar. 31, 1966;—Am. 1985, Act 53, Imd. Eff. June 14, 1985.

257.904b Order of impoundment.

Sec. 904b. (1) When a person is convicted of an offense punishable under section 904(1)(b) or (c) or a local ordinance substantially corresponding to section 904(1)(b) or (c) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court shall order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not less than a period the court orders but not more than 120 days from the date of judgment.

(2) When a person is convicted of an offense punishable under section 904(1)(a) or a local ordinance substantially corresponding to section 904(1)(a) for operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the court may order the motor vehicle, if it is owned in whole or in part or leased by that person, impounded for not more than 120 days from the date of judgment.

(3) An order for the impounding of a motor vehicle issued pursuant to this section is valid throughout the state. Any peace officer may execute the impoundment order. The order shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

(4) The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 252a.

(5) This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this act.

History: Add. 1968, Act 197, Eff. Nov. 15, 1968;—Am. 1969, Act 83, Eff. Mar. 20, 1970;—Am. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1993, Act 319, Eff. Apr. 1, 1994.

257.904c Vehicle immobilization required; duties of peace officer; validity of temporary vehicle registration; duration.

Sec. 904c. (1) When a peace officer detains the driver of a motor vehicle for a violation of a law of this state or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(a) Immediately confiscate the vehicle's registration plate and destroy it.

(b) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the secretary of state for temporary registration plates issued under section 226a or 226b.

(c) Place the temporary vehicle registration plate on the vehicle in the manner required by the secretary of state.

(d) Notify the secretary of state through the law enforcement information network in a form prescribed by the secretary of state that the registration plate was confiscated and destroyed, and a temporary plate was issued.

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(2) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

History: Add. 1998, Act 359, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

****** 257.904d THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.904d.amended ******

257.904d Vehicle immobilization; order; "vehicle immobilization" defined; prior conviction.

Sec. 904d. (1) Vehicle immobilization applies as follows:

(a) For a conviction under section 625(1), (3), (7), or (8) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, the court may order vehicle immobilization for not more than 180 days.

(b) For a conviction under section 625(4) or (5) with no prior convictions, the court shall order vehicle immobilization for not more than 180 days.

(c) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 7 years after a prior conviction, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 10 years after 2 or more prior convictions, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(2) For a conviction or civil infraction determination resulting from a violation that occurred during a period of suspension, revocation, or denial, the following apply:

(a) Except as provided in subdivision (b), for 1 prior suspension, revocation, or denial under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court may order vehicle immobilization for not more than 180 days.

(b) Except as provided in subdivisions (c) and (d), if the person is convicted under section 904(4) or (5), the court shall order vehicle immobilization for not more than 180 days.

(c) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) For any combination of 4 or more prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

(4) The court may order vehicle immobilization under this section under either of the following circumstances:

(a) The defendant is the owner, co-owner, lessee, or co-lessee of the vehicle operated during the violation.

(b) The owner, co-owner, lessee, or co-lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(2) regardless of whether a conviction resulted.

(5) An order required to be issued under this section shall not be suspended.

(6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.

(7) This section does not apply to any of the following:

(a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(b) A vehicle that is registered in another state or that is a rental vehicle.

(c) A vehicle owned by the federal government, this state, or a local unit of government of this state.

(d) A vehicle not subject to registration under section 216.

(e) Any of the following:

(*i*) A violation of chapter II.

(*ii*) A violation of chapter V.

(*iii*) A violation for failure to change address.

(*iv*) A parking violation.

(*v*) A bad check violation.

(*vi*) An equipment violation.

(*vii*) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL

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436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(*viii*) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (*i*) to (*vii*).

(8) As used in this section:

(a) Subject to subsections (9) and (10), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(*i*) Except as otherwise provided in subsection (10), a violation or attempted violation of any of the following:

(A) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(*ii*) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.

(9) If 2 or more convictions described in subsection (8)(a) are convictions for violations arising out of the same incident, only 1 conviction shall be used to determine whether the person has a prior conviction.

(10) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

History: Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 51, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999 ;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003.

****** 257.904d.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.904d.amended Vehicle immobilization; order; "vehicle immobilization" defined; prior conviction; installation of ignition interlock device.

Sec. 904d. (1) Vehicle immobilization applies as follows:

(a) For a conviction under section 625(1), (3), (7), or (8) or a local ordinance substantially corresponding to section 625(1) or (3) with no prior convictions, or under section 626(3) or (4), the court may order vehicle immobilization for not more than 180 days.

(b) For a conviction under section 625(4) or (5) with no prior convictions, the court shall order vehicle immobilization for not more than 180 days.

(c) For a conviction under section 625(1), (3), (4), (5), (7), or (8) within 7 years after a prior conviction, or for a conviction under section 625*l*(2), the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) For a conviction under section 625(1), (3), (4), (5), (7), or (8) after 2 or more prior convictions, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(2) For a conviction or civil infraction determination resulting from a violation that occurred during a period of suspension, revocation, or denial, the following apply:

(a) Except as provided in subdivision (b), for 1 prior suspension, revocation, or denial under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court may order vehicle immobilization for not more than 180 days.

(b) Except as provided in subdivisions (c) and (d), if the person is convicted under section 904(4) or (5), the court shall order vehicle immobilization for not more than 180 days.

(c) For any combination of 2 or 3 prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 90 days or more than 180 days.

(d) For any combination of 4 or more prior suspensions, revocations, or denials under section 904(10), (11), or (12) or former section 904(2) or (4) within the past 7 years, the court shall order vehicle immobilization for not less than 1 year or more than 3 years.

(3) The defendant shall provide to the court the vehicle identification number and registration plate number of the vehicle involved in the violation.

(4) The court may order vehicle immobilization under this section under either of the following

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circumstances:

(a) The defendant is the owner, co-owner, lessee, or co-lessee of the vehicle operated during the violation.

(b) The owner, co-owner, lessee, or co-lessee knowingly permitted the vehicle to be operated in violation of section 625(2) or section 904(2) regardless of whether a conviction resulted.

(5) Except as otherwise provided in subsection (11), an order required to be issued under this section shall not be suspended.

(6) If a defendant is ordered imprisoned for the violation for which immobilization is ordered, the period of immobilization shall begin at the end of the period of imprisonment.

(7) This section does not apply to any of the following:

(a) A suspension, revocation, or denial based on a violation of the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650.

(b) A vehicle that is registered in another state or that is a rental vehicle.

(c) A vehicle owned by the federal government, this state, or a local unit of government of this state.

(d) A vehicle not subject to registration under section 216.

(e) Any of the following:

(*i*) A violation of chapter II.

(*ii*) A violation of chapter V.

(*iii*) A violation for failure to change address.

(*iv*) A parking violation.

(*v*) A bad check violation.

(*vi*) An equipment violation.

(*vii*) A pedestrian, passenger, or bicycle violation, other than a violation of section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance substantially corresponding to section 703(1) or (2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or section 624a or 624b or a local ordinance substantially corresponding to section 624a or 624b.

(*viii*) A violation of a local ordinance substantially corresponding to a violation described in subparagraphs (*i*) to (*vii*).

(8) As used in this section:

(a) Subject to subsections (9) and (10), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(*i*) Except as otherwise provided in subsection (10), a violation or attempted violation of any of the following:

(A) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(B) Section 625m.

(C) Former section 625b.

(*ii*) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(*iii*) A violation of section 601d or section 626(3) or (4).

(b) "Vehicle immobilization" means requiring the motor vehicle involved in the violation immobilized in a manner provided in section 904e.

(9) If 2 or more convictions described in subsection (8)(a) are convictions for violations arising out of the same incident, only 1 conviction shall be used to determine whether the person has a prior conviction.

(10) Only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(11) If the person obtains a restricted operator's or chauffeur's license from the secretary of state and an ignition interlock device is properly installed in the vehicle, the court shall suspend the immobilization order issued under subsection (1)(c) for a conviction under section 625*l*(2).

(12) The court may reinstate vehicle immobilization issued under subsection (1)(c) for a conviction under section 625*l*(2) if an ignition interlock device is tampered with, circumvented, or disabled, or if the person's restricted operator's or chauffeur's license is suspended or revoked.

History: Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 51, Eff. Oct. 1, 1999;—Am. 1999, Act 267, Imd. Eff. Dec. 29, 1999;—Am. 2000, Act 460, Eff. Mar. 28, 2001;—Am. 2001, Act 159, Imd. Eff. Nov. 6, 2001;—Am. 2003, Act 61, Eff. Sept. 30, 2003;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

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257.904e Vehicle immobilization; manner; storage; removal; impoundment.

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

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

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

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

(5) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than $100.00, or both.

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

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

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

History: Add. 1998, Act 358, Eff. Oct. 1, 1999;—Am. 1999, Act 73, Eff. Oct. 1, 1999.

257.904f Vehicle registration records; disclosure.

Sec. 904f. The vehicle registration records of the secretary of state shall disclose which vehicles are assigned a temporary registration plate under section 904c or are immobilized under this act.

History: Add. 1998, Act 358, Eff. Oct. 1, 1999.

257.905 Violation of financial responsibility chapter; penalty.

Sec. 905. Any person who shall forge, or without authority, sign any evidence of ability to respond in damages as required by the secretary of state in the administration of chapter 5 and any person who shall violate any provisions of chapter 5 for which no penalty is otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100.00 nor more than $1,000.00, or imprisoned not more than 90 days or both. Any person whose operator's or chauffeur's license or registration card or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility and who during such suspension or revocation or in the absence of full authorization from the secretary of state drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another person upon any highway except as permitted hereunder shall be punished by a fine of not more than $500.00 and by imprisonment for a period of not less than 2 days nor more than 1 year or by both such fine and imprisonment.

History: 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 270, Eff. Sept. 28, 1951.

Compiler's note: Sections 2 and 4 of Act 510 of 1978 provide as follows:

"Section 2. Sections 727a and 905 of Act No. 300 of the Public Acts of 1949, being sections 257.727a and 257.905 of the Compiled Laws of 1970, are repealed."

"Section 4. This amendatory act shall not take effect until August 1, 1979."

Sections 2 and 4 of Act 66 of 1979 provide as follows:

"Section 2. Section 2 of Act No. 510 of the Public Acts of 1978 is repealed."

"Section 4. Except for section 2 of this act, this act shall take effect August 1, 1979."

Act 66 of 1979 was ordered to take immediate effect on July 25, 1979.

257.905[1] Prohibited acts; penalty.

Sec. 905. A person who forges, or without authority signs, any evidence of ability to respond in damages as required by the secretary of state in the administration of chapter V, and any person who violates any provision of chapter V for which no penalty is otherwise provided, is guilty of a misdemeanor, punishable by a fine of not less than $100.00 nor more than $1,000.00, or imprisonment for not more than 90 days, or both.

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A person whose operator's or chauffeur's license, registration, or other privilege to operate a motor vehicle has been suspended or revoked, if restoration of the privilege or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility, and who during the suspension or revocation or in the absence of full authorization from the secretary of state, drives any motor vehicle upon any highway or street or knowingly permits any motor vehicle owned by the person to be operated by another person upon any highway or street except as permitted in this act, is guilty of a misdemeanor, punishable by a fine of not more than $500.00, or by imprisonment for a period of not less than 2 days nor more than 1 year, or both.

History: Add. 1980, Act 518, Eff. Mar. 31, 1981.

Compiler's note: Section 905, as added by Act 518 of 1980, was compiled as MCL 257.905[1] to distinguish it from another section 905, deriving from Act 300 of 1949 and pertaining to motor vehicle financial responsibility.

257.906 Right of police officer to enter upon private road.

Sec. 906. Notwithstanding any other provision of law, a police officer may enter upon such a private road to enforce violations of this act.

History: Add. 1974, Act 138, Imd. Eff. June 5, 1974.

***** *257.907 THIS SECTION IS AMENDED EFFECTIVE OCTOBER 31, 2010: See 257.907.amended* *****

257.907 Civil infraction not crime; payment of civil fine and costs; program of treatment, education, or rehabilitation; sanctions; schedule of civil fines and costs; recommended range of civil fines and costs; certification of repair of defective equipment; collection of civil fines or costs; noncompliance with order or judgment; additional assessment; waiver of fines and costs.

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

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge or district court magistrate may order the person to pay a civil fine of not more than $100.00 and costs as provided in subsection (4). However, for a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than $100.00 or more than $250.00. For a violation of section 328, the civil fine ordered under this subsection shall be not more than $50.00. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed $10.00. For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be $25.00. For a violation of section 682 or a local ordinance substantially corresponding to section 682, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than $100.00 or more than $500.00. For a violation of section 240, the civil fine ordered under this subsection shall be $15.00. For a violation of section 252a(1), the civil fine ordered under this subsection shall be $50.00. For a violation of section 676a(3), the civil fine ordered under this section shall be not more than $10.00. For a violation of section 319f(1), the civil fine ordered under this section shall be not less than $1,100.00 or more than $2,750.00. For a violation of section 319g(1)(a), the civil fine ordered under this section shall be not more than $10,000.00. For a violation of section 319g(1)(b), the civil fine ordered under this section shall be not less than $2,750.00 or more than $11,000.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) Except as provided in this subsection, if a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $250.00. If a person is determined to be responsible or responsible "with explanation" for a civil infraction under section 319g or a local ordinance substantially corresponding to section 319g, that person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $10,000.00.

(4) If a civil fine is ordered under subsection (2) or (3), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment. Costs shall not be ordered in excess of

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$100.00. A civil fine ordered under subsection (2) or (3) shall not be waived unless costs ordered under this subsection are waived. Except as otherwise provided by law, costs are payable to the general fund of the plaintiff.

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

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

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

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

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

(10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (14), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(11) If a person fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

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

(13) Until October 1, 2003, in addition to any civil fines and costs ordered to be paid under this section, the judge or district court magistrate shall levy an assessment of $5.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. An assessment paid before October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer to be deposited into the Michigan justice training fund. An assessment ordered before October 1, 2003 but collected on or after October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(14) Effective October 1, 2003, in addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of $40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

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

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

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verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation of section 328(1) occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1982, Act 51, Eff. Mar. 30, 1983;—Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982;—Am. 1984, Act 30, Eff. Apr. 28, 1984;—Am. 1984, Act 364, Eff. Mar. 29, 1985;—Am. 1985, Act 1, Eff. July 1, 1985;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 1998, Act 103, Eff. Aug. 15, 1998;—Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 34, Eff. Oct. 1, 2003;—Am. 2003, Act 73, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006.

****** 257.907.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 31, 2010 ******

257.907.amended Civil infraction not crime; payment of civil fine and costs; program of treatment, education, or rehabilitation; sanctions; schedule of civil fines and costs; recommended range of civil fines and costs; certification of repair of defective equipment; collection of civil fines or costs; noncompliance with order or judgment; additional assessment; waiver of fines and costs; "moving violation" defined.

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

(2) If a person is determined pursuant to sections 741 to 750 to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act, the judge or district court magistrate may order the person to pay a civil fine of not more than $100.00 and costs as provided in subsection (4). However, if the civil infraction was a moving violation that resulted in an at-fault collision with another vehicle, a person, or any other object, the civil fine ordered under this section shall be increased by $25.00 but the total civil fine shall not exceed $100.00. However, for a violation of section 674(1)(s) or a local ordinance substantially corresponding to section 674(1)(s), the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than $100.00 or more than $250.00. For a violation of section 328, the civil fine ordered under this subsection shall be not more than $50.00. For a violation of section 710d, the civil fine ordered under this subsection shall not exceed $10.00. For a violation of section 710e, the civil fine and court costs ordered under this subsection shall be $25.00. For a violation of section 682 or a local ordinance substantially corresponding to section 682, the person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not less than $100.00 or more than $500.00. For a violation of section 240, the civil fine ordered under this subsection shall be $15.00. For a violation of section 252a(1), the civil fine ordered under this subsection shall be $50.00. For a violation of section 676a(3), the civil fine ordered under this section shall be not more than $10.00. For a violation of section 319f(1), the civil fine ordered under this section shall be not less than $1,100.00 or more than $2,750.00. For a violation of section 319g(1)(a), the civil fine ordered under this section shall be not more than $10,000.00. For a violation of section 319g(1)(b), the civil fine ordered under this section shall be not less than $2,750.00 or more than $11,000.00. Permission may be granted for payment of a civil fine and costs to be made within a specified period of time or in specified installments, but unless permission is included in the order or judgment, the civil fine and costs shall be payable immediately.

(3) Except as provided in this subsection, if a person is determined to be responsible or responsible "with explanation" for a civil infraction under this act or a local ordinance substantially corresponding to a provision of this act while driving a commercial motor vehicle, he or she shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $250.00. If a person is determined to be responsible or responsible "with explanation" for a civil infraction under section 319g or a local ordinance substantially corresponding to section 319g, that person shall be ordered to pay costs as provided in subsection (4) and a civil fine of not more than $10,000.00.

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

(5) In addition to a civil fine and costs ordered under subsection (2) or (3) and subsection (4) and the justice system assessment ordered under subsection (14), the judge or district court magistrate may order the

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person to attend and complete a program of treatment, education, or rehabilitation.

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

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

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

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

(10) A default in the payment of a civil fine or costs ordered under subsection (2), (3), or (4) or a justice system assessment ordered under subsection (14), or an installment of the fine, costs, or assessment, may be collected by a means authorized for the enforcement of a judgment under chapter 40 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, or under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(11) If a person fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the driver's license of that person shall be suspended pursuant to section 321a until full compliance with that order or judgment occurs. In addition to this suspension, the court may also proceed under section 908.

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

(13) Until October 1, 2003, in addition to any civil fines and costs ordered to be paid under this section, the judge or district court magistrate shall levy an assessment of $5.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. An assessment paid before October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer to be deposited into the Michigan justice training fund. An assessment ordered before October 1, 2003 but collected on or after October 1, 2003 shall be transmitted by the clerk of the court to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

(14) Effective October 1, 2003, in addition to any civil fines or costs ordered to be paid under this section, the judge or district court magistrate shall order the defendant to pay a justice system assessment of $40.00 for each civil infraction determination, except for a parking violation or a violation for which the total fine and costs imposed are $10.00 or less. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181. An assessment levied under this subsection is not a civil fine for purposes of section 909.

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

(16) If a person has received a citation for a violation of section 328(1) for failing to produce a certificate of insurance pursuant to section 328(2), the court may waive the fee described in section 328(3)(c) and shall waive any fine, costs, and any other fee or assessment otherwise authorized under this act upon receipt of verification by the court that the person, before the appearance date on the citation, produced valid proof of insurance that was in effect at the time the violation of section 328(1) occurred. Insurance obtained subsequent to the time of the violation does not make the person eligible for a waiver under this subsection.

(17) As used in this section, "moving violation" means an act or omission prohibited under this act or a local ordinance substantially corresponding to this act that involves the operation of a motor vehicle and for

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which a fine may be assessed.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1981, Act 117, Eff. Mar. 31, 1982;—Am. 1982, Act 51, Eff. Mar. 30, 1983;—Am. 1982, Act 301, Imd. Eff. Oct. 12, 1982;—Am. 1984, Act 30, Eff. Apr. 28, 1984;—Am. 1984, Act 364, Eff. Mar. 29, 1985;—Am. 1985, Act 1, Eff. July 1, 1985;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 1998, Act 103, Eff. Aug. 15, 1998;—Am. 2001, Act 214, Imd. Eff. Dec. 27, 2001;—Am. 2002, Act 534, Eff. Oct. 1, 2002;—Am. 2003, Act 34, Eff. Oct. 1, 2003;—Am. 2003, Act 73, Eff. Oct. 1, 2003;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2004, Act 62, Eff. May 3, 2004;—Am. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2005, Act 1, Imd. Eff. Mar. 24, 2005;—Am. 2006, Act 298, Imd. Eff. July 20, 2006;—Am. 2008, Act 463, Eff. Oct. 31, 2010.

257.908 Default as civil contempt; penalty.

Sec. 908. (1) If a defendant defaults in the payment of a civil fine, costs, or both, or of any installment, as ordered pursuant to section 907(2), the court, upon the motion of the plaintiff or upon its own motion, may require the defendant to show cause why the default should not be treated as in civil contempt and may issue a summons or order to show cause or a bench warrant of arrest for the defendant's appearance.

(2) When a corporation or an association is ordered to pay a civil fine or costs, the persons authorized to make disbursement shall pay the fine or costs, and their failure to do so shall be civil contempt unless they make the showing required in this section.

(3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until the civil fine, costs, or both, or a specified part thereof, is paid.

(4) If it appears that the default in the payment of a civil fine or costs does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment, or revoking the fine or costs or the unpaid portion thereof in whole or in part.

(5) The term of imprisonment on civil contempt for nonpayment of a civil fine or costs shall be specified in the order of commitment, and shall not exceed 1 day for each $10.00 of the fine and costs. A person committed for nonpayment of a civil fine or costs shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of $10.00 per day.

(6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine or costs shall not be discharged from custody until 1 of the following occurs:

(a) The defendant has been credited with the amount due pursuant to subsection (5).

(b) The amount due has actually been collected through execution of process or otherwise.

(c) The amount due has been satisfied pursuant to a combination of subdivisions (a) and (b).

(7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6).

History: Add. 1978, Act 510, Eff. Aug. 1, 1979.

257.909 Application and allocation of civil fines to public and county law libraries.

Sec. 909. (1) Except as provided in subsection (2), a civil fine which is ordered under section 907 for a violation of this act or other state statute shall be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state. A civil fine ordered for a violation of a code or ordinance of a local authority regulating the operation of commercial motor vehicles and substantially corresponding to a provision of this act shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the local authority in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(2) Subsection (1) is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of this act which are now civil infractions.

History: Add. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 2000, Act 94, Imd. Eff. May 15, 2000.

257.910 Conviction based on plea of nolo contendere; treatment.

Sec. 910. A conviction based on a plea of nolo contendere shall be treated in the same manner as a conviction based on a plea of guilty.

History: Add. 1991, Act 98, Eff. Jan. 1, 1992;—Am. 1994, Act 450, Eff. May 1, 1995.

CHAPTER IX
MISCELLANEOUS

257.921 Repeal.

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Sec. 921. Act No. 302 of the Public Acts of 1915, as amended, being sections 256.1 to 256.38, inclusive, of the Compiled Laws of 1948; Act No. 46 of the Public Acts of 1921, as amended, being sections 256.101 to 256.119, inclusive, of the Compiled Laws of 1948; Act No. 91 of the Public Acts of 1931, as amended, being sections 256.201 to 256.234, inclusive, of the Compiled Laws of 1948; Act No. 203 of the Public Acts of 1933, as amended, being sections 256.251 to 256.269, inclusive, of the Compiled Laws of 1948; Act No. 318 of the Public Acts of 1927, as amended, being sections 256.301 to 256.360, inclusive, of the Compiled Laws of 1948; Act No. 321 of the Public Acts of 1923, as amended, being sections 256.421 to 256.437, inclusive, of the Compiled Laws of 1948; Act No. 236 of the Public Acts of 1919, being sections 256.511 and 256.512 of the Compiled Laws of 1948; Act No. 80 of the Public Acts of 1929, as amended, being sections 256.521 to 256.523, inclusive, of the Compiled Laws of 1948; Act No. 186 of the Public Acts of 1937, being sections 247.301 to 247.306, inclusive, of the Compiled Laws of 1948; section 11 of chapter 21 of Act No. 283 of the Public Acts of 1909, being section 241.11 of the Compiled Laws of 1948; sections 498a, 499 and 500 of Act No. 328 of the Public Acts of 1931, as amended, being sections 750.498a, 750.499 and 750.500 of the Compiled Laws of 1948; and Act No. 94 of the Public Acts of 1943, being sections 752.501 to 752.503, inclusive, of the Compiled Laws of 1948; are hereby repealed.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.922 Saving clause.

