

HOUSE BILL No. 5963

November 13, 2014, Introduced by Rep. Kivela and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 721 and 732 (MCL 257.721 and 257.732), section 721 as amended by 2012 PA 80 and section 732 as amended by 2012 PA 592.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 721. (1) Except as otherwise provided in subsection (5),
2 a passenger vehicle or a pickup truck shall not be driven upon a
3 highway drawing or having attached to the passenger vehicle or
4 pickup truck more than 1 vehicle or trailer.

5 (2) The drawbar or other connection between 2 vehicles, 1 of
6 which is towing or drawing the other on a highway, shall not exceed

1 15 feet in length from 1 vehicle to the other. If the connection
2 consists of a chain, rope, or cable, there shall be displayed upon
3 the connection a red flag or other signal or cloth not less than 12
4 inches both in length and width.

5 (3) A vehicle or trailer towed or drawn by a vehicle shall be
6 attached to the vehicle with forms of coupling devices in a manner
7 so that when the combination is operated in a linear alignment on a
8 level, smooth, paved surface, the movement of the towed or drawn
9 vehicle or trailer does not deviate more than 3 inches to either
10 side of the path of the towing vehicle that tows or draws it. The
11 vehicle or trailer shall also be connected to the towing vehicle by
12 suitable safety chains or devices, 1 on each side of the coupling
13 and at the extreme outer edge of the vehicle or trailer. Each chain
14 or device and connection used shall be of sufficient strength to
15 haul the vehicle or trailer when loaded. In the case of an
16 implement of husbandry with a gross vehicle weight rating or gross
17 combination weight rating of 10,000 pounds or less, the safety
18 chains or devices required under this subsection shall conform to
19 the federal motor carrier safety regulations requirements contained
20 in 49 CFR 393.70(d)(5).

21 (4) A pickup truck with a fifth wheel assembly shall not tow a
22 semitrailer unless the fifth wheel assembly conforms to the
23 standards prescribed in the motor carrier safety act of 1963, 1963
24 PA 181, MCL 480.11 to 480.25.

25 (5) Notwithstanding subsection (1), a pickup truck with a
26 towing rating equal to, or greater than, the weight being towed,
27 equipped with a fifth wheel assembly that conforms with the

1 standards prescribed in the motor carrier safety act of 1963, 1963
2 PA 181, MCL 480.11 to 480.25, towing attached with a semitrailer
3 designed for recreational living purposes may tow an additional
4 trailer or semitrailer under the following conditions:

5 (a) The additional trailer or semitrailer shall be attached as
6 provided in subsection (3). The safety chains described in
7 subsection (3) shall be securely attached at the extreme outer edge
8 of the attached trailer or semitrailer with a locking mechanism.
9 The towing vehicle hitch shall be of substantial material and shall
10 be attached in a proper and skillful manner to the frame of the
11 towing vehicle.

12 (b) The total length of the pickup truck, semitrailer designed
13 for recreational living purposes, and additional trailer or
14 semitrailer, and load, shall not exceed 75 feet on any ~~highways~~
15 **HIGHWAY** in this state.

16 (c) The gross weight of the additional trailer or semitrailer
17 towed or drawn shall not exceed the empty weight of the pickup
18 truck or the empty weight of the semitrailer.

19 (6) For the purposes of this section, a pickup truck towing a
20 semitrailer and additional trailer shall be considered a passenger
21 vehicle. ~~and shall comply with the speed limit requirements of~~
22 ~~section 627(5).~~

23 (7) A person who violates this section is responsible for a
24 civil infraction.

25 Sec. 732. (1) Each municipal judge and each clerk of a court
26 of record shall keep a full record of every case in which a person
27 is charged with or cited for a violation of this act or a local

1 ordinance substantially corresponding to this act regulating the
2 operation of vehicles on highways and with those offenses
3 pertaining to the operation of ORVs or snowmobiles for which points
4 are assessed under section 320a(1)(c) or (i). Except as provided in
5 subsection (16), the municipal judge or clerk of the court of
6 record shall prepare and forward to the secretary of state an
7 abstract of the court record as follows:

8 (a) Not more than 5 days after a conviction, forfeiture of
9 bail, or entry of a civil infraction determination or default
10 judgment upon a charge of or citation for violating or attempting
11 to violate this act or a local ordinance substantially
12 corresponding to this act regulating the operation of vehicles on
13 highways.