Sec. 922. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken therein shall conform to the provisions of this code so far as possible.

History: 1949, Act 300, Eff. Sept. 23, 1949.

257.922a Act inapplicable to racing event.

Sec. 922a. This act does not apply to a racing event conducted under the “city motor vehicle racing act of 1981”.

History: Add. 1981, Act 174, Imd. Eff. Dec. 14, 1981.

257.923 Short title.

Sec. 923. This act shall be known as the “Michigan vehicle code.”

History: 1949, Act 300, Eff. Sept. 23, 1949.

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LOANS TO MOTOR CARRIERS
Act 387 of 1978

AN ACT to make appropriations to the department of state; to prescribe the powers and duties of the department of state and the state treasurer; to provide for loans to persons who own certain vehicles for the cost of their alteration or replacement; and to provide an interest rate for repayment of those loans.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 14, Imd. Eff. May 17, 1979.

The People of the State of Michigan enact:

257.931 Loans to motor carriers; prerequisites; purpose; loans as investments for state recreational land acquisition trust fund; investigation; determination; applicability of section; condition of loan.

Sec. 1. (1) The state treasurer shall make loans to motor carriers who have obtained a certificate of public convenience and necessity or a permit to operate as a motor carrier from the Michigan public service commission, and to private carriers who are independent wholesale distributors engaged in the distribution of petroleum products to consumers and retailers by vehicles owned or leased by those private carriers to aid those motor carriers and private carriers in complying with section 722(9), (10), (11), and (12) of Act No. 300 of the Public Acts of 1949, as amended, being section 257.722 of the Michigan Compiled Laws. The loans made under this subsection shall be made before October 1, 1980, and shall be made as investments for the state recreational land acquisition trust fund. These loans shall be made in such amounts and to such applicants as determined by the secretary of state pursuant to its investigation of applications for loans, but without further investigation by the department of treasury.

(2) The department of state shall make loans to motor carriers who have obtained a certificate of public convenience and necessity or a permit to operate as a motor carrier from the Michigan public service commission and to private carriers who are independent wholesale distributors engaged in the distribution of petroleum products to consumers and retailers by vehicles owned or leased by those private carriers to aid those motor carriers and private carriers in complying with section 722(9), (10), (11), and (12) of Act No. 300 of the Public Acts of 1949, as amended. The loans made under this subsection shall be made after September 30, 1980, and shall be made from amounts appropriated to the department of state from the general fund.

(3) This section shall apply only to a carrier who meets the description of this section as of July 1, 1978. A condition of each loan shall be that the carrier use the vehicles modified or replaced with the proceeds of the loan primarily in Michigan while the loan is outstanding.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 14, Imd. Eff. May 17, 1979;—Am. 1979, Act 39, Imd. Eff. June 22, 1979.

257.932 Loans to motor carriers; application; form; evidence of ownership; cost of modification or replacement; repayment plan; review and certification of application; time limitation.

Sec. 2. (1) An application for a loan shall be made on a form prescribed by the department of state and shall be submitted to the department of state. The application shall require the applicant to submit evidence of ownership of the vehicle subject to modification or replacement and an estimate of the cost of modification or replacement. The applicant shall enter into a repayment plan requiring installment payments for a maximum period of 5 years.

(2) The department of state shall review each application made under this act to determine the applicant's eligibility for a loan and the applicant's credit worthiness. The department of state shall certify to the state treasurer each loan application approved by the department of state.

(3) An application for a loan shall not be accepted by the department of state after July 1, 1983.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 39, Imd. Eff. June 22, 1979.

257.933 Loans to motor carriers; amount; interest rate; time limitation; collection of repayments; restrictions; amount of money invested; appropriations.

Sec. 3. (1) A loan made under this act shall be in such amount and to such applicants as determined by the department of state. The loans shall be made at an interest rate of 4% per year simple interest. A loan shall not be made by the department of state after November 1, 1983.

(2) The state treasurer shall collect the repayments of all loans made under this act pursuant to rules promulgated under section 7. Not more than $6,000,000.00 of the money in the state recreational land acquisition trust fund shall be loaned under this act. Money in the game and fish protection subfund created in

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section 4(3) of Act No. 204 of the Public Acts of 1976, as amended, being section 318.404 of the Michigan Compiled Laws, shall not be loaned under this act. The amount of money invested by the state treasurer from the state recreational land acquisition trust fund under this act and the manner of the investment shall be deemed in complete compliance with Act No. 204 of the Public Acts of 1976, as amended, being sections 318.401 to 318.409 of the Michigan Compiled Laws. The amount of money invested in a state fiscal year by the state treasurer from the state recreational land acquisition trust fund under this act shall not include moneys available for the purchase of land or rights in land and other expenditures as provided in sections 3 to 7 of Act No. 204 of the Public Acts of 1976, as amended, being sections 318.403 to 318.407 of the Michigan Compiled Laws. The legislature, until the state fiscal year in which the state recreational land acquisition trust fund is repaid all money loaned under section 1(1), annually shall appropriate to the credit of the state recreational land acquisition trust fund from the general fund of the state an amount determined by the state treasurer to be necessary to make up the difference between the interest on the loans made under section 1(1) and the amount the funds loaned would have earned had the funds been invested in the state treasurer's common cash fund. To insure the state recreational land acquisition trust fund against a loss in principal amount, the legislature shall appropriate an amount to the credit of the state recreational land acquisition trust fund which is equal to the losses suffered by the fund because of defaults of loans made under this act.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 14, Imd. Eff. May 17, 1979;—Am. 1979, Act 39, Imd. Eff. June 22, 1979.

257.934 Creation of security interest in name of state on vehicle; sign disclosing state's lien.

Sec. 4. The department of state or the department of treasury shall create a security interest in the name of the state on a vehicle owned by a carrier who receives a loan under this act. The security interest shall be created as provided in section 217 or 238 of the Michigan vehicle code, 1949 PA 300, MCL 257.217 and 257.238, and article 9 of the uniform commercial code, 1962 PA 174, MCL 440.9101 to 440.9708. Each vehicle subject to a security interest under this act shall be labeled during the life of the loan with a sign disclosing the state's lien. The sign shall be in a form prescribed by the department of treasury.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 39, Imd. Eff. June 22, 1979;—Am. 2000, Act 354, Eff. July 1, 2001.

257.935 Disposition of revenues.

Sec. 5. (1) All revenues on loans made under section 1(1), including principal and interest payments and penalties, and money appropriated to the state recreational land acquisition trust fund under this act, shall be deposited in the state treasury and shall be credited to the state recreational land acquisition trust fund.

(2) All revenues on loans made under section 1(2), including principal and interest payments and penalties, shall be deposited in the state treasury and shall be credited to the general fund.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 14, Imd. Eff. May 17, 1979;—Am. 1979, Act 39, Imd. Eff. June 22, 1979.

257.936 Conditional effective date.

Sec. 6. This act shall not take effect unless House Bill No. 5347 of the 1977 regular session of the legislature is enacted into law.

History: 1978, Act 387, Imd. Eff. July 27, 1978.

Compiler's note: House Bill No. 5347, referred to in this section, was approved by the Governor on July 27, 1978, and became P.A. 1978, No. 385, Imd. Eff. July 27, 1978.

257.937 Rules.

Sec. 7. The department of state shall promulgate rules to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws. The rules may include but not be limited to the following: Criteria for approving or disapproving loan applications, criteria for determining the amount of a loan and provisions for a repayment plan agreement including the assessment of a fee for late payment.

History: 1978, Act 387, Imd. Eff. July 27, 1978;—Am. 1979, Act 14, Imd. Eff. May 17, 1979.

Administrative rules: R 257.201 et seq. of the Michigan Administrative Code.

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CONTROL OF TRAFFIC IN PARKING AREAS
Act 235 of 1969

AN ACT authorizing local units of government to regulate and control traffic in parking areas; and to provide a penalty for a violation of this act.

History: 1969, Act 235, Imd. Eff. Aug. 11, 1969;—Am. 1978, Act 630, Imd. Eff. Jan. 8, 1979.

The People of the State of Michigan enact:

257.941 Definitions.

Sec. 1. As used in this act:

(a) "Parking area" means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of a shopping center, business, factory, hospital, institution, or similar building or location.

(b) "Shopping center" means a minimum area of 3 acres of land on which there is located 1 or more stores or business establishments, and where there is provided a parking area.

History: 1969, Act 235, Imd. Eff. Aug. 11, 1969;—Am. 1978, Act 630, Imd. Eff. Jan. 8, 1979.

257.942 Local ordinances.

Sec. 2. The governing body of a city or village, or the board of a township, may, upon the request of either the owner or the person in charge of the general operation and control of the parking area, by local ordinance:

(a) Order stop signs, yield signs, or other traffic control devices erected at specified entrance or exit locations to a parking area or at an intersection in the parking area.

(b) Regulate traffic in the parking area, including regulation by means of traffic control signals.

(c) Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area.

(d) Regulate the crossing of a roadway in the parking area by pedestrians.

(e) Designate a separate roadway, drive, or lane in the parking area for 1-way traffic.

(f) Prohibit, regulate, restrict, or limit the stopping, standing, or parking of vehicles in specified areas of the parking area.

(g) Designate safety zones, loading zones, and other restricted area in the parking area.

(h) Provide for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires, or other public emergencies, or found unattended in the parking area, if the vehicles constitute an obstruction to traffic or if stopping, standing, or parking is prohibited, and for the payment of reasonable charges for the removal and storage by the owner or operator of the vehicle.

(i) Adopt additional reasonable rules with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the parking area.

History: 1969, Act 235, Imd. Eff. Aug. 11, 1969;—Am. 1978, Act 630, Imd. Eff. Jan. 8, 1979.

257.942a Designation of parking spaces for persons with disabilities; ordinance.

Sec. 2a. The governing body of a city or village, or the board of a township, shall provide, by local ordinance, for parking spaces specifically designated for persons with disabilities in numbers to conform with the requirements of section 2 of 1966 PA 1, MCL 125.1352, in each shopping center parking area within its jurisdiction. If on the effective date of this section a shopping center is in compliance with a local ordinance relating to the number of parking spaces that the shopping center is required to provide, the shopping center shall not be held in violation of that ordinance if the designation of parking space required by this section reduces the number of parking spaces below the minimum number required by the local ordinance.

History: Add. 1978, Act 88, Eff. Mar. 30, 1979;—Am. 1998, Act 40, Imd. Eff. Mar. 18, 1998.

257.942b Signs or other traffic control devices.

Sec. 2b. A sign or other traffic control device required in a parking area shall conform to the requirements of the Michigan manual of uniform traffic control devices.

History: Add. 1978, Act 630, Imd. Eff. Jan. 8, 1979.

257.943 Violation as civil infraction; processing violation.

Sec. 3. A person who violates an ordinance promulgated pursuant to this act is responsible for a civil infraction. Violation of an ordinance promulgated pursuant to this act shall be processed in the same manner as a civil infraction under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to

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257.923 of the Michigan Compiled Laws.

History: 1969, Act 235, Imd. Eff. Aug. 11, 1969;—Am. 1978, Act 516, Eff. Aug. 1, 1979.

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UNIFORM TRAFFIC CODE
Act 62 of 1956

AN ACT to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code.

History: 1956, Act 62, Eff. Aug. 11, 1956;—Am. 1978, Act 514, Eff. Aug. 1, 1979.

The People of the State of Michigan enact:

257.951 Uniform traffic code; promulgation; adoption by reference; parking lot; entry upon private road; violation as misdemeanor or civil infraction; civil sanctions; processing of civil infraction; designating parking space for persons with disabilities; provisions relating to driving under influence or with impaired ability; "vehicle code" defined.

Sec. 1. (1) A city, township, or village may adopt by reference a code or ordinance for the regulation of traffic within cities, townships, and villages that has been promulgated by the director of the department of state police. The director of the department of state police may promulgate a uniform traffic code in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A city, township, or village, with the consent of, or at the request of, a person who is in charge of a parking lot, whether or not that parking lot is open to the general public, may contract with that person for the city, township, or village to enforce provisions of the uniform traffic code or ordinance adopted under this section in that parking lot. A peace officer may enter upon a private road that is accessible to the general public to enforce provisions of an ordinance adopted under this section if signs meeting the requirements of the Michigan manual of uniform traffic control devices are posted on the private road. The owner or person in charge of the private road is responsible for the posting of signs under this subsection. Nothing in this subsection shall be considered to affect a contract entered into between a city, township, or village and the person in charge of a private road before the effective date of the amendatory act that added this sentence. As used in this subsection, "person" means an individual, corporation, association, partnership, or other legal entity.

(3) A uniform traffic code promulgated by the director of the department of state police under this section shall specify whether a person who violates a particular provision of the code is guilty of a misdemeanor or is responsible for a civil infraction. The director may establish civil sanctions for civil infractions, except that a civil sanction in excess of that prescribed in the vehicle code is in conflict with that act and is void to the extent of the conflict. The uniform traffic code shall not impose a criminal penalty for an act or omission that is a civil infraction under the vehicle code.

(4) Violation of a provision designated a civil infraction in the uniform traffic code shall be processed in the same manner as a civil infraction under the vehicle code.

(5) Notwithstanding the requirements of the uniform traffic code, a sign designating a parking space for persons with disabilities shall be 12 inches by 18 inches or larger and shall be either blue or white and at a minimum contain the international handicapped symbol in contrasting colors of either blue or white in the center of the sign.

(6) The provisions of the uniform traffic code promulgated pursuant to this act that relate to driving while under the influence of an alcoholic beverage or driving with impaired ability shall be identical to the provisions of sections 625 to 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 to 257.625m.

(7) For purposes of this section, "vehicle code" means the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1956, Act 62, Eff. Aug. 11, 1956;—Am. 1978, Act 514, Eff. Aug. 1, 1979;—Am. 1979, Act 117, Imd. Eff. Oct. 17, 1979;—Am. 1988, Act 121, Imd. Eff. May 6, 1988;—Am. 1993, Act 225, Imd. Eff. Nov. 5, 1993;—Am. 1998, Act 69, Imd. Eff. May 4, 1998;—Am. 2006, Act 297, Imd. Eff. July 20, 2006.

Administrative rules: R 28.1001 et seq. of the Michigan Administrative Code.

257.952 Identification and publication of code adopted by reference; notice.

Sec. 2. The code or ordinance passed shall clearly identify the code adopted by reference. The code need not be published in full. Publication of the code or ordinance shall be supplemented by a notice of the purpose of the code and the fact that a complete copy of the code is available for inspection by the public at the office of the city, township, or village clerk.

History: 1956, Act 62, Eff. Aug. 11, 1956;—Am. 1979, Act 119, Imd. Eff. Oct. 17, 1979.

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257.953 Amendment of code; adoption.

Sec. 3. If the commissioner of the state police shall thereafter amend such code, any city, township or village which has adopted such code by reference may adopt such amendment by reference by the same procedure as required for the adoption of the original code, or such amendment may be adopted by enacting an ordinance setting forth the entire text of such amendment.

History: 1956, Act 62, Eff. Aug. 11, 1956.

257.954 Inspection of code.

Sec. 4. Upon adoption of the code by reference, the city, township, or village clerk shall maintain in his or her office a copy of the code for inspection by the public or a person charged under the code.

History: 1956, Act 62, Eff. Aug. 11, 1956;—Am. 1979, Act 119, Imd. Eff. Oct. 17, 1979.

257.955 Operation of commercial vehicle; payment and allocation of civil fine; exception; issuance of more than 1 citation; equipment violations; training requirements as motor carrier enforcement officer; definitions.

Sec. 5. (1) A civil fine imposed upon a person for a violation of a code or ordinance regulating the operation of a commercial vehicle adopted by a city, township, or village under section 1 shall be paid to the county treasurer and shall be allocated as follows:

(a) Seventy percent to the city, township, or village in which the citation is issued.

(b) Thirty percent for library purposes as provided by law.

(2) This section does not apply to a case in which the citation is dismissed pursuant to subsection (3).

(3) The owner or operator of a commercial motor vehicle shall not be issued more than 1 citation for each violation of a code or ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to a provision of sections 683 to 725a of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation for an equipment violation that does not result in the vehicle being placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof to the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(4) In order to be classified as a motor carrier enforcement officer, a police officer must have training equal to the minimum training requirements, including any annual training updates, established by the department of state police for an officer of the motor carrier division of the department of state police. A police officer who has received training equal to these minimum training requirements before the effective date of this section is considered a motor carrier enforcement officer for purposes of this act.

(5) As used in this section:

(a) “Commercial vehicle” means that term as defined in section 7 of the Michigan vehicle code, 1949 PA 300, MCL 257.7.

(b) “Operation” means being in actual physical control of a vehicle regardless of whether or not the person is licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, as an operator or chauffeur.

(c) “Out of service” means that process established under the motor carrier safety act, 1963 PA 181, MCL 480.11 to 480.22.

(d) “Person” means every natural person, partnership, association, or corporation and their legal successors.

History: Add. 2000, Act 95, Imd. Eff. May 15, 2000.

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REGULATION OF VEHICLES ON SCHOOL PROPERTY
Act 175 of 1958

AN ACT to authorize municipalities to adopt ordinances governing the operation, parking without fees and the speed of motor vehicles upon properties of boards of education, school districts or community college districts lying within such municipalities; to require the boards of education, school districts or community college districts to request such ordinances; and to impose penalties for the violation thereof.

History: 1958, Act 175, Imd. Eff. Apr. 18, 1958;—Am. 1967, Act 47, Eff. Nov. 2, 1967.

The People of the State of Michigan enact:

257.961 School property; municipal regulation of operation, parking and speed of vehicles.

Sec. 1. Every municipal legislative authority wherein the properties of any board of education, school district or community college district is situated shall have the authority to adopt ordinances governing the operation, parking without fees and the speed of motor vehicles upon the property of such board of education, school district or community college district, for the purpose of enforcement and the imposing of penalties for the violation thereof in the same manner as other ordinances of the municipal legislative authority are enforced. No municipal legislative authority shall adopt such ordinances without first receiving a resolution from the board of education, school district or board of trustees of the community college district over whose property the ordinances shall apply requesting the adoption of such ordinances.

History: 1958, Act 175, Imd. Eff. Apr. 18, 1958;—Am. 1967, Act 47, Eff. Nov. 2, 1967.

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TAX ON PUBLIC TRANSPORTATION VEHICLES
Act 2 of 1960

AN ACT to levy a specific tax in lieu of weight taxes for public transportation vehicles and city, intercity, and suburban buses; and to provide for the expiration of this act.

History: 1960, Act 2, Imd. Eff. Feb. 27, 1960;—Am. 1980, Act 106, Imd. Eff. May 2, 1980.

The People of the State of Michigan enact:

257.971 Definitions.

Sec. 1. As used in this act:

(a) "Public transportation vehicles" means vehicles having a passenger capacity of 9 or more operating as part of a public transportation system within and not more than 10 miles from the boundaries of a municipality or not beyond the county or transportation regional boundaries when the vehicles are operated by a private person, firm, or corporation.

(b) "City, intercity, and suburban bus operator" means any person, firm, or corporation operating 1 or more motor buses in this state having a seating capacity of 10 or more passengers under a franchise from a municipality, under a license granted by a municipality, or pursuant to an agreement entered into between the person, firm or corporation and a municipality of this state, or a certificate of public convenience and necessity issued by the Michigan public service commission under section 5 or article 2 of Act No. 254 of the Public Acts of 1933, being section 476.5 of the Michigan Compiled Laws, and which is engaged in the transportation of passengers in and between 1 or more cities or villages or engaged in the transportation of passengers over regularly scheduled routes under a certificate of public convenience and necessity.

History: 1960, Act 2, Imd. Eff. Feb. 27, 1960;—Am. 1980, Act 106, Imd. Eff. May 2, 1980.

257.972 Tax payable in lieu of specific weight taxes; exception.

Sec. 2. From and after January 1, 1960, in lieu of the specific weight taxes authorized by section 801 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.801 of the Michigan Compiled Laws, city, intercity, and suburban bus operators and public transportation operators shall pay the sum of $25.00 per vehicle for each vehicle operated as specified in section 1, which shall exempt the vehicle from all other taxation except the fees and taxes required by Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.49 of the Michigan Compiled Laws.

History: 1960, Act 2, Imd. Eff. Feb. 27, 1960;—Am. 1980, Act 106, Imd. Eff. May 2, 1980.

257.973 Repealed. 1965, Act 3, Imd. Eff. Feb. 19, 1965.

Compiler's note: The repealed section provided that bus tax moratorium act should expire February 28, 1965.

VEHICLE EQUIPMENT SAFETY COMPACT
Act 105 of 1963

257.1001-257.1010 Repealed. 1985, Act 67, Imd. Eff. July 1, 1985.

VEHICLE EMISSIONS INSPECTION AND MAINTENANCE ACT
Act 83 of 1980

257.1051-257.1076 Repealed. 1995, Act 60, Eff. Jan. 1, 1996.

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MOTOR VEHICLE ACCIDENT CLAIMS ACT
Act 198 of 1965

AN ACT providing for the establishment, maintenance and administration of a motor vehicle accident claims fund for the payment of damages for injury to or death of certain persons or property damage arising out of the ownership, maintenance or use of motor vehicles in the state in certain cases; and to provide penalties for violation of this act.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967.

The People of the State of Michigan enact:

257.1101 Motor vehicle accident claims act; short title.

Sec. 1. This act shall be known and may be cited as the "motor vehicle accident claims act".

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1102 Motor vehicle accident claims act; definitions.

Sec. 2. As used in this act:

(a) "Secretary" means the secretary of state acting as director of the fund.

(b) "Treasurer" means the state treasurer acting as the custodian of the fund.

(c) "Fund" means the motor vehicle accident claims fund.

(d) "Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy meeting the requirements of section 3009 of Act No. 218 of the Public Acts of 1956, as added, being section 500.3009 of the Compiled Laws of 1948, and which is not owned by a holder of self-insurance as provided in section 531 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.531 of the Compiled Laws of 1948.

(e) "Person" includes natural persons, firms, copartnerships, associations and corporations, except the state or any agency or political subdivision thereof. The word "person" shall not include any municipal corporation or any corporation owned or operated by the state or any political subdivision thereof.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967;—Am. 1971, Act 211, Imd. Eff. Dec. 29, 1971.

257.1103 Motor vehicle accident claims fund; financial statement; audit; deposits or investments; reversion of unexpended moneys; powers of commissioner of insurance; report; annual statement; examination of records; false evidence of insurance as misdemeanor; use of records or information; prohibition; penalty.

Sec. 3. (1) There shall be a fund to be known as the motor vehicle accident claims fund. A detailed financial statement of the condition of the fund shall be published by the secretary of state annually. This fund shall be subject to a financial audit by the auditor general. The treasurer shall deposit or invest an unappropriated portion of the fund, in the same manner and subject to all provisions of law with respect to the deposit or investment of state funds by the state treasurer, and interest earned by portions of the fund deposited or invested by the treasurer shall be collected by him and placed to the credit of the fund. Unexpended moneys appropriated from the fund shall revert to the fund at the end of each fiscal year.

(2) The commissioner of insurance shall have the power of visitation and examination of the affairs of the fund as though the fund were an insurer and shall report to the governor and the legislature on its financial position, actuarial soundness, and general condition. A copy of the report shall be filed with the auditor general for his use in auditing the fund. The fund shall file an annual statement relating to business and affairs on a form the commissioner shall prescribe.

(3) As of the close of the fiscal year ending June 30, 1970, and at the end of each fiscal year thereafter, the insurance bureau of the department of commerce shall examine the records of the fund in accordance with insurance accounting principles and file its report with the secretary before the succeeding April 1.

(4) A person who furnishes false evidence of insurance upon the issuance or transfer of registration under this section is guilty of a misdemeanor. In addition his operator's or chauffeur's license or motor vehicle registration, or both, may be suspended by the secretary for not more than 1 year.

(5) A person shall not use records or information produced as a result of the administration of this act for the purpose of soliciting the sale or purchase of motor vehicle liability insurance. A person who violates this subsection is guilty of a misdemeanor and shall be imprisoned for not more than 1 year, or fined not more than $1,000.00, or both.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965;—Am. 1967, Act 274, Imd. Eff. July 20,

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1967;—Am. 1968, Act 223, Eff. July 1, 1968;—Am. 1971, Act 19, Imd. Eff. May 5, 1971;—Am. 1971, Act 63, Imd. Eff. July 28, 1971;—Am. 1974, Act 223, Imd. Eff. July 26, 1974;—Am. 1975, Act 322, Imd. Eff. Jan. 2, 1976.

257.1103a Transfer of cash to general fund; reimbursement.

Sec. 3a. (1) Upon the effective date of this amendatory act, the state treasurer is authorized to transfer the sum of $20,000,000.00 from the motor vehicle accident fund to the state general fund. The state accounting division shall treat the transfer as revenue from other funds.

(2) To reimburse the motor vehicle accident claims fund for the cash transferred pursuant to subsection (1), there is appropriated from the general fund for the fiscal year beginning July 1, 1976, the sum of $15,000,000.00 and for the fiscal year beginning July 1, 1977, the sum of $5,000,000.00. There is appropriated from the general fund each fiscal year from the effective date of this act through the fiscal year beginning July 1, 1976, an amount sufficient to pay any due and payable claims which exceed available revenue of the motor vehicle accident claims fund, which amount shall be deducted from the subsequent $5,000,000.00 appropriation contained in this section to the motor vehicle accident claims fund.

History: Add. 1971, Act 19, Imd. Eff. May 5, 1971;—Am. 1976, Act 89, Imd. Eff. Apr. 17, 1976.

257.1104 Repealed. 1980, Act 459, Imd. Eff. Jan. 15, 1981.

Compiler's note: The repealed section pertained to evidence of insurance.

257.1105 Service of process; secretary of state as agent; procedure; failure to serve as bar to recovery; intervention; exception; limitation on payment.

Sec. 5. The secretary is deemed to be an agent of the owner or operator of every uninsured motor vehicle for service of process in an action in this state arising out of the use or operation in this state of the uninsured motor vehicle. Where an action is commenced, summons and complaint shall be served on the secretary by certified or registered mail or by leaving a copy thereof with or at the office of the secretary who shall forward a copy of the summons and complaint forthwith by certified mail to the defendant at his last address as recorded with the secretary. In an action to recover damages arising out of the use or operation of an uninsured motor vehicle, failure to serve summons and complaint upon the secretary shall constitute a bar to recovery from the fund. In actions where summons and complaint have been served upon the secretary, the secretary shall have the right to intervene in the action as a party defendant. This act does not apply to an accident occurring after the effective date of this amendatory act for which benefits are payable in whole or in part under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended. A payment shall not be made under this act for an accident occurring after the effective date of this amendatory act to an owner or registrant of a motor vehicle for which security under sections 3101 to 3179 of Act No. 218 of the Public Acts of 1956, as amended, is required.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967;—Am. 1974, Act 223, Imd. Eff. July 26, 1974.

257.1106 Death or injury by uninsured motorist; application for payment from fund; disputing liability; payment; subrogation; suspension; default in payments.

Sec. 6. (1) Where the death of or personal injury or property damage to any person or property is occasioned in this state by an uninsured motor vehicle, any person who would have a cause of action against the owner or driver of the uninsured motor vehicle in respect to the death or personal injury, or property damage except a person entitled to make an application under section 7, may make application, in a form prescribed by the secretary, for payment out of the fund subject to the limitations provided in this act for all damages in respect to the death or personal injury and for damages in excess of $200.00 in respect to property damage.

(2) Upon receipt of application under this section, the secretary shall forward, by certified mail, notice of the application to the owner and driver of the uninsured motor vehicle against whom liability for damages is alleged, to their last addresses as recorded with the secretary. If any person to whom a notice is sent replies in writing within 20 days of the date upon which the notice was sent, disputing his liability, the provisions of subsection (5) shall be suspended as to such person, until such person executes a written consent to such payment or the secretary obtains a judgment for such payment against such person in a court of law.

(3) In respect to the application, the secretary may make payment out of the fund, subject to section 23, of an amount that he deems proper if the applicant executes a written release of all claims arising out of the accident to be paid from the fund.

(4) Where an amount is paid out of the fund under this section, the secretary is subrogated to the rights of the person to whom the amount is paid and may maintain an action in his own name or in the name of the

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person against the person responsible for the use or operation of the uninsured motor vehicle.

(5) Where payment is made under this section, the operator's or chauffeur's license and owner's registration or registrations of the persons to whom the notice was forwarded under this section shall be forthwith suspended by the secretary and shall not be reinstated until such person or persons have:

(a) Repaid in full to the fund the amount paid out; or

(b) Commenced installment repayments in accordance with an agreement made with the secretary, and filed proof of financial responsibility until the amount paid out in settlement of the claim by the motor vehicle accident claims fund has been repaid in full.

(6) Where a person who has commenced repayment of an amount paid out of the fund is in default in any payment for a period of 10 days, or fails to maintain proof of financial responsibility as required by this act, the secretary shall forthwith suspend the operator's or chauffeur's license and vehicle registration or registrations of the person.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1107 Judgment for damages caused by uninsured motorist; application for payment; notice to applicant of objection to payment; action against all defendants.

Sec. 7. (1) Subject to section 8, where a person recovers in any court in this state a judgment for damages on account of injury to or the death of any person or property damage occasioned in this state by an uninsured motor vehicle owned or operated by the judgment debtor within this state, upon the determination of all proceedings, including appeals, he may make application, in the form prescribed by the secretary and the secretary shall pay the amount of the judgment or of the unsatisfied portion thereof, subject to the limitations provided in this act with respect to death or personal injury and the amount of the judgment or of the unsatisfied portion thereof, in excess of $200.00, with respect to property damage out of the fund.

(2) Where an application is made under this section, the secretary, at any time within 30 days of the receipt of the application, may give written notice to the applicant of any objection to payment of such judgment or any part of it. Where the secretary gives the notice the applicant may apply to the court entering judgment for a finding or determination in respect of any matter in connection with the application for payment out of the fund.

(3) The secretary shall not pay out of the fund any amount in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965.

257.1108 Default judgment; notice to secretary of state; reopening; settlements.

Sec. 8. (1) Section 7 does not apply in the case of a judgment entered in an action in which the defendant did not enter an appearance, did not file an answer, or did not appear in person or by counsel at the trial, or judgment was entered upon the consent or with the agreement of the defendant, unless the secretary has been given notice in writing of the failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection (2).

(2) Where the secretary is served with notice in writing under this section, he may enter an appearance within 30 days, file an answer, make payment into court, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and thereupon, on behalf and in the name of the defendant, may conduct his defense, and may consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of the defendants.

(3) Where pleadings have been closed, the secretary, upon giving notice to the court and to all proper parties to the action that he intends to defend the action on behalf and in the name of the defendant, may reopen the pleadings upon praecipe.

(4) In any action to recover damages arising out of the use or operation of an uninsured motor vehicle any settlement made between the plaintiff and defendant shall not be binding upon the secretary or the fund unless the secretary consents thereto.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1109 Prerequisite to payments from fund; settlement of claim.

Sec. 9. The secretary shall not pay out of the fund any sum under section 7 until the judgment creditor assigns the judgment to him. The secretary may make settlement of a claim which is brought pursuant to

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section 13 and pay out of the fund any sum necessary to satisfy the settlement.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1971, Act 19, Imd. Eff. May 5, 1971.

257.1110 Suspension of licenses; reinstatement, conditions.

Sec. 10. Where the secretary pays out of the fund any amount in satisfaction of a judgment, the operator's or chauffeur's license and vehicle registration or registrations of the judgment debtor on whose behalf the payment is made shall be forthwith suspended by the secretary and shall remain suspended until he has:

(a) Repaid in full to the fund the amount paid out; or

(b) Commenced installment repayments in accordance with an agreement entered into with the secretary, and filed proof of his financial responsibility until the amount paid out to satisfy the judgment by the motor vehicle accident claims fund has been repaid in full.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967.

257.1111 Default in installment payment; suspension of licenses.

Sec. 11. When a person is in default of any installment payment for a period of 10 days, or fails to maintain proof of financial responsibility as required by this act, the secretary shall forthwith suspend the operator's or chauffeur's license and vehicle registration of the person.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1967, Act 274, Imd. Eff. July 20, 1967.

257.1112 Death or injury by unidentified vehicle or driver; action against fund; condition precedent.

Sec. 12. Where the death of or personal injury to any person is occasioned in this state by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect to the death or personal injury may bring an action against the secretary, either alone or as a codefendant with others alleged to be responsible for the death or personal injury. In any action commenced under this section, physical contact by the unidentified vehicle with the plaintiff or with a vehicle occupied by the plaintiff, is a condition precedent to such action.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1113 Death or injury by unidentified vehicle or driver; adding secretary as defendant; condition.

Sec. 13. Where an action has been commenced in respect of the death of or injury to any person occasioned in this state by a motor vehicle and it is alleged that the death or injury was caused or contributed to by another motor vehicle, the identity of which and the owner and the driver thereof cannot be established, the secretary may be added as a defendant on the application of any party and shall be added as a defendant on his own application. The secretary may not be added as a defendant under this section unless physical contact by the unidentified motor vehicle with the plaintiff or with the vehicle occupied by the plaintiff or with such other vehicle which was involved in the accident has been established.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1114 Repealed. 1967, Act 274, Imd. Eff. July 20, 1967.

Compiler's note: The repealed section pertained to motor vehicle accident claims act trial when secretary of state is defendant.

257.1115 Death or injury by stolen vehicle; action against secretary of state.

Sec. 15. When the death of or personal injury or property damage to any person or property is occasioned in this state by a motor vehicle at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner and the identity of the person in possession of the motor vehicle cannot be established, any person who would have a cause of action against the person in possession of the motor vehicle in respect of the death or injury or property damage may bring an action against the secretary.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1116 Death or injury by stolen vehicle; general denial by secretary of state.

Sec. 16. In an action against the secretary, he may deny generally the allegations in respect to the unidentified motor vehicle and unidentified owner and driver thereof and shall not be required to set forth the facts upon which he relies.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1117 Death or injury by stolen vehicle; judgment against secretary of state,

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prerequisites.

Sec. 17. In an action against the secretary, a judgment against him shall not be granted unless the court in which the action is brought is satisfied that all reasonable efforts have been made by the parties, other than the secretary, to ascertain the identity of the motor vehicle and of the owner and driver thereof, and that:

(a) In the case of actions under section 12, the identity of the motor vehicle and of the owner and driver thereof cannot be established; or

(b) In the case of actions under section 15, the identity of the driver of the motor vehicle that caused the death or injury or property damage cannot be established.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1118 Recovery against fund; limitation of action; notice.

Sec. 18. In all actions in which recovery is to be sought against the fund, said action must be commenced within 3 years from the time the cause of action accrues. Recovery from the fund shall not be allowed in any event unless notice of intent to claim against the fund is served upon the secretary, on a form prescribed by him, within 6 months of the date that the cause of action shall accrue.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1119 Judgment against secretary of state; payment; property damage payment.

Sec. 19. Where judgment is obtained against the secretary upon the determination of all proceedings, including appeals, the secretary, subject to the limitations provided in this act, shall pay out of the fund to the plaintiff in the action, the entire amount of the judgment with respect to death or personal injury, and that part of the judgment in excess of $200.00, in respect to property damage.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Eff. Oct. 25, 1965.

257.1120 Judgment against secretary of state; application for order identifying owner or driver of motor vehicle; order, effect.

Sec. 20. Where judgment has been obtained against the secretary, he may apply at any time thereafter to the court where judgment has been obtained for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury or property damage in respect of which the judgment was obtained. Upon the making of an order declaring that any person was the owner or driver of a motor vehicle:

(a) The person, for the purpose of this act, shall be deemed to be the defendant in the action in which judgment was given against the secretary, and the judgment against the secretary shall be deemed to be a judgment against the person; and

(b) The secretary shall be deemed to have a judgment against the person for the amount of all moneys paid out of the fund in respect of the judgment and accordingly has all the rights of a judgment creditor, including the right to recover any moneys that would have been payable in respect of the death or injury or property damage under any policy of insurance that was in force at the time of the accident.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1121 Judgment against secretary of state; secretary not personally liable to satisfy judgment.

Sec. 21. In an action brought against the secretary, he is not personally liable to satisfy a judgment obtained in the action.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1122 Payment from fund; prohibited when damages paid or payable from insurance.

Sec. 22. (1) No payment shall be made out of the fund for payment of damages arising out of motor vehicle accidents occurring in this state prior to January 1, 1966.

(2) No payment shall be made out of the fund in respect to a claim or judgment for damages or in respect to a judgment against the secretary, of any amount paid or payable by an insurer by reason of the existence of a policy of insurance or of any amount paid or payable by any other person by reason of the existence of any policy, contract, agreement or arrangement, providing for the payment of compensation, indemnity or other benefits.

(3) No amount sought to be paid out of the fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of insurance, or in lieu of making a claim or receiving a payment that is payable by reason of the existence of any policy, contract, agreement or arrangement, providing for the payment of compensation, indemnity or other benefits, to which the claimant

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would be entitled in the absence of this act.

(4) In determining the amount which is payable from the fund under subsections (2) and (3) of this section and section 23, of this act, no consideration shall be given to any amount received or receivable by or paid or payable to or for the benefit of any person, under a policy of life insurance or under any policy, contract or agreement, providing for the payment of any hospital or medical expenses.

(5) No amount sought to be paid out of the fund shall be sought, directly or indirectly, for payment to or on behalf of any insurer or other person to reimburse or indemnify the insurer or such other person for any amount paid or payable by the insurer or such other person, by reason of the existence of any policy of insurance or any contract, agreement or arrangement, providing for the payment of any compensation, indemnity or other benefits.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965.

257.1123 Payments for injury, death, or property damage; limitations; recovery of excess payments.

Sec. 23. (1) In respect to applications under this act for payment of damages arising out of motor vehicle accidents occurring in this state on or after January 1, 1966, the secretary shall not pay out of the fund, (a) more than $20,000.00, exclusive of costs, on account of injury to or the death of 1 person, and, subject to such limit for any one person so injured or killed, not more than $40,000.00, exclusive of costs, on account of injury to or the death of 2 or more persons in any one accident; and (b) more than $10,000.00, exclusive of costs, for loss of or damage to property resulting from any one accident.

(2) Where any amount is recovered from any other source in partial discharge of the claim or judgment, or where a claim or judgment for damages is reduced by an amount paid or payable by an insurer or any other person, as provided in subsections (2) or (3) of section 22, then the limitations set forth in subsection 1 of this section shall be applicable to the excess of the claim or judgment over the amount by which the claim or judgment is partially satisfied or is reduced under subsections (2) or (3) of section 22. Any amount paid out of the fund in excess of the amount authorized by this section may be recovered by action brought by the secretary.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1965, Act 389, Imd. Eff. Oct. 25, 1965;—Am. 1971, Act 119, Eff. Oct. 1, 1971.

257.1124 Residence; date of determination.

Sec. 24. In this act, residence shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1125 Nonresident; payment from fund prohibited, exception.

Sec. 25. The secretary shall not pay out of the fund any amount in favor of a person who resides outside of this state unless the person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this act is afforded to residents of this state, but no payment shall include an amount that would not be payable by the law of the jurisdiction in which the person resides.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1126 Administration of act by secretary of state; employment of assistants; use of staff of attorney general; wages and professional fees, payment.

Sec. 26. The secretary may employ such office, clerical and professional help and claims investigators as is necessary to carry out the provisions of this act. The attorney general shall assign members of his staff to assist the secretary and may contract with such private attorneys as are necessary to defend actions against the fund. All wages and professional fees for services hereunder shall be charged to and payable from the fund.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1127 Administration of act; costs, payment; appropriation.

Sec. 27. All costs incurred by the secretary in the administration of this act shall be charged to and paid from the fund. There is appropriated from the motor vehicle accident claims fund sufficient amounts to make all payments for claims or judgments for damages which are proper and in accordance with the law governing such payments upon approval and audit of the department of state.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1968, Act 223, Eff. July 1, 1968.

257.1128 Claims or actions against fund; limitation.

Sec. 28. All claims or actions under which any person seeks to recover from the fund shall be filed or

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commenced within 3 years from the date of accident.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1129 Coverage by workmen's compensation law; recovery from fund; exception.

Sec. 29. Any person covered with respect to such injury or death by workmen's compensation law or the personal representative of such person shall not be permitted to recover from the fund except for property damage.

History: 1965, Act 198, Eff. Nov. 1, 1965;—Am. 1969, Act 103, Eff. Mar. 20, 1970.

257.1130 Practice and procedure in courts where application made; appeals.

Sec. 30. The practice and procedure of the supreme court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this act.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1131 Effective date of act.

Sec. 31. This act shall become effective November 1, 1965.

History: 1965, Act 198, Eff. Nov. 1, 1965.

257.1132 Total loss of vehicle; surrender of title, junking.

Sec. 32. When payment is made for property damage to a vehicle which payment represents the total value of the vehicle less the $200.00 deductible the secretary may require that the certificate of title of the vehicle be surrendered for cancellation as a junk vehicle. When the certificate of title is surrendered under this section the secretary shall issue a memorandum of title which will enable the owner of the vehicle to dispose of it as junk or salvage.

History: Add. 1969, Act 252, Imd. Eff. Aug. 11, 1969.

257.1133 Act inapplicable to accidents occurring after January 2, 1976.

Sec. 33. This act does not apply to accidents occurring after the effective date of this amendatory act.

History: Add. 1975, Act 322, Imd. Eff. Jan. 2, 1976.

AMBULANCES
Act 258 of 1968

257.1201-257.1217 Repealed. 1969, Act 260, Imd. Eff. Aug. 11, 1969;—1976, Act 330, Eff. Mar. 31, 1977.

AMBULANCES
Act 330 of 1976

257.1221-257.1238 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

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VEHICLE PROTECTION PRODUCT ACT
Act 263 of 2005

AN ACT to regulate warranties on motor vehicle protection products; to provide for the powers and duties of certain state officers and entities; and to prescribe civil sanctions.

History: 2005, Act 263, Eff. June 14, 2006.

The People of the State of Michigan enact:

257.1241 Short title.

Sec. 1. This act shall be known and may be cited as the "vehicle protection product act".

History: 2005, Act 263, Eff. June 14, 2006.

257.1243 Definitions.

Sec. 3. As used in this act:

(a) "Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state.

(b) "Department" means the department of labor and economic growth.

(c) "Incidental costs" means expenses specified in a warranty incurred by a warranty holder and related to the failure of a vehicle protection product to perform as provided in the warranty. Incidental costs may include, but are not limited to, insurance policy deductibles, rental vehicle charges, the difference between the actual value of a stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees.

(d) "Person" means an individual, partnership, corporation, limited liability company, association, or other legal entity.

(e) "Vehicle protection product" means a vehicle protection device, system, or service that is installed on or applied to a vehicle and is designed to prevent loss or damage to a vehicle from a specific cause. Except as provided in this subdivision, the term includes, but is not limited to, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches, and electronic, radio, and satellite tracking devices. The term does not include a vehicle protection device, system, or service that is installed on or applied to a vehicle by the vehicle manufacturer at the vehicle assembly facility.

(f) "Vehicle protection product warrantor" or "warrantor" means a person that is contractually obligated to a warranty holder under the terms of a vehicle protection product warranty agreement. Warrantor does not include an insurer regulated under the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

(g) "Vehicle protection product warranty" or "warranty" means a written agreement by a warrantor that provides if a warranted product fails to prevent loss or damage to a vehicle from a specific cause covered by the warranty, the warrantor shall pay the warranty holder specified incidental costs that result from the failure of the warranted product to perform.

(h) "Warranted product" means a vehicle protection product covered by a written warranty.

(i) "Warranty holder" means a person who purchases a warranted product or who is a permitted transferee.

(j) "Warranty reimbursement insurance policy" means a policy of insurance that is issued to a vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of an insured vehicle protection product warranty sold by a warrantor.

History: 2005, Act 263, Eff. June 14, 2006.

257.1245 Sale of warranted product; compliance required; exception.

Sec. 5. (1) A person shall not sell or offer for sale a warranted product in this state unless the seller, warrantor, and any administrator comply with the provisions of this act.

(2) A vehicle protection product warrantor, a seller of a warranted product, or an administrator that complies with this act is not required to comply with and is not subject to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302.

History: 2005, Act 263, Eff. June 14, 2006.

257.1247 Notice; form; filing; contents; availability to public; fee; failure to file notice; exception.

Sec. 7. (1) A person may not act as a warrantor or represent to the public that the person is a warrantor

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unless the person files a notice with the department, on a form prescribed by the department, that contains all of the following information:

(a) The warrantor's name, any assumed or fictitious names under which the warrantor does business in this state, and the warrantor's principal office address and telephone number.

(b) The name and address of the warrantor's designated agent for service of process in this state if it is not the warrantor.

(c) The names of the warrantor's executive officer or officers directly responsible for the warrantor's warranted product business.

(d) The name, address, and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state.

(e) A copy of the warranty reimbursement insurance policy or policies or other financial information required in section 9.

(f) A copy of each warranty the warrantor proposes to use in this state.

(g) A statement indicating that the warrantor qualifies to do business in this state as a warrantor under section 9.

(2) The department shall make the information described in subsection (1)(a) and (b) available to the public.

(3) The department may charge each warrantor a reasonable fee to offset the cost of processing a notice and maintaining the records. The fee shall not exceed $250.00 per year.

(4) If a warrantor fails to file a notice by the renewal deadline established by the department, the department shall give the warrantor written notice of the failure and the warrantor has 30 days to file its completed notice before the warrantor is suspended from acting as a warrantor in this state.

(5) An administrator or person who sells or solicits a sale of a warranted product but who is not a warrantor is not required to file a notice under this section or be licensed under the insurance laws of this state to sell warranted products.

History: 2005, Act 263, Eff. June 14, 2006.

257.1249 Warranty reimbursement insurance policy; other financial security requirements or financial standards not required; additional requirements.

Sec. 9. (1) Every warranted product sold or offered for sale in this state shall have a warranty reimbursement insurance policy guaranteeing the warrantor's obligations under the warranty to the warranty holder. The department shall not require any other financial security requirements or financial standards from a warrantor.

(2) In addition to the requirements described in section 11, a warranty reimbursement insurance policy provided by a vehicle protection product warrantor for purposes of subsection (1) must meet all of the following:

(a) Be filed with the department.

(b) Provide that the insurer will reimburse or pay on behalf of the warrantor all covered sums that the warrantor is legally obligated to pay or will provide all services the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty.

(c) Provide that if payment due under the warranty is not provided by the warrantor within 60 days after the warranty holder files proof of loss according to the terms of the warranty, the warranty holder may file proof of loss directly with the warranty reimbursement insurance company for reimbursement.

(d) Provide that the premium for the policy is considered paid if the warranty holder paid for the warranted product and the insurer's liability under the policy is not reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer.

(e) Contain all of the following provisions regarding cancellation of the policy:

(*i*) That the issuer of the reimbursement insurance policy shall not cancel that policy until a notice of cancellation in writing has been mailed or delivered to the department and each insured warrantor.

(*ii*) That the cancellation of the reimbursement insurance policy shall not reduce the issuer's responsibility for warranted products sold before the date of cancellation.

(*iii*) That if an insurer cancels a policy that a warrantor has filed with the department, the warrantor shall do 1 of the following:

(A) File a copy of a new policy with the department before the termination of the prior policy so there is no lapse in the warranty holder's coverage after the termination of the prior policy.

(B) Discontinue acting as a warrantor as of the termination date of the policy until a new policy becomes effective and is accepted by the department.

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History: 2005, Act 263, Eff. June 14, 2006.

257.1251 Requirements.

Sec. 11. (1) A person shall not sell or offer for sale in this state a warranted product unless the warranty on the vehicle protection product meets all of the following requirements:

(a) Is written in clear, understandable language and is printed or typed in easy-to-read type, size, and style.

(b) Conspicuously states that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy.

(c) Conspicuously states that if a warranty holder must make a claim against a party other than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within 60 days after proof of loss has been filed with the warrantor.

(d) Conspicuously states the name and address of the issuer of the warranty reimbursement insurance policy.

(e) Identifies the warrantor, the seller, and the warranty holder.

(f) Contains the total purchase price for the warranty. However, the parties may negotiate the purchase price at the time of sale and it is not required that the purchase price be preprinted on the warranty.

(g) Describes the procedure for making a claim, including a telephone number.

(h) Conspicuously states the existence of any deductible amount.

(i) Specifies the payments or performance provided under the warranty, including, but not limited to, any payments for incidental costs, the manner of calculation or determination of payments or performance, and any limitations, exceptions, or exclusions.

(j) Describes the conditions under which substitution of parties or performance is allowed.

(k) Conspicuously sets forth all of the obligations and duties of the warranty holder, including, but not limited to, any duty to protect against any further damage to the vehicle, the obligation to notify the warrantor in advance of any repair, or any other similar requirements.

(*l*) Sets forth any terms, restrictions, or conditions governing any right to transfer the warranty.

(m) Contains a disclosure that reads substantially as follows: "This agreement is a product warranty and is not insurance.".

(2) At the time of sale, the seller or warrantor shall provide 1 of the following to the purchaser:

(a) A copy of the vehicle protection product warranty.

(b) A receipt or other written evidence of the purchase of the warranted product. A warrantor or seller that provides a receipt or other evidence under this subdivision shall provide the purchaser with a copy of the warranty within 30 days after the date of purchase.

History: 2005, Act 263, Eff. June 14, 2006.

257.1253 Cancellation of sale and warranty; terms and conditions; notice.

Sec. 13. (1) A person shall not sell or offer for sale in this state a warranted product unless the vehicle protection product warranty clearly states any terms and conditions governing the cancellation of the sale and warranty.

(2) A warrantor may only cancel a warranty if the warranty holder does any of the following:

(a) Fails to pay for the warranted product.

(b) Makes a material misrepresentation to the seller or warrantor.

(c) Commits fraud.

(d) Substantially breaches the warranty holder’s duties under the warranty.

(3) A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last address of the warranty holder in the warrantor’s records at least 30 days before the effective date of a cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation.

History: 2005, Act 263, Eff. June 14, 2006.

257.1255 Prohibited conduct.

Sec. 15. (1) Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts, or literature any of the words "insurance", "casualty", "surety", or "mutual" or any other words descriptive of the insurance, casualty, or surety business or use any name or words in its name that are deceptively similar to the name or description of any insurer or surety or any other vehicle protection product warrantor. However, a warrantor may use the term "guaranty" or a similar word in the warrantor’s name.

(2) A vehicle protection product warrantor shall not make, permit, or cause any false or misleading statements, either oral or written, in connection with the sale, offer to sell, or advertisement of a warranted

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product.

(3) A vehicle protection product warrantor shall not permit or cause the omission of any material statement in connection with the sale, offer to sell, or advertisement of a warranted product, which under the circumstances the warrantor should make in order to make the statements in the warranty not misleading.

(4) A vehicle protection product warrantor shall not make, permit, or cause any false or misleading statements, either oral or written, about the performance required or payments that are available under the vehicle protection product warranty.

(5) A vehicle protection product warrantor shall not make, permit, or cause any statement or practice that has the effect of creating or maintaining a fraud.

(6) A warranted product seller or warrantor may not require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a warranted product that is not installed on the motor vehicle at the time of sale.

History: 2005, Act 263, Eff. June 14, 2006.

257.1257 Accounts, books, and records.

Sec. 17. (1) A vehicle protection product warrantor shall keep accurate accounts, books, and records concerning transactions regulated under this act.

(2) A vehicle protection product warrantor's accounts, books, and records shall include all of the following:

(a) Copies of all vehicle protection product warranties.

(b) The name and address of each warranty holder.

(c) The dates, amounts, and descriptions of all receipts, claims, and expenditures.

(3) A vehicle protection product warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least 2 years after the specified period of coverage has expired. A warrantor discontinuing business in this state shall maintain its records until it furnishes the department satisfactory proof that it has discharged all obligations to warranty holders in this state.

(4) A vehicle protection product warrantor shall make its accounts, books, and records concerning transactions regulated under this act available to the department for the purpose of examination.

History: 2005, Act 263, Eff. June 14, 2006.

257.1259 Rules; promulgation.

Sec. 19. The department may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, necessary to implement and administer this act. The rules may include disclosure requirements for the benefit of warranty holders, record-keeping requirements, and procedures for public complaints.

History: 2005, Act 263, Eff. June 14, 2006.

257.1261 Applicability of act.

Sec. 21. Each of the following applies concerning the applicability of this act:

(a) This act applies to all warranted products sold or offered for sale on or after the effective date of this act.

(b) The failure of any person to comply with this act before its effective date is not admissible in any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected warranted product is unlawful or otherwise improper. This subdivision does not limit the availability of any claim or cause of action for a violation of any other state or federal law.

History: 2005, Act 263, Eff. June 14, 2006.

257.1623 Enforcement; powers of attorney general.

Sec. 23. The attorney general has all of the following enforcement powers with respect to a person that violates this act:

(a) To bring an action for a temporary or permanent injunction in the manner provided in section 5 of the Michigan consumer protection act, 1976 PA 331, MCL 445.905.

(b) To accept an assurance of discontinuance in the manner provided in section 6 of the Michigan consumer protection act, 1976 PA 331, MCL 445.906.

(c) To apply for the issuance of subpoenas in the manner provided in sections 7 and 8 of the Michigan consumer protection act, 1976 PA 331, MCL 445.907 and 445.908.

(d) To bring a class action in the manner provided in section 10 of the Michigan consumer protection act,

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1976 PA 331, MCL 445.910.

History: 2005, Act 263, Eff. June 14, 2006.

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MOTOR VEHICLE SERVICE AND REPAIR ACT
Act 300 of 1974

AN ACT to regulate the practice of servicing and repairing motor vehicles; to proscribe unfair and deceptive practices; to provide for training and certification of mechanics; to provide for the registration of motor vehicle repair facilities; to provide for enforcement; and to prescribe penalties.

History: 1974, Act 300, Eff. Apr. 1, 1975.

The People of the State of Michigan enact:

257.1301 Short title.

Sec. 1. This act shall be known and may be cited as the "motor vehicle service and repair act".

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1302 Definitions.

Sec. 2. As used in this act:

(a) "Administrator" means the secretary of state or any person designated by him or her to act in his or her place.

(b) "Department" means the department of state.

(c) "Master mechanic" means a motor vehicle mechanic or specialty mechanic who is certified by the department pursuant to this act in all of the specific repair categories.

(d) "Motor vehicle" means a vehicle which is self-propelled, a vehicle which is propelled by electric power, a motorcycle, or a trailer as those terms are defined in the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws. For the purposes of this act, a motor vehicle does not include the dwelling or sleeping portions of a motor home, trailer, or any recreational vehicle having similar facilities which are not directly connected with the drive mechanism of the vehicle or other areas of repair which would require certification of motor vehicle mechanics as specified in this act or rules promulgated pursuant to this act.

(e) "Motor vehicle mechanic" means a technician, individual, or other person who, for compensation, repairs motor vehicles, including the reconditioning, replacement, adjustment, or alteration of the operating condition, of any component or subassembly of a motor vehicle.

(f) "Mechanic trainee" means a person who desires to become a motor vehicle mechanic, a specialty mechanic, or a master mechanic and receives a permit from the administrator pursuant to this act.

(g) "Motor vehicle repair facility" means a place of business which engages in the business of performing or employing persons who perform maintenance, diagnosis, vehicle body work, or repair service on a motor vehicle for compensation, but excluding all of the following:

(*i*) A person who engages only in the business of repairing the motor vehicles of a single commercial or industrial establishment or governmental agency.

(*ii*) A person repairing his or her own or a family member's car.

(*iii*) A business that does not diagnose the operation of a motor vehicle, does not remove parts from a motor vehicle to be remachined, and does not install finished machined or remachined parts on a motor vehicle, not including a motor vehicle repair facility that engages in the business of performing or employing persons who perform vehicle body work.

(h) "Specialty mechanic" means a motor vehicle mechanic who is certified by the department for a specific repair category or categories pursuant to this act.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976;—Am. 1988, Act 254, Eff. Oct. 1, 1989.

257.1302a Additional definitions.

Sec. 2a. As used in this act:

(a) "Distressed vehicle" means that term as defined in section 12a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.12a of the Michigan Compiled Laws.

(b) "Facility" means a motor vehicle repair facility.

(c) "Late model vehicle" means that term as defined in section 24b of Act No. 300 of the Public Acts of 1949, being section 257.24b of the Michigan Compiled Laws.

(d) "Major component part" means 1 of the following parts of a motor vehicle:

(*i*) The engine.

(*ii*) The transmission.

(*iii*) The right or left front fender.

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(*iv*) The hood.

(*v*) A door allowing entrance to or egress from the passenger compartment of the vehicle.

(*vi*) The front or rear bumper.

(*vii*) The right or left rear quarter panel.

(*viii*) The deck lid, tailgate, or hatchback.

(*ix*) The trunk floor pan.

(*x*) The cargo box of a pickup.

(*xi*) The frame, or if the vehicle has a unitized body, the supporting structure or structures that serve as the frame.

(*xii*) The cab of a truck.

(*xiii*) The body of a passenger vehicle.

(e) "Salvageable part" means a major component part of a late model vehicle or a vehicle manufactured in the current model year, if the part can be reused.

(f) "Vehicle body work" means the business or activity of repairing physical damage to a motor vehicle by repairing, mending, straightening, or replacing a major component part, except for the engine or transmission.

History: Add. 1988, Act 254, Eff. Oct. 1, 1989.

257.1303 Act inapplicable to gasoline service stations exclusively engaged in selling motor fuel and lubricants; minor services subject to act; exception.

Sec. 3. Unless the means of doing or engaging in a motor vehicle repair business including the operating of a motor vehicle repair facility is adopted for the purposes of evading this act, and except as otherwise provided in this act, this act shall not apply to gasoline service stations exclusively engaged in the business of selling motor fuel and lubricants. A person or facility providing minor services, including but not limited to: the changing or installing of light bulbs, tires, lamp globes, batteries, air filters, oil filters, windshield wiper blades, fan or power assist belts or lubrication or oil changes and other minor or ornamental accessories or activities incidental to the business of selling motor fuel and lubricants is hereby declared a motor vehicle repair facility and is subject to this act except that those employees performing only minor repairs need not be certified under this act.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1304 Act inapplicable to certain persons.

Sec. 4. Unless the act or practice of repairing, servicing, reconditioning, or engaging in the activity of a master or specialty mechanic is adopted for the purposes of evading this act, this act shall not apply to a person who:

(a) Repairs, replaces, reconditions, adjusts, analyzes, diagnoses, or alters the operating condition of his or her own or a family member's motor vehicle and for which there is evidence of ownership of that motor vehicle.

(b) Is a master or specialty mechanic, a motor vehicle mechanic, a mechanic trainee, or technician who is in the full-time employ of an automotive manufacturer and is engaged solely in that capacity on motor vehicles owned by or being produced by the manufacturer.

(c) Engages solely in the business of repairing the motor vehicles for compensation of a single commercial, industrial, or governmental establishment, or 2 or more establishments related by common ownership or corporate affiliation.

(d) Engages solely in the business of repairing, replacing, reconditioning, adjusting, analyzing, diagnosing, or altering the operating condition of a motor vehicle or trailer not required to be registered and not titled under Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws. The state treasurer shall reimburse a person exempted under this subdivision money paid by the person as a registration fee or renewal registration fee under section 30.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976;—Am. 1980, Act 151, Imd. Eff. June 10, 1980.

257.1305 Motor vehicle repair facility; certified specialty or master mechanic required; inspection and approval of work performed by noncertified mechanic; waiver.

Sec. 5. (1) Effective December 31, 1977, all motor vehicle repair facilities must have at least 1 specialty or master mechanic in its employ certified in each category of repair which it provides.

(2) After January 1, 1978 any work concerning major service or repair performed by a noncertified mechanic shall be inspected and approved by 1 who is certified in the pertinent specialty.

(3) Effective December 31, 1980, a person shall not engage in the business or activity of a specialty or

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master mechanic unless the person is certified pursuant to this act.

(4) Following December 31, 1977, if a customer voluntarily requests services or parts for the repair of a motor vehicle without delay, due to an emergency, from a repair facility in a repair category for which that facility does not have a master or specialty mechanic, that facility may obtain from the customer a waiver of the customer's rights to have the repair work performed by a master or specialty mechanic. The waiver shall be executed in duplicate with 1 copy to be given to the customer requesting the repairs and shall read as follows:

"_____(customer) has voluntarily requested

_____(repair person) of _____(facility) to provide services

or parts in the repair of the below described motor vehicle because of an emergency and thereby waives any claim or cause of action he may have against either

_____(repair person) or _____(facility) as a result.

Motor vehicle description:

Customer signature _____

Dated _____

Time _____ ."

(5) This waiver shall not be effective unless given by the customer voluntarily and with the knowledge of the implications of the waiver. A motor vehicle repair facility or anyone in its employ, including a specialty or master mechanic or mechanic trainee shall not make use of the waiver of liability in an attempt to evade this act.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1306 Motor vehicle repair facility; registration required.

Sec. 6. Unless the act or practice is otherwise exempt by this act, a person shall not engage in the business or activity of a motor vehicle repair facility unless the person registers the facility with the administrator pursuant to this act.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1307 Unfair or deceptive practices prohibited.

Sec. 7. A person subject to this act shall not engage or attempt to engage in a method, act, or practice which is unfair or deceptive.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1308 Administration of act; nonaffiliation with facility.

Sec. 8. The secretary of state or his designee shall administer this act. A person designated by the secretary of state to act in his place shall not be affiliated with a motor vehicle repair facility.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1309 Powers and duties of administrator; rules.

Sec. 9. The administrator shall:

(a) Certify master and specialty mechanics and issue permits to mechanic trainees subject to this act.

(b) Register motor vehicle repair facilities subject to this act.

(c) Keep a complete register of motor vehicle repair facilities, which shall be open to public inspection at the office of the secretary of state.

(d) Keep an accurate listing by name and by certificate number of each specialty and master mechanic certified by the administrator at the office of the secretary of state.

(e) Engage in a public information program to inform the public of their rights and remedies under this act.

(f) Inform registered motor vehicle repair facilities at least annually of the rules promulgated pursuant to this act, of representative disciplinary hearings, orders, or judgments issued or obtained by the administrator, and suspensions or revocations of registrations or licenses. A motor vehicle repair facility shall inform the mechanics in its employ of these actions.

(g) Establish procedures for receiving complaints relating to alleged violations of this act or rules promulgated pursuant to this act.

(h) Establish and collect fees for certification examinations administered by the administrator.

(i) Promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

The rules shall include but not be limited to:

(*i*) Definitions of unfair and deceptive practices.

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(*ii*) Definitions of minor repair services.

(*iii*) Criteria for determining the competency of specialty and master mechanics, as a prerequisite to continued certification under this act.

(*iv*) Definition of repair categories for the certification of specialty and master mechanics.

(*v*) Other rules as are necessary to implement this act.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.

257.1310 Certification as specialty mechanic; repair categories for which certification required; certification fee; examination; qualification for master mechanic's certificate.

Sec. 10. (1) A person may become certified as a specialty mechanic if that person has passed an examination, developed by the administrator or developed by a private entity and adopted by the administrator, that the administrator determines is an adequate test of a person's ability to perform certain types of motor vehicle repair. The repair categories for which certification is required include the following and others that may be specified by rule:

(a) Engine repair.

(b) Automatic transmission.

(c) Manual transmission and rear axle.

(d) Front end.

(e) Brakes.

(f) Electrical systems.

(g) Heating and air conditioning.

(h) Engine tune-up.

(i) Pre-1973 motor vehicle, subject to subsection (3).

(2) A person may apply for a specialty mechanic's certificate in any or all repair categories but shall be required to pay only 1 certification fee if the person makes the applications for more than 1 category at 1 time.

(3) Within 90 days after the effective date of the amendatory act that added this subsection, the administrator shall develop or adopt an examination for specialty mechanic certification in the repair category described in subsection (1)(i) for an individual engaged, for compensation, in the repair of a motor vehicle manufactured before 1973 or the reconditioning, replacement, adjustment, or alteration of the operating condition of any component or subassembly of a motor vehicle manufactured before 1973.

(4) A person may apply for and receive a master mechanic's certificate if that person is qualified as a specialty mechanic in all categories of motor vehicle repair except that the specialty category described in subsection (1)(i) is not necessary for a master mechanic's certificate.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 2000, Act 366, Imd. Eff. Jan. 2, 2001.

257.1311 Application for specialty or master mechanic's certificate; form; contents.

Sec. 11. Before a person offers to engage in or engages in employment as a specialty or master mechanic, that person shall apply for and receive a certificate for that employment from the department. Application for a specialty or master mechanic's certificate shall be made on a form provided by the department and shall include:

(a) The name and home address of the applicant.

(b) The repair category or categories for which the applicant is applying and the results of the required examinations.

(c) The number of years the applicant has worked as a motor vehicle mechanic for compensation and the education or training he has had to prepare him for work as a motor vehicle mechanic, specialty mechanic, or master mechanic.

(d) The states or jurisdictions in which the applicant is licensed or certified to work as a motor vehicle mechanic, specialty mechanic, or master mechanic.

(e) A copy of an irrevocable appointment of the secretary of state as the applicant's agent for service of process.

(f) Other relevant information as the administrator shall require.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1312 Examination.

Sec. 12. An applicant shall be required to have passed an examination which is designed to test the competency to correctly diagnose and repair motor vehicles in the specific category for which the applicant is applying. The examination shall be written or oral or practical. The administrator shall review examinations

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that are being given by private or public agencies, including the department of education. If the administrator approves an agency for the purposes of administering examinations, the prospective applicant may take the examination and the testing agency shall forward the results to the administrator for review and verification or the prospective applicant may take such examination as may be developed and given by the administrator.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1313 Mechanic trainee permit; supervision of mechanic trainee; mechanic trainee training.

Sec. 13. If a person is unable to obtain a certificate as a specialty or master mechanic as provided in this act, and that person desires to become a specialty or master mechanic, he may make application for a mechanic trainee permit on the form prescribed or approved by the administrator. The administrator shall issue or approve a mechanic trainee permit to an applicant who qualifies under the rules promulgated for that purpose. A person who qualifies as a mechanic trainee may retain that status for a period of not more than 2 years. A mechanic trainee employed by a motor vehicle repair facility shall be required to work under the direct supervision of a specialty or master mechanic during the full time of his employment. The administrator shall by rule establish and operate a mechanic trainee training program designed to provide the training necessary to become certified under this act. Instead of establishing and operating the program, the administrator may appoint schools, academies, or other similar establishments to engage in mechanic trainee training if those establishments, schools, or academies meet the criteria established by the administrator, after consultation with the department of education and the United States department of labor, bureau of apprenticeship and training. The establishments may be designated by the administrator to engage in a continuing education and training program for specialty and master mechanics.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1314 Registration form; contents.

Sec. 14. A motor vehicle repair facility shall be registered by the owner on a registration form provided by the administrator, which shall disclose the following information:

(a) The name, address, and form of ownership of the facility, and for a corporation, the date and place of incorporation.

(b) The name and address of each of its resident agents, officers, directors, and partners in the state.

(c) The principal occupation for the past 5 years of every officer, director, and partner, and each owner of 10% or more of the facility, and any person occupying a similar status or performing similar functions.

(d) A description of the repair facility to be registered as specified by rule.

(e) An irrevocable appointment of the secretary of state as the agent for the facility for service of process.

(f) A copy of the documents, instruments, forms, contracts, or other papers known to be used by the applicant in dealing with the public in the repair of motor vehicles as specified by rule.

(g) Other relevant information as the administrator shall require.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1315 Single registration form for more than 1 facility; contents; fees.

Sec. 15. A business maintaining more than 1 motor vehicle repair facility shall file a single registration form annually, which along with the other information required by this act, clearly indicates the location of and the individual in charge of each facility. Fees shall be paid separately for each location.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1316 Change in name or address of facility; notice; making change in renewal registration.

Sec. 16. If a name or address of the motor vehicle repair facility changes, not involving a change of ownership, the facility shall notify the administrator in writing of the change. Appropriate changes should be made on the renewal registration when due.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1317 Inspections; time; announced and unannounced; violations.

Sec. 17. (1) The registered facility or a facility required to be registered under this act shall be open to inspection by the administrator and other law enforcement officials during reasonable business hours. During reasonable business hours, the administrator and other law enforcement officials may make periodic unannounced inspections of the premises, parts records, and parts inventories of facilities.

(2) A person who hinders, obstructs, or otherwise prevents an inspection is in violation of this act.

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History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1988, Act 254, Eff. Oct. 1, 1989;—Am. 2002, Act 464, Imd. Eff. June 21, 2002.

257.1318 Records; contents; police book; dealer's license required.

Sec. 18. (1) A facility shall maintain reasonable records as are required by rules promulgated to carry out this act. The records shall be open for reasonable inspection by the administrator or other law enforcement officials and shall be maintained by the facility for not less than 5 years.

(2) A facility that engages in vehicle body work shall maintain records in a form prescribed by the administrator. The records shall contain the date of purchase or acquisition of each distressed vehicle, a description of the vehicle, and the name and address of the person from whom the vehicle was acquired. If the vehicle is sold, the record shall contain the date of sale and the name and address of the purchaser. The record shall indicate whether a certificate of title or salvage certificate of title was obtained by the facility. In the case of a late model vehicle, a record of the purchase or sale of each major component part purchased or acquired shall be maintained by the facility. The record shall contain the date of purchase or acquisition of the part, a description of the part, the identification number assigned to the part, and the name and address of the person to or from whom the part was purchased, acquired, or sold. The record of the sale, purchase, or acquisition of a major component part shall be maintained in or attached to a police book as described in section 251 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.251 of the Michigan Compiled Laws. The facility's police book and the records of vehicle part sales, purchases, or acquisitions shall immediately be made available for inspection by the administrator and other law enforcement officials after a request for inspection is made.

(3) Nothing in this section shall authorize a facility to engage in the business of dealing in vehicles or salvageable parts without a dealer's license.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1988, Act 254, Eff. Oct. 1, 1989.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.

257.1318a Records of air bag sales, purchases, or acquisitions; period of time records required to be maintained.

Sec. 18a. (1) A facility that repairs or replaces air bags in a motor vehicle shall maintain a record of the purchase or sale of each used or reconditioned air bag purchased or acquired by the facility. The record shall contain the date of purchase or acquisition of each air bag, a description of each air bag, the identification number assigned to each air bag, and the name and address of the person to or from whom each air bag was purchased, acquired, or sold. The record of the sale, purchase, or acquisition of each air bag shall be maintained in or attached to a police book as described in section 251 of the Michigan vehicle code, 1949 PA 300, MCL 257.251. The facility's police book and the records of air bag sales, purchases, or acquisitions shall immediately be made available for inspection by the administrator and other law enforcement officials after a request for inspection is made.

(2) Records required under this section shall be maintained by the facility for not less than 5 years.

History: Add. 1997, Act 9, Imd. Eff. May 16, 1997.

257.1319 Obtaining duplicate copy of registration, certificate, or permit.

Sec. 19. In the event of loss, destruction, or mutilation of a registration, certificate, or permit, the person to whom it was issued may obtain a duplicate copy upon furnishing satisfactory proof of the loss, destruction, or mutilation and paying the fee as determined by rule.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1320 Renewal of registrations, certificates, and permits.

Sec. 20. Registrations and certificates including mechanic trainee permits shall be renewed as determined by rule.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1321 Cease and desist order.

Sec. 21. (1) If the administrator determines after notice and a hearing that a person has violated this act or a rule promulgated pursuant to it, or engaged in an unfair or deceptive method, act, or practice, directly or through an agent or employee, he may issue an order requiring the person to cease and desist from the unlawful act or practice or to take such affirmative action as in the judgment of the administrator will carry out the purposes of this act.

(2) If the department makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, it may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the administrator when possible by telephone or otherwise shall give notice of the

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proposal to issue a temporary cease and desist order to the facility. A temporary cease and desist order shall include in its terms a provision that upon request a hearing shall be held within 30 days to determine whether or not the order shall become permanent.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1321a Summary suspension of registration, certificate, or mechanic trainee permit; affidavit; hearing; setting aside, continuing, or modifying order of summary suspension.

Sec. 21a. (1) The administrator may order a summary suspension of a registration, certificate, or mechanic trainee permit pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, upon an affidavit by a person familiar with the facts set forth in the affidavit that there is a violation of 1 or more of the following:

(a) Section 17.

(b) Section 18.

(c) Section 2 of Act No. 119 of the Public Acts of 1986, being section 257.1352 of the Michigan Compiled Laws.

(2) The facility or mechanic to whom the order is directed may apply to the administrator and shall be granted a hearing within 30 days of application pursuant to Act No. 306 of the Public Acts of 1969.

(3) At the hearing, the order of summary suspension shall be set aside, continued, or modified.

History: Add. 1988, Act 254, Eff. Oct. 1, 1989.

257.1322 Denial, suspension, or revocation of registration, certificate, or mechanic trainee permit; grounds; notice and hearing.

Sec. 22. The administrator may deny, suspend, or revoke a registration, certificate, or mechanic trainee permit after notice and opportunity for a hearing if the administrator determines that the facility, mechanic, or trainee did 1 or more of the following:

(a) Engaged in a method, act, or practice that is unfair or deceptive or made an untrue statement of a material fact.

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

(c) Violated a condition of probation.

(d) Made unnecessary repairs or repairs not authorized by the customer.

(e) Refused to honor warranties made by a facility.

(f) Caused or allowed a customer to sign a document in blank relating to the repair of a motor vehicle.

(g) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of repairing motor vehicles or from a violation of this act or a rule promulgated under this act.

(h) If the applicant is a corporation or partnership, a stockholder, officer, director, or partner of the applicant was guilty of an act or omission that would be a cause for refusing, revoking, or suspending a license issued to the officer, director, or partner as an individual.

(i) Failed to comply with the terms of a final cease and desist order.

(j) Was convicted of a violation of this act.

(k) Used the waiver of liability provision in an attempt to evade this act.

(*l*) Was convicted of a violation of Act No. 119 of the Public Acts of 1986, being sections 257.1351 to 257.1355 of the Michigan Compiled Laws.

(m) Was convicted under section 413, 415, 535, 535a, or 536a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.413, 750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled Laws, or has been convicted in another state of a violation of a law substantially corresponding to sections 413, 415, 535, 535a, 536, and 536a of the Michigan penal code, Act No. 328 of the Public Acts of 1931.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976;—Am. 1988, Act 254, Eff. Oct. 1, 1989.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.

257.1323 Action by attorney general or county prosecutor.

Sec. 23. If it appears that a person has engaged, is engaging, or is about to engage in a method, act, or practice in violation of this act or the rules promulgated hereunder, the attorney general or county prosecutor, may after receiving notice of an alleged violation of this act, with or without prior administrative proceedings having occurred, bring an action in the name of the people of this state to enjoin that method, act, or practice. The action shall be brought in the county where the person resides, or does business. If a person is not established in any one county, the action may be brought in Ingham county. Upon a proper showing, temporary or permanent injunctions may be issued including the appointment of a receiver or conservator.

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The state is not required to post a bond in a court proceeding. In addition the court may suspend or revoke a registration, certificate, or permit.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1324 Notice of alleged violation.

Sec. 24. The attorney general or prosecuting attorney after receiving notice of an alleged violation of this act or a violation of an injunction, order, decree or judgment issued in an action brought pursuant to this act or an assurance under this act shall immediately forward written notice of the alleged violation together with any information he may have to the office of the administrator.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1325 Action by administrator not restricted by expiration or absence of registration, certificate, or permit.

Sec. 25. The expiration or absence of a registration, certificate, or permit of a facility or person shall not restrict the administrator from proceeding with an investigation, petition, disciplinary proceeding, or other action authorized by this act against a facility or person.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1326 Public or private investigation by administrator; additional powers of administrator.

Sec. 26. (1) The administrator shall on his own initiative or in response to complaints, make reasonable and necessary public or private investigations within or outside of this state and gather evidence against a person who violated or is about to violate this act or a rule or order hereunder.

(2) The administrator may:

(a) Require or permit a person to file a statement in writing or otherwise as the administrator determines as to all the facts and circumstances concerning the matter to be investigated.

(b) Mediate disputes between parties arising from violations of this act or an administrative rule.

(c) Develop conditions of probation or operation for the facility or mechanic mutually agreed upon and signed by the facility or the mechanic and the administrator instead of further disciplinary proceedings.

(d) On his own initiative, conduct spot check investigations of motor vehicle repair facilities registered or required to be registered throughout the state on a continuous basis to determine whether or not the facility is in compliance with this act and rules promulgated hereunder. The administrator may not alter the odometer on a vehicle employed in such investigations or deliberately misrepresent the condition of the vehicle.

(e) Conduct mechanical and diagnostic examinations of vehicles when there are reasonable grounds to believe that an unlawful act or practice was used to produce the repair or to make the repair.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1327 Voluntary assurance of discontinuance of alleged violation.

Sec. 27. In mediating a dispute between parties contesting a violation of this act or administrative rule, the administrator may take from a motor vehicle repair facility a voluntary assurance that the facility will discontinue an alleged violation of this act or an administrative rule. The assurance shall be filed in the records of the administrator, shall be open for public inspection, and shall not constitute on the part of the facility making the assurance an admission of any issue of law or fact. The assurance subject to agreement by all parties, may contain provisions whereby:

(a) The facility will refund to an individual consumer an amount of money agreed upon by the parties.

(b) A facility shall take such affirmative action as is appropriate in the judgment of the administrator to correct an alleged violation of this act or a rule.

(c) A facility shall place in escrow a sum of money for the purposes of restitution to an aggrieved consumer pending the outcome of an action pursuant to this act. If the facility accepts the administrator's suggestions and performs accordingly, that fact shall be given due consideration in any subsequent disciplinary proceeding. The assurance shall constitute a contract which may be enforced by the parties in the circuit court upon application being made to the court for that purpose.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1328 Oaths or affirmations; subpoena; order compelling compliance; contempt.

Sec. 28. (1) For the purpose of an investigation or proceeding under this act, the administrator or an officer designated by him may administer oaths or affirmations, and upon motion of the attorney general or upon the motion of a party to a proceeding, make application to the circuit court for Ingham county for a subpoena, and if in the judgment of the court there is reasonable grounds to believe a subpoena should be issued, the court

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shall issue a subpoena to compel the attendance of the designated person, take evidence, or require the production of any matter which is relevant to the investigation or proceeding before the administrator or other officer conducting a proceeding.

(2) Upon failure to obey a subpoena of the court or to answer questions propounded by the administrator or other officer conducting the investigation or proceeding, after reasonable notice to the persons affected thereby, an application may be made to the circuit court for Ingham county for an order compelling compliance. Failure to comply with the order of the court shall be punished as a contempt.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1329 Service of process.

Sec. 29. If a person, including a nonresident of this state, engages in conduct prohibited by this act or a rule or order and has not filed an irrevocable appointment of the secretary of state as an agent for service of process, and personal jurisdiction over him cannot otherwise be obtained in this state, the conduct itself authorizes the administrator to receive service of process in a noncriminal proceeding against that person or his successor, if that proceeding originates in conduct that is a violation of this act or an administrative rule hereunder. The service shall have the same force and validity as if served on the person personally.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1330 Fees; duration of original and renewal registrations, certificates, and permits.

Sec. 30. (1) The registration fee for the registration of a facility shall be determined by a sliding fee scale based upon the gross annual revenue of the facility as follows:

GROSS ANNUAL REVENUE	FEE
under $5,000.00	$ 25.00
$5,001.00 to $15,000.00	50.00
$15,001.00 to $25,000.00	75.00
$25,001.00 to $40,000.00	100.00
$40,001.00 to $60,000.00	125.00
$60,001.00 to $80,000.00	150.00
$80,001.00 to $100,000.00	175.00
$100,001.00 to 120,000.00	200.00
$120,001.00 to 140,000.00	225.00
$140,001.00 to $160,000.00	250.00
$160,001.00 to $180,000.00	275.00
$180,001.00 to $200,000.00	300.00
$200,001.00 to $220,000.00	325.00
$220,001.00 to $240,000.00	350.00
$240,001.00 to $260,000.00	375.00
$260,001.00 to $280,000.00	400.00
$280,001.00 to $300,000.00	425.00
$300,001.00 to $320,000.00	450.00
$320,001.00 to $340,000.00	475.00
over $340,000.00	500.00

(2) The certificate fee for the certification of specialty and master mechanics and the permit fee of mechanic trainees shall be set by rule.

(3) The fee for the renewal of the registration of a facility, certification of a specialty or master mechanic, including a permit of a mechanic trainee shall be set by rule. The effective length of original and renewal registrations, certificates, and permits shall be set by rule and shall not be less than 1 year in duration. The renewal fee for a registration, certificate, or permit that has expired shall be 1-1/2 times the fee for the renewal of a registration, certificate, or permit that has not expired.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976;—Am. 1988, Act 254, Eff. Oct. 1, 1989.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.

257.1331 Acts or practices barring action on contract, action for collection of compensation, or assertion of lien; recovery of amount paid unregistered facility.

Sec. 31. A person who engages or attempts to engage in the business or trade of a motor vehicle repair facility or specialty or master mechanic without a registration or certificate, or engages in an act or practice in violation of this act or a rule is barred from bringing or maintaining an action at law or equity on a contract or for the collection of compensation for work performed or materials or parts provided to any other person. In addition, the person is barred from asserting a mechanic's, garageman's, or similar lien upon a motor vehicle,

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including the repossession of a motor vehicle. A customer is entitled to recover any amount paid to an unregistered facility for the repair of a motor vehicle belonging to that customer.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1332 Written estimate required; consent to excess charge; payment of actual cost if cost less than estimate; cost of returning vehicle to original condition; cost of diagnosis; waiver of rights.

Sec. 32. (1) A motor vehicle repair facility shall give to the customer a written estimate, itemizing as closely as possible the price for labor and parts necessary for a specific job prior to the commencement of work. A facility shall not charge for work done or parts supplied in excess of the estimated price or in excess of the limit stated by the customer in the waiver provided for in subsection (3) without the knowing written or oral consent of the customer which shall be obtained at some time after it is determined that the estimated price or stated limit is insufficient and before any work not estimated or in excess of the limit is done or the parts not estimated or in excess of the limit are supplied. If a waiver is not signed as provided in subsection (3) and the estimated price is exceeded by not more than 10% or $10.00 whichever is lesser, the written or oral consent of the customer for the excess charge need not be obtained unless specifically requested by the customer. This section shall not be construed as requiring a motor vehicle repair facility, mechanic, or mechanic trainee to give a written estimated price if he agrees not to perform the requested repair. If the actual cost of repair is less than the agreed upon estimated cost, the customer shall pay only the actual cost.

(2) If the facility or mechanic informs the customer that the price for repair will exceed the written estimate or the stated limit in the waiver and the customer does not want the repair work performed then the customer is liable for all reasonable costs to return the vehicle to the condition it was when it entered the facility. These costs should be indicated in written form itemizing the costs as closely as possible with a copy given to the customer. The cost of a diagnosis to be made, whether or not the customer authorizes repairs to be performed, shall be contained in the written estimate before the diagnosis is undertaken.

(3) If a customer initiates a request for service or parts for the repair of a motor vehicle without receiving a written estimate and voluntarily agrees to pay all reasonable costs of repair up to an amount stated by the customer, a repair facility may obtain from the customer a waiver of his right to receive a prior estimate of repair costs. The waiver shall be in 14 point or larger bold capital type face and executed with 1 copy to the customer requesting the repairs and shall read as follows:

"I, _____, voluntarily request _____ to provide services or parts in the repair of the below described motor vehicle without receiving an estimate of repair costs. By signing this form, I understand that I will give up my right to:

1. Receive a written estimate of the cost for repairs;
2. Approve in advance any repairs or costs with a total cost under $ _____; and
3. Refuse to pay for repairs with a total cost less than the amount stated above.

The facility may exceed the amount stated above only after I give my written or oral approval.

Motor vehicle description:

Customer signature _____

Date _____

Time _____"

This waiver shall not be effective unless given by the customer voluntarily and with full knowledge of the implications of the waiver. A motor vehicle repair facility or anyone in its employ shall not make use of the waiver in an attempt to evade this act.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1333 Right to receive or see replaced parts; notice; sign at entrance of facility.

Sec. 33. (1) The administrator shall determine by rule the time and manner in which the motor vehicle repair facility shall return replaced parts to the customer at the time of the completion of the work. This requirement does not apply to parts exempted by the administrator because of size, weight, or similar factors from this requirement, and except for parts that the motor vehicle repair facility or mechanic is required to return to the manufacturer or distributor under a warranty or exchange arrangement. If the parts must be returned to the manufacturer or distributor, the facility or mechanic shall offer to show and upon acceptance of the offer or upon request shall show the parts to the customer upon completion of the work, except the facility shall not be required to show a replacement part when a charge is not being made for the replacement thereof.

(2) A customer shall be informed of his right to receive or see replaced parts as provided in this section prior to the customer executing any document or engaging the facility or mechanic for the work. The

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information shall be given to the customer on the face of any contract, work order form, or sign, or other document evidencing the engagement of the facility or mechanic or by separate written document, in at least 12 point boldface type as follows:

YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED, EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO BE SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO INSPECT THE PARTS WHICH CANNOT BE RETURNED TO YOU.

(3) The motor vehicle repair facility shall display a clearly legible sign in a conspicuous place at the entrance of the facility indicating that inquiries concerning repair service or complaints may be made to the administrator and shall contain the address and telephone number of the department.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1334 Written statement required upon return of repaired vehicle.

Sec. 34. A motor vehicle repair facility, including a gasoline service station which performs any of the repairs listed in the repair categories of certification for specialty mechanics or developed by the administrator by rule, shall give to each customer a written statement upon return of the repaired vehicle to the customer. The statement shall disclose:

(a) Repairs needed, as determined by the facility.

(b) Repairs requested by the customer.

(c) Repairs authorized by the customer.

(d) The facility's estimate of repair costs.

(e) The actual cost of repairs.

(f) The repairs or services performed, including a detailed identification of all parts that were replaced and a specification as to which are new, used, rebuilt, or reconditioned.

(g) A certification that the repairs were completed properly or a detailed explanation of an inability to complete repairs properly. The statement shall be signed by the owner of the facility or by a person designated by the owner to represent the facility. The name of the mechanic or mechanics who performed the diagnosis and the repair shall also appear on the statement.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1334a Written estimate not required if total cost less than $20.00; final invoice required.

Sec. 34a. Unless otherwise requested by the customer, the requirement to furnish a written estimate shall not apply to repair work performed by a motor vehicle repair facility when the total cost for services and parts is less than $20.00. Nothing in this, or any other section, shall cause any repair facility to fail to furnish to the customer a final invoice for the repairs performed and the parts supplied.

History: Add. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1335 False statement, misrepresentation, or failure to comply with cease and desist order.

Sec. 35. A resident agent, director, officer, or partner of a motor vehicle repair facility who knowingly authorizes, directs or makes a false statement or misrepresentation concerning the method or price of repair of a motor vehicle, or who knowingly fails to comply with the terms of a final cease and desist order is subject to penalties under this act. Each violation constitutes a separate offense.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1336 Liability for damage or injury.

Sec. 36. A facility that violates this act or who, in a course of dealing as set forth in this act or rules, engages in an unfair or deceptive method, act, or practice, is liable as provided in this act to a person who suffers damage or injury as a result thereof in an amount equal to the damages plus reasonable attorney fees and costs. If the damage or injury to the person occurs as the result of a wilful and flagrant violation of this act, the person shall recover double the damages plus reasonable attorney fees and costs.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1337 Mechanic or mechanic trainee as agent; joint and several liability; right to contribution.

Sec. 37. (1) If a mechanic or mechanic trainee is employed by, or enters into a contract with, a motor vehicle repair facility, that mechanic or mechanic trainee for the purposes of a civil action brought pursuant to

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this act shall be considered to be an agent of the motor vehicle repair facility and the methods, acts, and practices of the mechanic or mechanic trainee shall be construed as the methods, acts, and practices of the motor vehicle repair facility.

(2) A person who directly or indirectly controls a motor vehicle repair facility or its employees, as well as a general partner, officer, or director of the facility shall be jointly and severally liable among themselves for a violation of this act, unless that person can demonstrate that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the violation occurred. There is a right to contribution as in cases of contract among persons so liable.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1338 Violation; penalty.

Sec. 38. Any person, agent, or employee of a registrant under this act who knowingly violates this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than $1,000.00, or both, for the first conviction under this act and not more than 1 year or a fine of not more than $5,000.00, or both, for any subsequent conviction.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976.

257.1339 Rules; effective date.

Sec. 39. The department shall promulgate the rules to implement this act within 6 months after the effective date of this act. The remaining portions of this act, except as provided in section 5, shall become effective 6 months after the rules are promulgated.

History: 1974, Act 300, Eff. Apr. 1, 1975.

257.1340 Disposition of fees.

Sec. 40. The fees collected pursuant to this act shall be credited to the general fund of the state.

History: 1974, Act 300, Eff. Apr. 1, 1975.

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USED MOTOR VEHICLE PARTS
Act 119 of 1986

AN ACT to regulate the business of buying or receiving used motor vehicle parts; to prescribe the powers and duties of certain state and local officers; and to provide penalties.

History: 1986, Act 119, Eff. Mar. 31, 1987.

The People of the State of Michigan enact:

257.1351 Definitions.

Sec. 1. As used in this act:

(a) "Agent" means a person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.

(b) "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving used motor vehicle parts from persons other than a licensee. A dealer shall include any motor vehicle repair facility which engages in repeated and recurrent transactions of buying or receiving used motor vehicle parts from persons other than a licensee. Dealer does not include a scrap metal processor who buys or otherwise acquires motor vehicles or motor vehicle component parts for the purpose of processing or selling the metal for remelting.

(c) "Late model vehicle" means a motor vehicle manufactured in the current model year or the 5 model years immediately preceding the current model year.

(d) "Local police agency" means the police agency of the city, village, or township, or if none, the county sheriff.

(e) "Major component part" means 1 of the following subassemblies of a motor vehicle regardless of its actual market value: front end assembly, including fenders, grills, hood, bumper, and related parts; engine; transmission; T-tops; rear clip assembly, including quarter panels and floor panel assembly; doors; tires, tire wheels, and continuous treads.

(f) "Motor vehicle" means a motor vehicle as defined in section 33 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.33 of the Michigan Compiled Laws.

(g) "Motor vehicle repair facility" means a place of business which engages in the business of performing or employing persons who perform maintenance, diagnosis, or repair service on a motor vehicle for compensation.

(h) "Licensee" means a person, partnership, corporation, or association licensed under section 248 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.248 of the Michigan Compiled Laws, or similarly licensed in another state.

(i) "Used motor vehicle part" means any major component part, dashboard, radio, stereo, or seat of a late model motor vehicle for which a certificate of title and registration plate have been issued to a consumer or dealer.

History: 1986, Act 119, Eff. Mar. 31, 1987.

257.1352 Record of transactions.

Sec. 2. (1) A dealer shall maintain a permanent record of each transaction concerning the buying or receiving of any used motor vehicle part from a person other than a licensee, on record of transaction forms provided for in subsection (5), legibly written in ink in the English language. Each record of transaction form shall be filled out in duplicate by the dealer or agent with 1 copy going to the customer, and 1 copy to be retained by the dealer. At the time a dealer receives or purchases a used motor vehicle part from a person other than a licensee, the dealer or agent shall accurately record all of the following information on a record of transaction form:

(a) A general description of the used motor vehicle part received or purchased.

(b) The vehicle identification number of the vehicle the used motor vehicle part came from.

(c) The state of origin of the used motor vehicle part.

(d) The date of the transaction.

(e) The name of the person conducting the transaction for the dealer.

(f) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the person with whom the transaction is being made, together with a legible imprint of the right thumb of the person with whom the transaction is made, or if that is not possible, then the left thumb or a finger of that person. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to

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the local police agency or the department of state police only during the course of a police investigation involving a used motor vehicle part described on the record of transaction. This paragraph shall not apply to a transaction involving an insurance company that has acquired ownership of a late model vehicle by the payment of damages due to an accident and a dealer that buys the vehicle from the insurance company for salvage.

(g) The price paid or to be paid by the dealer for the used motor vehicle part.

(h) The form of payment made to the customer. The dealer shall indicate the number of a check, money order, or bank draft.

(i) The signature of the person with whom the transaction is made.

(2) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year.

(3) The record of transaction forms of a dealer and each used motor vehicle part received by a dealer as the result of a transaction shall be open to an inspection by the local police agency and the Michigan state police at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer shall be considered to have given consent to the inspection prescribed by this subsection. The record of transaction forms of a dealer shall not be open to inspection by the general public.

(4) Each record of a transaction shall be retained by the dealer for not less than 1 year after the transaction to which the record pertains. A dealer who goes out of business or changes his or her business address to another local jurisdiction either within or out of this state shall transmit to the local police agency the records of all transactions made by the dealer not more than 1 year before his or her closing or moving. After a period of 1 year from the date of the transaction, if a police investigation concerning a used motor vehicle part described on the record of transaction has not occurred, the dealer and local police agency shall destroy, and not keep a permanent record of, the records of the transaction.

(5) The form of the record of transaction shall be 8-1/2 by 11 inches in size and shall be as follows:

```
                    "Record of Transaction
                                  # _________________________
                                    (Transaction number printed
                                          on the form)
     (1) Description of Property  _________________________
_____________________________________________________________
_____________________________________________________________
_____________________________________________________________
_____________________________________________________________
     (2) ______________________________ (3) ________________
         (Vehicle Identification Number)    (State of Origin)
     (4) _______________, 19 ___   (5) ______________________
            (Date)                   (Name of  Dealer/Employee)
     (6) ______________________,   ___________________, 19 ___
           (Name of Customer)         (Date of Birth)
     __________________________,   ________________________
      (Driver's License No./          (Street Address)
      Mich. Personal ID Number)   ___________________  ______
                                   (City & State)      (Zip)
     (7) ____________________
            (Price Paid)
     (8) ____________________
         (Check no., bank draft
           no., money order no.,
           or cash)
                                 ____________________________"
         Thumbprint                (Signature of Customer)
```

History: 1986, Act 119, Eff. Mar. 31, 1987.

257.1353 Failure to make entry in record as misdemeanor or felony; penalties.

Sec. 3. (1) A dealer or agent who knowingly fails to make an entry of any material matter in his or her record of transactions as required by section 2 is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of $1,000.00, or both.

(2) A dealer or agent who knowingly violates subsection (1) a second or subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both.

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History: 1986, Act 119, Eff. Mar. 31, 1987.

257.1354 Violation as misdemeanor or felony; penalties.

Sec. 4. (1) A dealer who knowingly violates section 2(3), (4), or (5) is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of $1,000.00, or both.

(2) A dealer who knowingly violates section 2(3), (4), or (5) a second or subsequent time is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both.

History: 1986, Act 119, Eff. Mar. 31, 1987.

257.1355 Felonious conduct; penalty.

Sec. 5. A dealer or agent who does any of the following is guilty of a felony, punishable by imprisonment for not more than 2 years, or a fine of $5,000.00, or both:

(a) Totally fails to record a transaction on a record of transaction form as required by section 2.

(b) Knowingly falsifies a record required by section 2.

History: 1986, Act 119, Eff. Mar. 31, 1987.

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AFTERMARKET CRASH PARTS ACT
Act 158 of 1991

AN ACT to provide for certain disclosures with respect to the use of aftermarket crash parts in the repair of motor vehicles; and to prescribe the powers and duties of repair facilities and installers with respect to the use of aftermarket crash parts.

History: 1991, Act 158, Eff. Feb. 1, 1992.

The People of the State of Michigan enact:

257.1361 Short title.

Sec. 1. This act shall be known and may be cited as the "aftermarket crash parts act".

History: 1991, Act 158, Eff. Feb. 1, 1992.

257.1362 Definitions.

Sec. 2. As used in this act:

(a) "Aftermarket crash part" means a replacement part for a nonmechanical sheet metal part or plastic part that constitutes part of the exterior of a motor vehicle, including, but not limited to, an inner or outer panel.

(b) "Installer" means an individual who replaces or repairs parts of a motor vehicle.

(c) "Insurer" means an insurance company authorized to transact property, fire, or casualty insurance in this state and an agent of the insurer and includes an insurance association, pool, or facility created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws.

(d) "Motor vehicle" means a self-propelled device by which a person or property may be transported upon a public highway. Motor vehicle does not include a tractor, motorcycle, moped, trailer, semitrailer, bus, power shovel, road machinery, agricultural machinery, or other machinery or vehicle not designed primarily for highway transportation, but which may incidentally transport persons or property on a public highway. Motor vehicle also does not include a device that moves upon or is guided by a track.

(e) "Nonoriginal equipment manufacturer aftermarket crash part" or "non-OEM aftermarket crash part" means an aftermarket crash part not made by or for the manufacturer of a motor vehicle.

(f) "Repair facility" means any motor vehicle dealer, garage, body repair shop, or other commercial entity that undertakes the repair or replacement of parts that generally constitute the exterior of a motor vehicle.

History: 1991, Act 158, Eff. Feb. 1, 1992.

257.1363 Non-OEM aftermarket crash parts; use.

Sec. 3. If an insurer requests the use of non-OEM aftermarket crash parts in the repair of an insured's motor vehicle, a repair facility or installer may use non-OEM aftermarket crash parts to repair a vehicle only if the insured receives a written estimate of repairs that clearly identifies each non-OEM aftermarket crash part and that contains or has attached to it in not less than 10-point bold type the following information:

"This estimate has been prepared based on the use of aftermarket crash parts supplied by a source other than the manufacturer of your motor vehicle. Warranties that apply to these replacement parts are provided by the manufacturer, distributor, or insurer of these parts."

History: 1991, Act 158, Eff. Feb. 1, 1992.

257.1364 Effective date.

Sec. 4. This act shall take effect February 1, 1992.

History: 1991, Act 158, Eff. Feb. 1, 1992.

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NEW MOTOR VEHICLE WARRANTIES
Act 87 of 1986

AN ACT regarding warranties on new motor vehicles; to require certain repairs to new motor vehicles; to provide remedies for the failure to repair such vehicles; and to prescribe duties for certain state agencies.

History: 1986, Act 87, Eff. June 25, 1986;—Am. 1998, Act 486, Imd. Eff. Jan. 4, 1999.

Popular name: Lemon Law

The People of the State of Michigan enact:

257.1401 Definitions.

Sec. 1. As used in this act:

(a) "Consumer" means 1 or more of the following:

(*i*) A person who purchases or leases a new motor vehicle for personal, family, or household use and not for the purpose of selling or leasing the new motor vehicle to another person.

(*ii*) A person who purchases or leases less than 10 new motor vehicles a year.

(*iii*) A person who purchases or leases 10 or more new motor vehicles a year only if the vehicles are purchased or leased for personal, family, or household use.

(*iv*) Any other person entitled to enforce the provisions of an express warranty pursuant to the terms of that warranty.

(b) "Lessee" means a person who, under a lease, acquires the right to possession and use of a new motor vehicle.

(c) "Lessor" means a person who, under a lease, transfers the right to possession and use of a new motor vehicle.

(d) "Manufacturer" means a person who manufactures, assembles, or is a distributor of new motor vehicles and includes an agent of a manufacturer but does not include a new motor vehicle dealer.

(e) "Manufacturer's express warranty" means an express warranty as determined under the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.11102, offered by the manufacturer on a new motor vehicle.

(f) "Motor vehicle" means a motor vehicle as defined in section 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33, that is designed as a passenger vehicle, or sport utility vehicle, but does not include a motor home, bus, truck other than a pickup truck or van, or a vehicle designed to travel on less than 4 wheels.

(g) "New motor vehicle" means a motor vehicle that is purchased or leased in this state or purchased or leased by a resident of this state and is covered by a manufacturer's express warranty at the time of purchase or lease.

(h) "New motor vehicle dealer" means a person or that person's agent who holds a dealer agreement for the sale of new motor vehicles, who is engaged in the business of purchasing, leasing, selling, exchanging, or dealing in new motor vehicles, and who has an established place of business in this state.

(i) "Person" means a natural person, a sole proprietorship, partnership, corporation, association, unit or agency of government, trust, estate, or other legal entity.

(j) "Resident of this state" means as follows:

(*i*) For an individual, an individual who is a legal resident of this state.

(*ii*) For a sole proprietorship or partnership, a sole proprietorship or partnership created pursuant to the laws of this state and its main office is located in this state.

(*iii*) For a corporation, a corporation that is a domestic corporation and was created under the laws of this state.

(*iv*) For an association, an association created pursuant to the laws of this state and its main office is located in this state.

(*v*) For a unit or agency of government, a unit or agency of government located in this state.

(*vi*) For a trust, estate, or other legal entity, a trust, estate, or other legal entity created pursuant to the laws of this state and that is located in this state.

(k) "Lease price" means the actual vehicle sales price paid by the lessor including any cash payment by the consumer and the sum equal to any allowance for any trade-in but excludes debt from any other transaction as well as any manufacturer to consumer discount, rebate, or incentive appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase or lease cost. Additionally, any sales tax, license and registration fees, and similar government charges not included elsewhere paid by the lessor on behalf of the lessee are included as a part of lease price.

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(*l*) “Purchase price” means the actual vehicle sales price listed on the buyer's order including any cash payment by the consumer and the sum equal to any allowance for any trade-in but excludes debt from any other transaction as well as any manufacturer to consumer discount, rebate, or incentive appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase cost. Additionally, any sales tax, license and registration fees, and similar government charges not included elsewhere paid by the consumer are included as a part of purchase price.

History: 1986, Act 87, Eff. June 25, 1986;—Am. 1998, Act 486, Imd. Eff. Jan. 4, 1999.

Popular name: Lemon Law

257.1402 Repair of defect or condition; report.

Sec. 2. If a new motor vehicle has any defect or condition that impairs the use or value of the new motor vehicle to the consumer or which prevents the new motor vehicle from conforming to the manufacturer's express warranty, the manufacturer or a new motor vehicle dealer of that type of motor vehicle shall repair the defect or condition as required under section 3 if the consumer initially reported the defect or condition to the manufacturer or the new motor vehicle dealer within 1 of the following time periods, whichever is earlier:

(a) During the term the manufacturer's express warranty is in effect.

(b) Not later than 1 year from the date of delivery of the new motor vehicle to the original consumer.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

257.1403 Continued existence of defect or condition; replacement of motor vehicle or refund; allowance for use; reimbursement for towing costs and costs for rental vehicle; determination of ordinary and personal use; consent to replacement of security interest; presumption; performing repairs after expiration of warranty; extension of time for repair services.

Sec. 3. (1) If a defect or condition that was reported to the manufacturer or new motor vehicle dealer pursuant to section 2 continues to exist and the new motor vehicle has been subjected to a reasonable number of repairs as determined under subsection (5), the manufacturer shall within 30 days, do either of the following as applicable:

(a) If the new motor vehicle was purchased, either replace the new motor vehicle with a comparable replacement motor vehicle currently in production and acceptable to the consumer or accept return of the vehicle and refund to the consumer the purchase price. A consumer shall have the right to demand a refund.

(b) If the new motor vehicle was leased, the consumer has the right to a refund of the lease price paid by the consumer. The consumer may agree to accept a comparable replacement vehicle in lieu of a refund for the lease price paid. If the consumer agrees to accept a replacement vehicle, the lease agreement shall not be altered except with respect to the identification of the vehicle.

(2) The purchase price or lease price includes the cost of any options or other modifications installed or made by or for the manufacturer, and the amount of all other charges made by or for the manufacturer, less a reasonable allowance for the consumer's use of the vehicle, and less an amount equal to any appraised damage that is not attributable to normal use or to the defect or condition. A reasonable allowance for use is the purchase or lease price of the new motor vehicle multiplied by a fraction having as the denominator 100,000 miles and having as the numerator the miles directly attributable to use by the consumer and any previous consumer prior to his or her first report of a defect or condition that impairs the use or value of the new motor vehicle plus all mileage directly attributable to use by a consumer beyond 25,000 miles. If a vehicle is replaced or refunded under the provisions of this section, if towing services and rental vehicles were not made available without cost to the consumer, the manufacturer shall also reimburse the consumer for those towing costs and reasonable costs for a comparable rental vehicle that were incurred as a direct result of the defect or condition.

(3) If a court or an alternative dispute settlement procedure described in section 5 determines that a consumer has provided sufficient evidence that the vehicle did not provide reliable transportation for ordinary personal or household use for any period beyond the first 25,000 mileage usage period of the vehicle, the court or the alternative dispute settlement procedure may reduce the vehicle usage deduction for mileage beyond the first 25,000 mileage usage period only for the period beyond the 25,000 mileage usage period that the court or alternative dispute settlement procedure determines that the vehicle did not provide useful transportation for ordinary personal or household use. To determine if the vehicle did or did not provide useful transportation for ordinary personal and household use, the court or the alternative dispute settlement procedure shall consider all of the following:

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(a) The number of repairs.

(b) The cost of the repairs.

(c) The number of days the vehicle was out of service.

(d) Whether the vehicle's need for repair significantly affected the consumer's ability to use the vehicle for personal or household functions.

(4) The provisions of this act do not affect the obligations of a consumer under a loan, sales, or lease contract or the secured interest of a secured party. The secured party shall consent to the replacement of the security interest with a corresponding security interest on a replacement motor vehicle that is accepted by the consumer in exchange for the motor vehicle having a defect or condition pursuant to subsection (1), if the replacement motor vehicle is comparable in value to the original motor vehicle. If for any reason the security interest in the new motor vehicle having a defect or condition pursuant to subsection (1) is not able to be replaced with a corresponding security interest on a new motor vehicle accepted by the consumer, the consumer shall accept a refund. A refund required under this subsection or subsection (1) shall be made to the consumer and the secured party, if any, as their interests exist at the time the refund is to be made. The lessor, if any, shall be notified if a refund is made to a lessee under this act. A lessor shall not assess a fee for early termination of a lease under this act.

(5) It shall be presumed that a reasonable number of attempts have been undertaken to repair a defect or condition if 1 of the following occurs:

(a) The same defect or condition that substantially impairs the use or value of the new motor vehicle to the consumer has been subject to repair a total of 4 or more times by the manufacturer or new motor vehicle dealer within 2 years of the date of the first attempt to repair the defect or condition, and the defect or condition continues to exist. Any repair performed on the same defect made pursuant to subsection (6) shall be included in calculating the number of repairs under this section. The consumer or his or her representative, before availing himself or herself of a remedy provided under subsection (1), and any time after the third attempt to repair the same defect or condition, shall give written notification, by return receipt service, to the manufacturer of the need for repair of the defect or condition in order to allow the manufacturer an opportunity to cure the defect or condition. The manufacturer shall notify the consumer as soon as reasonably possible of a reasonably accessible repair facility. After delivery of the vehicle to the designated repair facility, the manufacturer has 5 business days to repair the defect or condition.

(b) The new motor vehicle is out of service because of repairs for a total of 30 or more days or parts of days during the term of the manufacturer's express warranty, or within 1 year from the date of delivery to the original consumer, whichever is earlier. The consumer, or his or her representative, before availing himself or herself of a remedy provided under subsection (1), and after the vehicle has been out of service for at least 25 days in a repair facility, shall give written notification by return receipt service to the manufacturer of the need for repair of the defect or condition in order to allow the manufacturer an opportunity to cure the defect or condition. The manufacturer shall notify the consumer as soon as reasonably possible of a reasonably accessible repair facility. After delivery of the vehicle to the designated repair facility, the manufacturer has 5 business days to repair the defect or condition.

(6) Any repairs required to be made under this act shall be made even if the repairs need to be performed after the expiration of the manufacturer's express warranty. The defect needing repair must be a continuation of the original attempt to repair the defect.

(7) The term of an express warranty, and the 1-year, 30-day, and 5-day periods of time provided for in this section shall be extended because repair services were not available to the consumer because of war, invasion, strike, fire, flood, or other natural disaster.

History: 1986, Act 87, Eff. June 25, 1986;—Am. 1998, Act 486, Imd. Eff. Jan. 4, 1999.

Popular name: Lemon Law

257.1404 Other legal remedies not limited or prohibited.

Sec. 4. Nothing in this act shall be construed to limit or prohibit any other legal remedy of a consumer regarding a breach of a manufacturer's express warranty or an implied warranty for a new motor vehicle.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

257.1405 Informal dispute settlement procedure.

Sec. 5. If a manufacturer has established or participates in an informal dispute settlement procedure, the provisions of this act shall not apply to any consumer who has not first resorted to such procedure, if such procedure does all of the following:

(a) Complies with the Magnuson-Moss warranty—federal trade commission improvement act, Public Law

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93-637, 88 Stat. 2183, and 16 C.F.R. 703 (1975). An informal dispute settlement procedure which the federal trade commission rules does not comply with 16 C.F.R. 703 (1975) shall be considered as not meeting the requirements of this subdivision.

(b) Requires that the manufacturer is bound by any decision reached if the consumer agrees to it.

(c) Provides that the consumer is not obligated to accept the decision and may pursue the remedies provided for under this act.

(d) Requires the manufacturer to initiate the process necessary to implement any final settlement not more than 30 days after the settlement has been reached.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

257.1406 Defects or conditions to which act inapplicable.

Sec. 6. This act does not apply to a defect or condition that is the result of either of the following:

(a) A modification not installed or made by or for the manufacturer.

(b) Abuse or neglect of the new motor vehicle or damage due to an accident that occurred after the new motor vehicle was purchased or leased by the consumer.

History: 1986, Act 87, Eff. June 25, 1986;—Am. 1998, Act 487, Imd. Eff. Jan. 4, 1999.

Popular name: Lemon Law

257.1407 Waiver of rights and remedies prohibited; recovery of costs, expenses, and attorneys' fees.

Sec. 7. (1) Any rights and remedies provided a consumer under this act may not be waived.

(2) A consumer who prevails in any action brought under this act may be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of cost and expenses, including attorneys' fees based on actual time expended by the attorney, determined by the court to have been reasonably incurred by the consumer for or in connection with the commencement and prosecution of such action, unless the court in its discretion shall determine that such an award of attorneys' fees would be inappropriate.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

257.1408 Written statement to be included with title or documentation; type size; form; accessibility to public.

Sec. 8. (1) Until December 31, 1999 and after as provided in subsection (2), the secretary of state shall include with any title for a new motor vehicle a written statement, in 10-point boldfaced type, in substantially the following form: “IMPORTANT: IF THIS VEHICLE IS DEFECTIVE YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE. TO OBTAIN REPLACEMENT OR A REFUND, YOU MUST FIRST REPORT THE DEFECT IN WRITING TO THE MANUFACTURER AND YOU MAY BE REQUIRED TO FIRST ARBITRATE THE DISPUTE. IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS LAW, YOU SHOULD:

1. KEEP COPIES OF ALL CORRESPONDENCE TO AND FROM THE MANUFACTURER AND THE DEALER.

2. KEEP COPIES OF ALL WORK ORDERS FOR REPAIRS ON THE VEHICLE INCLUDING THE DATE(S) THE WORK WAS PERFORMED AND THE MILEAGE ON THE VEHICLE AT THE TIME OF REPAIR.

3. FOLLOW ALL REQUIREMENTS OF THE WARRANTY, INCLUDING ANY REQUIREMENT THAT THE REPAIRS MUST BE DONE BY AN AUTHORIZED DEALER SPECIFIED BY THE MANUFACTURER. IF YOU HAVE ANY QUESTIONS REGARDING YOUR RIGHTS UNDER THIS LAW, CONSULT AN ATTORNEY OR OTHER QUALIFIED INDIVIDUAL.”.

(2) Beginning January 1, 2000, the secretary of state shall include with documentation for a purchased or leased new motor vehicle a written statement, in 10-point boldfaced type, in substantially the following form: “IMPORTANT: IF THIS VEHICLE IS DEFECTIVE YOU MAY BE ENTITLED UNDER STATE LAW TO REPLACEMENT OF IT OR A REFUND OF ITS PURCHASE PRICE OR LEASE PRICE, AS APPLICABLE. TO OBTAIN REPLACEMENT OR A REFUND, YOU MUST FIRST REPORT THE DEFECT IN WRITING TO THE MANUFACTURER AND YOU MAY BE REQUIRED TO FIRST ARBITRATE THE DISPUTE. IN ORDER TO PROTECT YOUR RIGHTS UNDER THIS LAW, YOU SHOULD:

1. KEEP COPIES OF ALL CORRESPONDENCE TO AND FROM THE MANUFACTURER AND THE DEALER.

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2. KEEP COPIES OF ALL WORK ORDERS FOR REPAIRS ON THE VEHICLE INCLUDING THE DATE(S) THE WORK WAS PERFORMED AND THE MILEAGE ON THE VEHICLE AT THE TIME OF REPAIR.

3. FOLLOW ALL REQUIREMENTS OF THE WARRANTY, INCLUDING ANY REQUIREMENT THAT THE REPAIRS MUST BE DONE BY AN AUTHORIZED DEALER SPECIFIED BY THE MANUFACTURER. IF YOU HAVE ANY QUESTIONS REGARDING YOUR RIGHTS UNDER THIS LAW, CONSULT AN ATTORNEY OR OTHER QUALIFIED INDIVIDUAL.".

(3) Beginning January 1, 2000, the secretary of state shall include a summary of the provisions of this act on a database that is accessible to the public through the internet. As used in this section, "internet" means a worldwide interconnection of individual computers and computer networks and the facilities and equipment used to access those interconnected networks.

History: 1986, Act 87, Eff. June 25, 1986;—Am. 1998, Act 487, Imd. Eff. Jan. 4, 1999.

Popular name: Lemon Law

257.1409 Applicability of act.

Sec. 9. This act shall apply to all new motor vehicles that are sold to the original consumer on or after the effective date of this act.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

257.1410 Effective date.

Sec. 10. This act shall take effect 60 days after its enactment.

History: 1986, Act 87, Eff. June 25, 1986.

Popular name: Lemon Law

THE MICHIGAN SNOWMOBILE ACT
Act 74 of 1968

257.1501-257.1543 Repealed. 1971, Act 178, Imd. Eff. Dec. 6, 1971;—1994, Act 98, Eff. May 1, 1994;—1995, Act 58, Imd. Eff. May 24, 1995.

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ELECTRIC PATROL VEHICLE ACT
Act 55 of 1997

AN ACT to authorize a political subdivision to enact an ordinance allowing certain electrically powered vehicles to be operated on a highway within the political subdivision's boundaries; to require certain equipment for electrically powered vehicles; to provide for restrictions and limitations; to provide for exceptions; and to define terms.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

The People of the State of Michigan enact:

257.1571 Short title.

Sec. 1. This act shall be known and may be cited as the “electric patrol vehicle act”.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1572 Definitions.

Sec. 2. As used in this act:

(a) “Electric patrol vehicle” means an electrically powered motor vehicle designed to carry not more than 4 persons, at a speed not more than 25 miles per hour, having not less than 4 wheels and having an unloaded weight of not more than 1,300 pounds.

(b) “Political subdivision” means a village, city, township, county, or a university of this state.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1573 Electric patrol vehicle; operation; prohibition.

Sec. 3. Except as provided in section 4, an electric patrol vehicle shall not be operated on a street or highway of this state.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1574 Electric patrol vehicle; operation by law enforcement, emergency service, and parking enforcement employees; authorization.

Sec. 4. Subject to section 5, a political subdivision may, by ordinance, authorize law enforcement, emergency service, and parking enforcement employees of the political subdivision to operate an electric patrol vehicle on a street or highway within that political subdivision's boundaries.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1575 Electric patrol vehicle; limitation.

Sec. 5. An electric patrol vehicle authorized under section 4 shall be limited as follows:

(a) To a street or highway with a posted speed limit of not more than 25 miles per hour.

(b) To crossing a street or highway with a posted speed limit of not more than 50 miles per hour.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1576 Electric patrol vehicle; equipment.

Sec. 6. Each electric patrol vehicle authorized under section 4 shall have all of the following equipment:

(a) Brakes adequate to control the movement of and to stop and hold the vehicle.

(b) Not less than 2 head lamps that enable the operator of the vehicle to see a person not less than 100 feet to the front of the vehicle.

(c) Not less than 2 rear lamps that comply with section 697 of the Michigan vehicle code, 1949 PA 300, MCL 257.697.

(d) A windshield of safety glass as defined in section 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.711.

(e) A horn as defined in section 706(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.706.

(f) Safety belts designed and installed with brackets and of sufficient strength to hold a passenger during a collision.

(g) A parking brake sufficient to hold the vehicle in a stopped position.

(h) Reflectors that reflect an amber or red color as required for motor vehicles by section 690 of the Michigan vehicle code, 1949 PA 300, MCL 257.690.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

257.1577 Crash helmet required; exception.

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Sec. 7. (1) Except as provided in subsection (2), a person operating or riding in an electric patrol vehicle shall wear a crash helmet on his or her head. The crash helmet shall meet the requirements of the rules promulgated by the department of state police under section 658 of the Michigan vehicle code, 1949 PA 300, MCL 257.658.

(2) Subsection (1) does not apply to a person operating or riding in an electric patrol vehicle equipped with a roof that meets or exceeds the standards for roof-crush resistance, provided under 49 C.F.R. 571.216, or to an incapacitated person being transported to a place of safety.

History: 1997, Act 55, Imd. Eff. July 1, 1997.

OFF-ROAD RECREATION VEHICLES
Act 319 of 1975

257.1601-257.1626 Repealed. 1990, Act 71, Eff. Apr. 1, 1991;—1995, Act 58, Imd. Eff. May 24, 1995.

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CITY MOTOR VEHICLE RACING ACT OF 1981
Act 178 of 1981

AN ACT to provide for the holding of motor vehicle racing events in cities in this state; to require a permit; to provide for the issuance of a permit; to prescribe certain requirements for obtaining a permit; to provide for certain powers and duties of a permit holder and the city in relation to a racing event; to declare that an event held under this act is not a nuisance; and to provide immunity from damages.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

The People of the State of Michigan enact:

257.1701 Short title.

Sec. 1. This act shall be known and may be cited as the "city motor vehicle racing act of 1981".

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1702 Definitions.

Sec. 2. As used in this act:

(a) "Highway or street" means a highway or street as defined in section 20 of Act No. 300 of the Public Acts of 1949, being section 257.20 of the Michigan Compiled Laws.

(b) "Motor vehicle" means a motor vehicle as defined in section 33 of Act No. 300 of the Public Acts of 1949, being section 257.33 of the Michigan Compiled Laws.

(c) "Person" means an individual, sole proprietorship, partnership, corporation, or other legal entity.

(d) "Racing event" means a motor vehicle race which is sanctioned by a nationally or internationally recognized racing organization, and includes preparations, practices, and qualifications for the race.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1703 Permit to conduct racing event in city required.

Sec. 3. A city may provide for the issuance of a permit allowing the person to whom the permit is issued to conduct a racing event on the highways or streets within the limits of the city. A person shall not conduct a racing event in a city unless the person has been issued a permit under this act.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1704 Permit fee.

Sec. 4. The city may charge a reasonable fee for the issuance of a permit under this act.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1705 Issuance of racing event permit; conditions; determination.

Sec. 5. Before a city issues a racing event permit under sections 3 and 4, the city shall determine all of the following:

(a) That the person applying for the permit has adequate insurance to pay any damages incurred because of loss or injury to any person or property.

(b) That adequate security and necessary facilities will be provided during the racing event.

(c) That the person applying for the permit has demonstrated the ability to protect the health, safety, and welfare of the citizens of the city and those attending the racing event.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1706 Powers of person conducting racing event; protecting private property rights and not preventing access to governmental facilities.

Sec. 6. (1) Subject to subsection (2), a person who is issued a permit under this act may do all of the following for purposes of a racing event conducted pursuant to this act:

(a) Limit access to the racing event area and any area from which the racing event may be viewed.

(b) Provide for viewing and pit areas or any other area necessary to conducting the racing event.

(c) Charge an admission fee to persons viewing the race or entering the racing event area.

(d) Take any other action reasonably necessary for purposes of a racing event under this act.

(2) A person issued a permit under this act shall reasonably protect private property rights and not prevent access to governmental facilities.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1707 Powers of city.

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Sec. 7. For purposes of a racing event held under this act, the city may do all of the following:

(a) Provide for the temporary closing or obstructing of highways or streets, alleys, and sidewalks located in the city.

(b) Reroute pedestrian and vehicular traffic.

(c) Waive ordinances and traffic regulations including speed limits and traffic control devices.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1708 Racing event and other actions as being for public purposes.

Sec. 8. A racing event held under this act and any action taken under sections 6 and 7 shall be considered as being for public purposes including the promotion of commerce and tourism and for the benefit of the citizens of the city and the state.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1709 Racing event and other actions as public or private nuisance.

Sec. 9. A racing event held under this act and any action taken under sections 6 and 7 shall not be considered or found to be a public or private nuisance.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1710 Racing event and other actions as violation of MCL 257.1 et seq. or MCL 247.171 et seq.

Sec. 10. A racing event held under this act and any action taken under sections 6 and 7 shall not be considered to be a violation of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or Act No. 368 of the Public Acts of 1925, as amended, being sections 247.171 to 247.190 of the Michigan Compiled Laws.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1711 Liability for damages.

Sec. 11. A city that issues a permit under this act shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property. After a permit is issued, the state shall not be liable for any damages that may result from the racing event because of loss or injury to any person or property.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

257.1712 Restoration of highways or streets, alleys, sidewalks, and buildings required.

Sec. 12. A person issued a permit under this act shall provide for the restoration of all highways or streets, alleys, sidewalks, and buildings to a condition substantially similar to their condition as existed before the racing event so that the highways or streets, alleys, sidewalks, and buildings are suitable for their normal use.

History: 1981, Act 178, Imd. Eff. Dec. 14, 1981.

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THE PUPIL TRANSPORTATION ACT
Act 187 of 1990

AN ACT to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

The People of the State of Michigan enact:

257.1801 Short title.

Sec. 1. This act shall be known and may be cited as “the pupil transportation act”.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1803 Meanings of words and phrases.

Sec. 3. For the purposes of this act, the words and phrases defined in sections 5 to 7 shall have the meanings respectively ascribed to them in those sections.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1805 Definitions; M to S.

Sec. 5.

(1) "Motor bus" and "motor carrier of passengers" mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

(2) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(3) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(4) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) "School" means either a public school or a nonpublic school, or both.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1807 Definitions; S, T.

Sec. 7. (1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purposes of this act, a parent, or legal guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act.

(2) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

(3) "Type II school bus" means a school bus with a gross vehicle rating of 10,000 pounds or less.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1992, Act 227, Imd. Eff. Oct. 16, 1992;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1809 Pupil transportation; regulation; routes; vehicles and equipment; rules.

Sec. 9. The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the superintendent of public instruction, may promulgate rules related to vehicle and equipment standards.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions.

Sec. 10. (1) Each school bus owned or operated by a public or private nonpublic school, an agent of a

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school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that school bus and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 191, Imd. Eff. May 13, 1996;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810a Contract with motor carrier; authorization.

Sec. 10a. (1) A school may contract with a licensed motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. A school shall not directly operate a motor bus for the use of pupil transportation to and from school or school-related events. A motor carrier certified by the state transportation department shall not use a motor bus to transport pupils to and from school.

(2) Before the effective date of the amendatory act that amended this section, the department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils. Any authorization that is entered into before the effective date of the amendatory act that amended this subsection shall remain in effect for the time it is authorized.

(3) A motor bus built to school bus specifications that complies with the applicable federal motor vehicle safety standards shall comply with the requirements of this act.

History: Add. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1811 Applicability of MCL 257.1811 to 257.1821; body width and height of type I and type II school buses; attachment of bus to chassis; use of spacers; bus floor; doors; steps; emergency exit; insulation; book racks prohibited; electrical system; secured items; radio speakers.

Sec. 11. (1) This section and sections 13 to 21 apply to both type I and type II school buses except where specifically provided otherwise.

(2) A type I school bus shall have an outside body width of not more than 102 inches; an outside overall length of not more than 45 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 102 inches and an inside height of not less than 60 inches, aisle floor surface to ceiling.

(3) A bus shall be attached firmly to the chassis. A spacer shall be inserted between the body and the frame at every point of contact so that shearing stresses are not put on rivet heads.

(4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and so constructed and maintained that exhaust gases cannot enter the bus. The floor, including wheelhousing, aisle, and stepwell, shall be covered and maintained with a slip-resistant surface. Floors shall be coved to the walls. All closures between the body and the engine compartment shall be fitted with gaskets which effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not have a slip-resistant surface but shall be firmly attached.

(5) Sedan-type doors shall not be used on type I school buses. When a jackknife-type service door is used, it shall fold forward toward the front of the bus. If a split-type service door is used, it shall open outward. Sedan-type doors may be used on service entrances of type II buses. The steps of a service door entrance shall be covered with 3/16-inch molded ribbed rubber or other nonslip surface.

(6) An emergency exit shall be provided as follows:

(a) Type I school bus: the upper and lower portion of the central rear emergency door shall be equipped with approved safety glass. The door shall be hinged on the right side and the door handle located on the extreme left. Piano hinges shall not be used. The handle shall be in the vertical position when latched. A locking device of any kind shall not be attached to, or made a part of, the emergency door unless the locking device meets all of the following criteria:

(*i*) The device is integrated into the ignition system.

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(*ii*) The device is tamper resistant.

(*iii*) The device has an audible alarm system.

(*iv*) The device has an audible alarm near the driver's seat that will sound when the door is locked and the ignition is on.

(b) Type II school bus: subdivision (a) applies to type II buses except that double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch.

(7) A bus body shall be lined with fiberglass or a comparable nonsettling, nonabsorbent insulation.

(8) Book racks shall not be installed in a school bus.

(9) The electrical system shall be 12 volt D.C. provided through an alternator with a minimum of 100 amp rating and a minimum battery storage capacity of 500 CCA with gasoline engine, or 900 CCA with diesel engine provided through 1 12-volt battery, 2 12-volt batteries, or 2 6-volt batteries. There shall not be an opening through the floor of the bus to service the battery.

(10) All baggage, articles, equipment, or medical supplies not held by individual passengers shall be secured in a manner which assures unrestricted access to all exits by all occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be considered to be in compliance with this subsection, provided they do not impede access to any exit.

(11) Radio speakers shall be no closer to the driver than 3 seat positions behind the driver. This subsection does not apply to radio speakers for 2-way communication devices.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1813 Air brake system.

Sec. 13. (1) A school bus that is equipped with an air brake system shall be equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release and to prevent release by the driver unless energy is available for reapplication. The air brake system shall be provided with an electrically heated moisture ejector on each air reservoir or shall be provided with an after cooler type air dryer with an electrically heated purge valve. The use of moisture ejectors together with an air dryer is optional. Each air reservoir in the system shall be equipped with a manual petcock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in petcock, a separate manual petcock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches of clearance between the ground and the lowest part of the tank or tank component.

(2) A school bus manufactured after July 15, 1982 that has a rated seating capacity of 60 or more passengers is not required to be equipped with an air brake system.

(3) A school bus manufactured before July 7, 1981 may use an air dryer system.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1815 Exterior lamps and signals on bus.

Sec. 15. The location, number, and color of all exterior lamps and signals on a school bus shall be in conformance with current United States department of transportation, federal motor vehicle safety regulations found in 49 CFR part 571 and in section 698 of the Michigan vehicle code, 1949 PA 300, MCL 257.698.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1817 Signal lights; stoplights; flasher lamps; applicability to school buses manufactured before October 1, 1990; conformance with federal regulations.

Sec. 17. (1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight.

(3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position.

(4) Signal lights and stoplights under this section shall be in conformance with current United States department of transportation federal motor vehicle safety regulations found in 49 CFR part 571.

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History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1819 Red and amber signal lights; applicability to new school buses.

Sec. 19. (1) This section applies to new school buses manufactured on or after October 1, 1990 and to school buses manufactured before October 1, 1990 that are retrofitted to meet the requirements of this section.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level.

(3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened.

(4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1821 Windshield wipers and washers, washer reservoir, and windshield.

Sec. 21.

A school bus shall be equipped with windshield wipers, washers, a washer reservoir, and a windshield that meets the requirements of 49 CFR 571.103 and 571.104.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1823 Vision; mirrors; sun shades; applicability.

Sec. 23. (1) A school bus shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area. The school bus shall comply with the visibility and equipment requirements of 49 CFR 571.111.

(2) The interior mirror shall be clear view, safety glass with a reflective surface that provides a clear and reasonably unobstructed view to the rear of the vehicle and complies with 49 CFR 571.111. It shall have rounded corners and padded edges.

(3) Sun shades, if installed, shall be mounted so that the mounting brackets are not likely to cause injury in the event of an accident.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1825 Fire extinguisher; first aid kit; fusees and reflectors.

Sec. 25. (1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.

(2) A school bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:

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     (a) Bandage compress (sterile gauze pads),
4-inch.........................................  2 packages.
     (b) Bandage compress (sterile gauze pads),
2-inch ........................................  2 packages.
     (c) Adhesive compress, 1-inch ..............  2 packages.
     (d) Triangular bandage with 2 safety pins,
40-inch .......................................  1 package.
     (e) Roll gauze .............................  1 package.
     (f) Elastic bandage, 3-inch ................  1 package.
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(3) A school bus shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1827 Safety glass; push-out window sash; definition.

Sec. 27. (1) A school bus shall be equipped with safety glass wherever glass is used in doors, windows, and windshields. Rigid safety plastic which meets the test requirements of American national standards institute standard Z26.1-1966 may be used on school buses in lieu of safety glass, except that front windshields shall be equipped with safety glass. School buses shall be fitted with at least 1 push-out window sash on each side of any school bus on which the plastic panes are installed.

(2) As used in this section, "safety glass" means a product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1829 Fuel tank or container; intake pipe; fuel lines.

Sec. 29. Any part of a fuel tank or container or intake pipe shall not be located within or above the passenger-carrying portion of a school bus unless securely sealed off from that portion by means of a substantial metal cover. Fuel lines shall not extend above the frame rails. The gasoline container, including intake pipe, cap and vent on a school bus manufactured subsequent to December 31, 1964, shall be so designed that, in the event of overturn, the fuel will not be spilled at a rate in excess of 1 ounce per minute.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1831 Flashing, oscillating, or rotating light; location; color; use; conditions.

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus. If a school bus is equipped with such a light, there is no requirement that a driver use it. The light shall not be actuated by the driver unless 1 or more of the following conditions exist:

(a) Inclement weather such as fog, rain, or snow.

(b) When passengers are boarding or being discharged.

(c) From 1/2 hour after sunset until 1/2 hour before sunrise. (d) Where conditions hinder the visibility of the school bus.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1833 Paint.

Sec. 33. (1) A school bus shall be painted as follows:

(a) The body, cowl, hood, and fenders shall be national school bus chrome yellow.

(b) The bumper, body trim, wheels, and lettering shall be black. The wheel rims shall be gray, black, white, or natural, as provided by the manufacturer.

(c) The wheel covers, if painted, shall be black.

(d) The grill, if not chrome, shall be national school bus chrome yellow.

(e) The mirrors, if painted, shall be black or yellow.

(f) The name of the school district or contractor shall be permanently affixed in black letters that are at least 6 inches high on the sides of the bus. The name of the school district or contractor shall be permanently affixed on the front and back of the bus in black letters.

(g) The words "school bus" shall be permanently affixed on the front and back of the bus between the overhead flashers in black letters that are at least 8 inches in height.

(h) The outside of a school bus shall not have any other lettering, symbol, marking, or advertising, except that animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route. A unique identification number may be permanently affixed on the upper corners of the back, front, or sides of the bus. A contractor shall display a USDOT number when required and in the manner required by 49 CFR parts 390 to 399.

(i) Wording for school bus roof and door emergency exits, for inside and outside the bus, shall comply with the motor vehicle safety standards found in 49 CFR 571.217.

(j) The roof of a school bus may be white or yellow. However, no part of a school bus may be white below the drip rail above the side windows.

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(2) Except for a bus leased seasonally to transport agricultural workers to and from a field for agricultural operations, a bus, other than a school bus, shall not be painted, in whole or in part, in the colors and design specified in subsection (1).

(3) Subsection (1) does not apply to multifunction school activity buses.

(4) This section does not apply to a motor carrier certified by the state transportation department using a motor bus for school-related event transportation.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2001, Act 130, Imd. Eff. Oct. 15, 2001;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1835 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to school bust markings.

257.1837 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to availability of school bus standards.

257.1839 Inspections.

Sec. 39. (1) The department of state police shall inspect each school bus annually, and as the department of state police determines necessary where school bus defects have been found, to determine if the school bus meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section.

(2) Inspection of a school bus may be accomplished at any time, at any location, on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.

(3) A person, school, or school bus owner shall not operate or permit to be operated a school bus which has not been inspected under this section.

(4) Any public or private entity that owns or uses a school bus for pupil transportation shall identify itself to the department of state police so an inspection can be scheduled. If an entity has had school buses inspected in the previous year, it is considered to have identified itself. If an entity stops pupil transportation in 1 year and restarts pupil transportation in a later year, it must identify itself to the department of state police as requiring inspection before restarting pupil transportation. An entity is considered to have identified itself by notifying a person of the department of state police responsible for conducting inspections under this act.

(5) When an inspection is scheduled by the department of state police, an entity shall identify to the state police inspector all of the school buses that it intends to use for pupil transportation in that school year. Any school bus that is not submitted for inspection shall be rejected and have a red sticker affixed pursuant to section 41.

(6) The department of state police may prohibit the placement and use of any device or equipment on a school bus that presents a safety hazard to the pupils, driver, or motorists during the loading, unloading, or transportation of pupils.

(7) A school, before establishing a contract with a company for school bus services, shall require the company to verify in writing that the buses used by the contractor have been inspected by the department of state police and have passed that inspection. The school shall specify in a written contract that the contractor will not use any school buses that have not been inspected or have failed inspection, and that a violation of this provision of the contract will result in revocation of the contract. The contract shall specify that the contractor shall submit, in writing, the inspection results of its entire fleet of buses to the school within 30 days of the completion of the department of state police inspection. A school shall identify to the department of state police all of the contractors the school is using upon request.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1841 Rejection; red sticker; yellow sticker; reinspection; passing sticker.

Sec. 41. (1) A school bus may be rejected by the inspecting state official for use in transporting passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act.

(2) A vehicle that is determined by a state police official to be unsafe for further operation as a school bus shall not be used. An unsafe vehicle shall have affixed to its windshield, by the state police official, a red sticker which shall read as follows: "This vehicle may not be driven. Utilization of this vehicle is in violation of law. {reverse side} Do not remove without State Police authorization." The sticker shall remain until the

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condition is corrected. A school bus may be transported to a maintenance facility for repair if the school bus driver provides written proof of destination to a state police official upon request.

(3) A school bus that is considered to be in unsatisfactory condition, but that is safe for operation, shall have affixed to its windshield by the state police official a yellow sticker which shall read as follows: "This vehicle has equipment defects. {reverse side} Repairs and reinspection shall be obtained on or before _____. Do not remove without State Police authorization." If, upon reinspection, the vehicle defect has not been repaired, replaced, or corrected, the state police official shall remove the yellow sticker and affix a red sticker to the vehicle. Exceptions may be made when the necessary parts or equipment has been ordered but not received at the time of reinspection. Reinspection may take place within 60 days after the original inspection.

(4) A school bus that is considered to be in satisfactory condition after inspection by a state police official shall have a Michigan vehicle inspection passing sticker affixed to its windshield. The owner of a school bus shall remove or destroy the pass sticker before selling the school bus. The display of a pass sticker on a vehicle other than a school bus is a state civil infraction. All stickers are the property of the department of state police.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1843 Inspection of new school bus; acceptance of delivery.

Sec. 43. The department of state police shall inspect a new school bus before a school accepts delivery. The department of state police shall determine whether the new vehicle is acceptable for delivery. The department of state police may delegate the inspection of new school buses to publicly employed inspectors if the inspection complies with this subsection. A school shall not accept delivery of a new school bus unless the new vehicle has been inspected and passed by the department of state police under this subsection and title to the school bus has been obtained by the school in compliance with this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1849 Age of driver; chauffeur's license, vehicle group designation, passenger vehicle indorsement, and school bus indorsement required; persons prohibited from operation of school bus; administration of commercial driver license skills test.

Sec. 49. (1) A person, whether or not licensed under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, who is 17 years of age or less shall not drive a school bus.

(2) A person shall not operate a school bus unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, a passenger vehicle indorsement, and a school bus indorsement as required under section 312e of the Michigan vehicle code, 1949 PA 300, MCL 257.312e. A person with a commercial driver license shall not operate a school bus, and a school, school bus owner, or lessee shall not allow a person with a commercial driver license to operate a school bus, unless the operation is in compliance with the drug and alcohol testing regulations under 49 CFR parts 40 and 382.

(3) A person shall not operate a school bus or a school administrator or a person or entity under contract with a school to provide pupil transportation services shall not knowingly permit a person to operate a school bus for the transportation of pupils to and from school or school-related events if that person has 7 or more penalty points for moving violations on his or her driving record under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a, or if the person has a restricted license due to a conviction for a violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(4) A commercial driver license skills test shall be administered by a state authorized commercial driver license examiner to a school bus driver who has had 1 or more of the following:

(a) Had his or her driver license or commercial driver license suspended, canceled, or denied under section 303 or 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.303 and 257.319.

(b) Has been disqualified from operating a commercial motor vehicle.

(c) Has been convicted of any of the disqualifying offenses in 49 CFR 383.51(b) while operating a commercial motor vehicle or any offense in a noncommercial motor vehicle that would be a disqualifying condition under 49 CFR 383.51(b) if committed in a commercial motor vehicle.

(d) Has more than 1 conviction of any of the serious traffic violations defined in 49 CFR 383.5, while operating a commercial motor vehicle within the last 3 years.

(e) Has been convicted of any motor vehicle traffic violation that resulted in an accident while operating a commercial motor vehicle.

(f) Has been disqualified from operating a school bus under section 49(3).

(g) A driver who is required to take a test under this subsection shall not operate a school bus until the driver has passed the test. The commercial driver license skills test shall be conducted by an examiner not employed or under contract with the same agency or school of the driver being tested.

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History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1994, Act 309, Eff. Mar. 30, 1995;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1851 School bus safety education.

Sec. 51. (1) A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years. The entry level course shall be available to the school bus driver within 90 days of enrollment. Enrollment certificates shall expire 10 days after the end of the entry level course in which the driver is enrolled. A second enrollment certificate shall not be issued. The entry level course and subsequent 6-hour continuing education course shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency. The certificate of successful completion of each course shall be prescribed by the superintendent of public instruction and successfully completed by an instructor of the course. Failure to successfully complete the entry level course or to complete the 6-hour continuing education course within 2 years after certification of successful completion of a prior course shall be reported by the instructional agency to the department of education and to the school which employs the driver. A driver who fails to successfully complete the entry level course within 90 days after enrollment or to meet the continuing education requirements shall not be permitted to drive a school bus transporting passengers.

(2) The person or persons in charge of school bus operations at a school shall have, at a minimum, successfully completed the beginning school bus driver training program in his or her first year serving as the person or persons in charge of the operation. The person or persons in charge of school bus operations at a school shall successfully complete 6 hours of supervisory continuing education every 2 years after the successful completion of the beginning school bus driver training program. The continuing education course or courses shall be approved by the superintendent of public instruction and shall be provided by an approved educational agency.

(3) The cost of any course instruction and the base rate of compensation of the driver shall be reimbursed by the state on an equal basis for public and nonpublic schools as provided for by the department of education. Attendance by a person at an entry level course, a continuing education course, or an on-road driver skills test as required by this section or section 52 shall be considered compensable work time by the school and the person shall be paid at not less than their base rate as determined by their individual contract of employment or their contractual rate as negotiated between the school and the person's collective bargaining representative.

(4) The legislature shall appropriate the funds necessary to implement this section.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1852 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to on-road driver skills test.

257.1853 Drivers of school buses; qualifications; records; background check; smoking; alcoholic liquor or controlled substance; third party reimbursement or certain benefits not required.

Sec. 53. (1) A driver of a school bus shall, at a minimum, meet the following qualifications:

(a) The requirements of sections 49 and 51.

(b) For a school bus operating in intrastate transportation, the annual physical requirements for school bus drivers as authorized by the superintendent of public instruction. In meeting these physical requirements, the driver shall be examined by a licensed physician, physicians' assistant, or certified nurse practitioner and shall present the medical certificate to the employer.

(c) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver in accordance with subdivision (b) at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment covered under the requirements of subdivision (b) the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision shall be paid for by the employer.

(d) A copy of the medical certificate for a driver shall be carried by that driver while he or she is operating a school bus.

(2) A record of each employed school bus driver, including a copy of his or her medical certificate, department of education certification, driver license, certificate of road test application for employment, and any other information that relates to driver qualification or ability to safely drive a school bus, shall be maintained in the employer's administrative office.

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(3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle safety inspectors of the department of state police.

(4) Upon receipt of an application from a person for the position of school bus driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses:

(a) Criminal sexual conduct in any degree.

(b) Assault with intent to commit criminal sexual conduct.

(c) An attempt to commit criminal sexual conduct in any degree.

(d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.

(e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(5) A person shall not smoke on a school bus.

(6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus.

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 131, Imd. Eff. June 3, 2004;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the roadway" explained; visibility.

Sec. 55. (1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils.

(2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner:

(a) If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane when boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(c) If the pupils are not required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(d) If the pupils are not required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far off the roadway or private road as practicable to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

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(e) If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of or off the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 45 miles per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.

(f) Except as provided in subdivision (e), if the pupils are not required to cross the roadway and where the school bus may be pulled off the roadway or private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver shall activate the hazard warning lights before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a), (b), (c), or (d) as if pupils were not required to cross the roadway.

(g) The distance of not less than 200 feet required for light activation by this subsection shall be measured on the roadway or private road on which the stop is made for receiving or discharging pupils.

(3) Pupils crossing the roadway upon being discharged from a school bus shall cross in front of the stopped school bus. If a school district authorizes its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal shall be uniform throughout the school district.

(4) The driver of a school bus shall not stop the bus for the purpose of receiving or discharging pupils in the following instances:

(a) Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services.

(b) Upon a limited access highway or freeway, or upon any other highway or roadway that has been divided into 2 roadways by leaving an intervening space, a physical barrier, or clearly divided sections so constructed as to impede vehicular traffic if the pupils are required to cross the roadway.

(c) Upon a roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the roadway.

(5) The driver of a school bus when using the alternately flashing overhead red lights shall not stop the bus on any highway or roadway for the purpose of receiving or discharging pupils under the following conditions:

(a) If the lawful speed limit is more than 35 miles per hour and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway for at least 400 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 400 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(b) If the lawful speed limit is 35 miles per hour or less and the stopped bus is not clearly and continuously visible to approaching vehicles on that highway or roadway, for at least 200 feet. When the distance from the stopped bus to the end of the highway or roadway is less than 200 feet, clear and continuous visibility must be available from the bus to the end of the highway or roadway.

(c) Within 50 feet of an intersection if the intersection is controlled by a traffic control signal.

(6) A school may provide instruction on proper school bus etiquette which may include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road crossing procedures and the correct hand signal in the district, if any. If a school uses school bus drivers for this instruction, the state board may reimburse the school for this training.

(7) For the purpose of this section, "required to cross the roadway" does not include crossing the roadway with the assistance of a traffic control signal, or with the assistance of a school crossing guard as defined in section 57b of the Michigan vehicle code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on which the stop is being made.

(8) For purposes of this section, a school bus is clearly and continuously visible if both of the following standards are satisfied:

(a) Approaching traffic is able to see the front of a school bus extending from the roofline to and including the headlamps at the distances specified in subsection (5).

(b) Approaching traffic is able to see the back of a school bus extending from the roofline to and including the tail lamps and stop lamps at the distances specified in subsection (5).

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History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 1991, Act 184, Imd. Eff. Dec. 27, 1991;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2006, Act 320, Imd. Eff. July 20, 2006.

257.1857 Railroad track grade crossings; requirements; "abandoned railroad track" defined; violation as civil infraction; fine; processing.

Sec. 57. (1) Except as provided in subsections (2), (3), and (4), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a uniformed police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an abandoned railroad track grade crossing. As used in this subsection, "abandoned railroad track" means a railroad track which meets both of the following requirements:

(a) The track has been completely paved over or removed.

(b) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.

(5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1859 Persons eligible for transportation; applicability of subsection (1); limitation as to seating; violation as civil infraction; fine; processing.

Sec. 59. (1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school a person other than pupils, persons enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other persons authorized by the school for the protection of property or the health, safety, and welfare of the pupils or persons attending other school related functions, or both. This subsection shall not apply during the transportation of persons under section 65.

(2) After the fourth Friday following Labor day of each school year a school bus shall not be used to transport more than 100% of the number of persons for which the school bus has a rated seating capacity.

(3) A person who violates or directs a violation of this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996.

257.1861 Speed limits; violation; penalty.

Sec. 61. A person operating a school bus shall not exceed the speed limits established for this type of vehicle under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. A person who violates this section is subject to the penalty assessed for violation of section 627 of the Michigan vehicle code, 1949 PA 300, MCL 257.627.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 86, Imd. Eff. Apr. 3, 2006;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1863 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to incidents involving pupil transportation required to be reported.

257.1865 Use of school bus for transporting persons other than pupils; mileage, insurance, fees, and other costs; priority; purchase of additional school buses; checking and servicing school buses; definition; rights of school employees; collective bargaining agreements.

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Sec. 65. (1) Pursuant to an agreement made under subsection (4), a school may permit the use of a school bus which is not otherwise being used for school purposes by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of transporting its members to or from an activity, event, or outing, if the school determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the school.

(2) A school may permit the use of a school bus for the purposes of transporting persons other than pupils to school-sponsored events. The school may collect a fee for transporting persons other than pupils to or from school-sponsored events to cover expenses for the trips involved. Insurance to indemnify the school, its officers, or employees against liability for damages arising out of the use of school buses shall be obtained before persons other than pupils are transported and fees charged. The pupils of the school shall be given first priority for any transportation furnished by the school.

(3) A school shall not purchase additional school buses for the sole purpose of implementing this section.

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a school within its area for the use of school buses to transport senior citizens or retired or disabled persons, or members of a nonprofit organization, subject to the same terms and conditions provided in subsection (1) and subject to the terms and conditions in subsection (5).

(5) A school may contract with a federal, state, or local unit of government or an authorized government subcontractor for the use of a school bus to transport persons, if all of the following conditions exist:

(a) The school bus is not being used for school purposes.

(b) The persons are to be transported to or from an activity which is sponsored or operated by the unit of government.

(c) The school bus is not to be used for transporting freight, goods, or merchandise other than that which is carried on the laps of individual passengers.

(d) A subcontractor of a unit of government has obtained written evidence of a contract with the governmental agency which shows that the subcontractor is authorized to expend funds for the transportation for which the use of a school bus is requested.

(e) It is determined that other suitable or economical transportation is not available.

(6) A school bus shall be returned in adequate time to be properly checked and serviced for its scheduled route assignment.

(7) As used in this section, “nonprofit organization” means any 1 of the following:

(a) A corporation organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of Act No. 162 of the Public Acts of 1982, being sections 450.2121 and 450.2123 of the Michigan Compiled Laws.

(c) A group, society, organization, or association organized to carry out any lawful purpose not involving pecuniary profit or gain for its officers, trustees, or members.

(8) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1867 Contract for use of school bus by government; costs; insurance; stipulation; limitation.

Sec. 67. (1) In compliance with section 65(8), if a determination is made that economically feasible private transportation does not exist, a school may contract with a federal, state, or local unit of government, or a subcontractor of these units, for the use of a school bus to transport persons to or from an activity or function sponsored or operated by the unit of government. The governmental agency, or subcontractors of the governmental agency, shall pay the full costs incurred in the use of a school bus. A school bus may be contracted out only in compliance with the provisions of the school insurance policy and any joint stipulations of the school and the school bus drivers including, but not limited to, any collective bargaining agreements in force or if no collective bargaining agreement exists, agreement with the bargaining agent if it has been designated. A school shall not purchase additional school buses for the sole purpose of implementing this provision of law.

(2) The provision of school buses for the purpose provided in subsection (1) shall not be made if bus service for pupils of the school would be compromised.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

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257.1869 Purchasing school buses; rehabilitation of school buses; costs; rules.

Sec. 69. The cost of purchasing school buses and the rehabilitation of school buses to extend the period of usefulness shall conform with the rules promulgated by the department of education to provide state aid to eligible school districts for the purchase of school buses and the cost of rehabilitation of school buses to extend the period of usefulness.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1870 Advisory committee; establishment; purpose; membership; duties.

Sec. 70. (1) The department of education shall establish an advisory committee to advise the department on issues and topics concerning school buses and school bus safety. The advisory committee shall consist of a member from each of the following departments or organizations:

(a) The department.

(b) The department of state police.

(c) The state transportation department.

(d) The department of state.

(e) The Michigan association for pupil transportation.

(f) The Michigan association of school business officials.

(g) The Michigan association of school administrators.

(h) The training agency association of Michigan.

(i) A member representing nonpublic schools.

(j) The Michigan education association.

(k) The Michigan association of school boards.

(*l*) Other organizations representing school bus drivers as the department considers appropriate.

(m) Any other organizations or groups the department considers necessary.

(2) The advisory committee shall include members representing bus drivers and supervisors in rural areas, suburban areas, and cities in the Lower and Upper Peninsula.

(3) The advisory committee shall assist the department in the development of continuing education courses for school bus drivers and supervisors, any modifications to the introductory school bus safety course, the program to evaluate driving skills and on-road procedural performance skills of each school bus driver, and the minimum threshold for a required safety evaluation, which may include, but is not limited to, number of points on a driving record, operating impaired or under the influence of alcohol, at-fault accidents, or violations of safety procedures, for requiring drivers to take the on-road driver skills test.

(4) The advisory committee shall assist the department in updating physical examination requirements as necessary to comply with changes in federal and state law or rules.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1871 Instruction and training on new procedures.

Sec. 71. A school shall provide instruction and training for its drivers on any new procedures required by this act not more than 30 days after the effective date of this act.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1873 Violation as civil infraction or felony; powers of motor carrier officers.

Sec. 73. (1) A person who violates this act is responsible for a state civil infraction and shall be assessed a fine of not more than $500.00, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Motor carrier officers appointed by the director of the department of state police shall have all the powers conferred upon peace officers by the general laws of this state to enforce this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1875 Effective date.

Sec. 75. This act shall take effect August 15, 1990.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1877 Conditional effective date.

Sec. 77. This act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) Senate Bill No. 843.

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(b) Senate Bill No. 844.

History: 1990, Act 187, Eff. Aug. 15, 1990.

Compiler's note: Senate Bill No. 843, referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 188, Eff. Aug. 15, 1990.

Senate Bill No. 844, also referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 189, Eff. Aug. 15, 1990.

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LIMOUSINE TRANSPORTATION ACT
Act 271 of 1990

AN ACT to regulate persons who transport passengers by limousine; to prescribe powers and duties for the state transportation department and certain local units of government; to impose certain fees; and to prescribe remedies and penalties.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

The People of the State of Michigan enact:

257.1901 Short title.

Sec. 1. This act shall be known and may be cited as the "limousine transportation act".

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1903 Definitions.

Sec. 3. As used in this act:

(a) "Certificate of authority" means a certificate of authority issued under the terms of this act unless the context indicates otherwise.

(b) "Department" means the state transportation department.

(c) "For hire" means the remuneration or reward of any kind, paid or promised, either directly or indirectly.

(d) "Lessor" means a person who leases a limousine to any other person for the transportation of passengers for hire over the public highways of this state.

(e) "Limousine" means a self-propelled motor vehicle used in the carrying of passengers and the baggage of the passengers for hire upon a public highway of this state with a seating capacity of 15 passengers or less, including the driver. Limousine does not include a self-propelled motor vehicle having a seating capacity of 15 passengers or less that is used by or on behalf of an employer to transport its employees to and from their place of employment.

(f) "Limo carrier of passengers" means a person who, either directly or through any device or arrangement, holds himself or herself out to the public as willing to undertake for hire to transport by limousine from place to place over the public highways of this state persons who may choose to employ him or her for that purpose.

(g) "Motor vehicle service and repair act" means Act No. 300 of the Public Acts of 1974, being sections 257.1301 to 257.1340 of the Michigan Compiled Laws.

(h) "Person" means an individual, sole proprietorship, partnership, association, corporation, or other legal entity or the lessee, trustee, or receiver of any of these entities; this state; a city, village, township, or county; the federal government; or an employee, officer, or agent of any of these units of government.

(i) "Public highway" means a highway, road, street, avenue, alley, or thoroughfare of any kind, or a bridge, tunnel, or subway used by the public.

(j) "The public" means that part or portion of the general public which the limo carrier is ready, able, willing, and equipped to serve.

(k) "Through any device or arrangement" means any and all methods, means, agreements, circumstances, operations, or subterfuges under which a person undertakes for hire to conduct, direct, control, or otherwise perform the transportation of passengers by limousine upon the public highways of this state.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1905 Applicability of act.

Sec. 5. (1) This act shall not apply to a limo carrier of passengers that is any of the following:

(a) A county, city, township, or village as provided by law, or other authority incorporated under Act No. 55 of the Public Acts of 1963, being sections 124.351 to 124.359 of the Michigan Compiled Laws.

(b) An authority incorporated under the metropolitan transportation authorities act of 1967, Act No. 204 of the Public Acts of 1967, being sections 124.401 to 124.426 of the Michigan Compiled Laws, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.501 to 124.512 of the Michigan Compiled Laws.

(c) Operating under a contract entered into pursuant to Act No. 8 of the Public Acts of the Extra Session of 1967, being sections 124.531 to 124.536 of the Michigan Compiled Laws, or Act No. 35 of the Public Acts of 1951, being sections 124.1 to 124.13 of the Michigan Compiled Laws.

(d) An authority incorporated under the public transportation authority act, Act No. 196 of the Public Acts of 1986, being sections 124.451 to 124.479 of the Michigan Compiled Laws, or a nonprofit corporation

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organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, that provides transportation services.

(e) An authority financing public improvements to transportation systems under the revenue bond act of 1933, Act No. 94 of the Public Acts of 1933, being sections 141.101 to 141.140 of the Michigan Compiled Laws.

(f) Only operating limousines to provide the transportation of passengers for funerals.

(g) Only operating wholly within the boundaries of a local unit of government if the local unit of government has its own safety inspection and insurance requirements.

(2) A limo carrier of passengers exempt under subsection (1) shall operate under the requirements of this act when operating outside of the political subdivisions permitted by the authorizing statute or the contract required by the authorizing statute.

(3) This act shall not apply to a limo carrier of passengers who is only providing transportation using metered vehicles identified as a taxi or taxicab with a maximum seating capacity of 3 to 9 passengers or less, including the driver.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1907 Operation of limo carrier of passengers on public highway; conditions; conditional effective date; definitions.

Sec. 7. (1) A limo carrier of passengers shall not operate a limousine for the transportation of persons for hire on a public highway in this state except in accordance with this act. A limo carrier of passengers that operates class B limousines for the purpose of picking up passengers within a city with a population of 750,000 or more shall also comply with the vehicle for hire ordinance of that city with respect to those limousines. However, a limo carrier of passengers may remain in the city during a given trip for the sole purpose of picking up the same passengers that the limo carrier of passengers originally brought into the city on that trip. A limo carrier of passengers shall not operate upon a public highway without first having obtained from the department a certificate of authority. A certificate of authority may be obtained for operation of either class A limousines or class B limousines or both.

(2) The amendatory act that added this subsection takes effect 30 days after a city with a population of 750,000 or more makes available bonds for class B limousines. The total number of class B limousine bonds shall be determined by the city. However, for the first 90 days the number of bonds to be made available for class B limousines shall not be less than 100 or more than 200.

(3) As used in this section:

(a) “Class A limousine” means a limousine with a seating capacity of not less than 7 passengers but not more than 15 passengers including the driver.

(b) “Class B limousine” means a limousine with a seating capacity of less than 7 passengers including the driver.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990;—Am. 2000, Act 487, Imd. Eff. Jan. 11, 2001.

257.1909 Duty of lessor.

Sec. 9. A lessor shall be required to inform any person leasing any limousine for the transportation of passengers for hire of the requirements of this act on a motor vehicle lease agreement.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1911 Certificate of authority; qualifications; terms and conditions.

Sec. 11. The department shall issue without a hearing a certificate of authority to a limo carrier of passengers authorizing that carrier to provide transportation services subject to the jurisdiction of the department under this act, if the department finds pursuant to section 13(1) that the carrier is fit, willing, and able to provide the transportation service authorized by the certificate of authority and to comply with this act and if the applicant presents evidence of the acquisition of personal injury protection and property damage liability insurance as required by section 13(2). The department may attach to the exercise of the privilege granted by a certificate of authority terms or conditions as the department considers appropriate.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1913 Determination of fitness, willingness, and ability to provide transportation service; insurance coverage; failure to satisfy both subsections (1) and (2).

Sec. 13. (1) In determining the fitness, willingness, and ability of an applicant for a certificate of authority to provide transportation service, the department shall consider all of the following before the issuance of the original certificate of authority:

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(a) The applicant's safety record.

(b) The character and condition of each limousine is such that it may be operated safely upon the public highways based on an inspection required pursuant to section 19 and conducted by a mechanic certified under the motor vehicle service and repair act at a motor vehicle repair facility registered under the motor vehicle service and repair act that is designated by the department as an inspection station or by a county, city, village, or township pursuant to section 14. Any limousine that does not pass the required departmental safety inspection shall not be operated over the public highways of this state.

(c) The applicant's financial ability to provide continuous insurance coverage as required by subsection (2) and to have adequate financial resources in order to pay for damage claims against the applicant.

(2) An applicant shall acquire the following insurance coverage of liability for acts or omissions of the applicant as a limo carrier of passengers:

(a) For limousines with a seating capacity of 1 to 9 passengers including the driver, bodily injury and property damage liability insurance with a minimum combined single limit of $1,000,000.00 for all persons injured or for property damage.

(b) For limousines with a seating capacity of 10 to 15 passengers including the driver, bodily injury and property damage liability insurance with a minimum combined single limit of $2,000,000.00 for all persons injured or for property damage.

(c) Personal protection insurance and property protection insurance as required by sections 3101 to 3179 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. A limo carrier of passengers shall maintain the insurance described in this subsection as a condition of maintaining a certificate of authority issued under this act.

(3) An applicant that does not satisfy both subsections (1) and (2) shall not be issued a certificate of authority to provide transportation service as a limo carrier of passengers under this act.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1914 Safety inspection generally.

Sec. 14. (1) A county, city, village, or township that has adopted a local ordinance to regulate limousines or a limo carrier of passengers within its corporate limits may perform the safety inspection required by section 19 upon request of a limo carrier of passengers.

(2) A safety inspection performed under this section shall meet or exceed the requirements and standards of the department safety inspection.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1915 Application for certificate of authority; approval or denial; notice of denial; reapplication; copy of safety inspection report; other requirements.

Sec. 15. (1) The department shall approve or deny an application for a certificate of authority within 90 days after the complete application is filed with the department.

(2) If the department denies an application for a certificate of authority, the department shall notify the applicant in writing of the reason or reasons for the denial, and the applicant shall have 30 days from the date of denial to correct any deficiency and reapply without payment of an additional application fee.

(3) A limo carrier of passengers who has a safety inspection performed under section 14 may receive a certificate of authority by providing the department with a copy of the safety inspection report and meeting the other requirements of section 13.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1917 Fees.

Sec. 17. An applicant for an original certificate of authority shall pay to the department a filing fee of $300.00 and a fee of $50.00 times the number of limousines to be used by the carrier to provide transportation for hire.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1919 Annual inspection.

Sec. 19. (1) Each limo carrier of passengers who holds a certificate of authority issued under this act shall have each limousine inspected annually by a mechanic certified under the motor vehicle service and repair act at a motor vehicle repair facility registered under the motor vehicle service and repair act that is designated by the department as an inspection station.

(2) Each limousine operated by the limo carrier of passengers under its certificate of authority shall pass the safety inspection which meets the department's specifications for safe operating character and condition

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for the renewal of certificate.

(3) A limousine that does not pass a required inspection shall not be operated over the public highways of this state.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1921 Annual renewal fee; certification of newly acquired limousines; fee; termination of certificate; cancellation and revocation of certificate; cessation of privileges.

Sec. 21. (1) Each limo carrier of passengers who holds a certificate of authority issued under this act shall pay to the department an annual renewal fee equal to $50.00 times the number of limousines used exclusively by the carrier to provide transportation of passengers for hire and meeting annual renewal inspection requirements of section 19. An annual renewal fee of $500.00 shall be paid for any limousine not meeting the annual renewal inspection requirement of section 19.

(2) For newly acquired limousines purchased by a limo carrier of passengers who holds a certificate of authority issued under this act to provide transportation for hire, the carrier shall pay to the department a maximum $50.00 fee per limousine to obtain a current year certification after inspection required pursuant to section 19.

(3) All certificates granted by the department terminate on the last day of February of each year unless renewed on or before that date with payment of the appropriate fee prescribed by this section. The certificate of any limo carrier of passengers who is delinquent in payment of fees required to be paid by this section is canceled and revoked on or after March 1 of the year for which renewal should have been made under the requirements of this section, and the limo carrier of passengers shall be prohibited from operating any of its vehicles upon or over the highways of this state. All privileges granted the limo carrier of passengers under the expiring certificate shall cease.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1923 Annual renewal inspection pursuant to MCL 257.1914; copy of report; fee.

Sec. 23. Each limo carrier of passengers who holds a certificate of authority under this act may have the annual renewal inspection required under section 19 done pursuant to section 14 and then shall submit to the department a copy of the safety inspection report and pay the department a fee equal to $5.00 times the number of limousines inspected.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1925 Cancellation of insurance coverage; revocation of certificate.

Sec. 25. If the insurance coverage required under this act is canceled for any reason, the certificate of authority issued to that carrier shall be considered revoked without any further action by the department.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1927 Administration and enforcement of act.

Sec. 27. The department may use all available legal and equitable remedies of a civil nature to enforce this act, an order issued, or a rule promulgated pursuant to this act. The department may employ such experts, assistants, inspectors, and other personnel as may be necessary, subject to civil service rules, to enable it to administer and enforce this act. An employee of the department shall not ask or receive any fee from a person for the taking of acknowledgments or any other service. State and local police officers shall enforce this act and the rules promulgated pursuant to this act. A peace officer may arrest, on sight or upon warrant, any person found violating, or having violated, a provision of this act or a rule promulgated under this act. The attorney general of the state and the prosecuting attorneys of the counties of the state shall prosecute all violations of this act. When this act is violated, the offense may be prosecuted in any jurisdiction in or through which any limousine implicated was present at the time of the violation.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1929 Violations; penalties; separate offenses.

Sec. 29. (1) Each person subject to this act who operates a limousine service without obtaining a certificate of authority required under this act or without meeting the insurance requirements provided in this act shall be subject to a fine of not more than $500.00. Each violation constitutes a separate offense.

(2) A person who commits fraud, misrepresentation, trickery, or deceit in connection with inspections conducted under this act shall be subject to a fine of not more than $500.00. Each violation constitutes a separate offense.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

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257.1931 Violation of act or rule as misdemeanor; penalty.

Sec. 31. A limo carrier of passengers, or an officer or agent of a limo carrier of passengers, who requires or permits a driver or operator to drive or operate a limousine in violation of this act, or a rule promulgated under this act, is guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment for not more than 90 days, or both.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1933 Alteration, suspension, or revocation of certificate of authority.

Sec. 33. The department may alter, suspend, or revoke a certificate of authority issued under this act if the department determines in a contested case hearing held pursuant to chapter 4 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.271 to 24.287 of the Michigan Compiled Laws, that a person to whom a certificate of authority has been issued has willfully violated or refused to comply with this act.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1935 Prohibited devices or arrangements.

Sec. 35. A person shall not violate or evade the provisions of this act through any device or arrangement.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1937 Rules; criteria.

Sec. 37. The department shall promulgate rules to implement this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. The rules shall include standardized forms to be used by all certified mechanics performing inspections required by section 19. The department shall also include criteria for designation of registered motor vehicle repair facilities as inspection stations for limousine inspections required under this act.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

257.1939 Disposition of revenues.

Sec. 39. All revenues collected pursuant to sections 17, 19, 23, 29, and 31 shall be deposited in the comprehensive transportation fund.

History: 1990, Act 271, Imd. Eff. Dec. 3, 1990.

MOTOR VEHICLE EMISSIONS TESTING PROGRAM ACT
Act 232 of 1993

257.2001-257.2042 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

MOTOR VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM ACT
Act 234 of 1993

257.2051-257.2076 Repealed. 1995, Act 60, Imd. Eff. May 24, 1995.

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