14 (b) Immediately for each case charging a violation of section
15 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local
16 ordinance substantially corresponding to section 625(1), (3), (6),
17 or (8) or section 625m in which the charge is dismissed or the
18 defendant is acquitted.

19 (c) Immediately for each case charging a violation of section
20 82127(1) or (3), 81134, or 81135 of the natural resources and
21 environmental protection act, 1994 PA 451, MCL 324.82127,
22 324.81134, and 324.81135, or a local ordinance substantially
23 corresponding to those sections.

24 (2) If a city or village department, bureau, or person is
25 authorized to accept a payment of money as a settlement for a
26 violation of a local ordinance substantially corresponding to this
27 act, the city or village department, bureau, or person shall send a

1 full report of each case in which a person pays any amount of money
2 to the city or village department, bureau, or person to the
3 secretary of state upon a form prescribed by the secretary of
4 state.

5 (3) The abstract or report required under this section shall
6 be made upon a form furnished by the secretary of state. An
7 abstract shall be certified by signature, stamp, or facsimile
8 signature of the person required to prepare the abstract as
9 correct. An abstract or report shall include all of the following:

10 (a) The name, address, and date of birth of the person charged
11 or cited.

12 (b) The number of the person's operator's or chauffeur's
13 license, if any.

14 (c) The date and nature of the violation.

15 (d) The type of vehicle driven at the time of the violation
16 and, if the vehicle is a commercial motor vehicle, that vehicle's
17 group designation.

18 (e) The date of the conviction, finding, forfeiture, judgment,
19 or civil infraction determination.

20 (f) Whether bail was forfeited.

21 (g) Any license restriction, suspension, or denial ordered by
22 the court as provided by law.

23 (h) The vehicle identification number and registration plate
24 number of all vehicles that are ordered immobilized or forfeited.

25 (i) Other information considered necessary to the secretary of
26 state.

27 (4) The clerk of the court also shall forward an abstract of

1 the court record to the secretary of state upon a person's
2 conviction involving any of the following:

3 (a) A violation of section 413, 414, or 479a of the Michigan
4 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

5 (b) A violation of section 1 of former 1931 PA 214.

6 (c) Negligent homicide, manslaughter, or murder resulting from
7 the operation of a vehicle.

8 (d) A violation of sections 701(1) and 703 of the Michigan
9 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,
10 or a local ordinance substantially corresponding to those sections.

11 (e) A violation of section 411a(2) of the Michigan penal code,
12 1931 PA 328, MCL 750.411a.

13 (f) A violation of motor carrier safety regulations 49 CFR
14 392.10 or 392.11 as adopted by section 1a of the motor carrier
15 safety act of 1963, 1963 PA 181, MCL 480.11a.

16 (g) A violation of section 57 of the pupil transportation act,
17 1990 PA 187, MCL 257.1857.

18 (h) A violation of motor carrier safety regulations 49 CFR
19 392.10 or 392.11 as adopted by section 31 of the motor bus
20 transportation act, 1982 PA 432, MCL 474.131.

21 (i) An attempt to violate, a conspiracy to violate, or a
22 violation of part 74 of the public health code, 1978 PA 368, MCL
23 333.7401 to 333.7461, or a local ordinance that prohibits conduct
24 prohibited under part 74 of the public health code, 1978 PA 368,
25 MCL 333.7401 to 333.7461, unless the convicted person is sentenced
26 to life imprisonment or a minimum term of imprisonment that exceeds
27 1 year for the offense.

1 (j) An attempt to commit an offense described in subdivisions
2 (a) to (h).

3 (k) A violation of chapter LXXXIII-A of the Michigan penal
4 code, 1931 PA 328, MCL 750.543a to 750.543z.

5 (l) A violation of section 3101, 3102(1), or 3103 of the
6 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and
7 500.3103.

8 (m) A violation listed as a disqualifying offense under 49 CFR
9 383.51.

10 (5) The clerk of the court shall also forward an abstract of
11 the court record to the secretary of state if a person has pled
12 guilty to, or offered a plea of admission in a juvenile proceeding
13 for, a violation of section 703 of the Michigan liquor control code
14 of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
15 substantially corresponding to that section, and has had further
16 proceedings deferred under that section. If the person is sentenced
17 to a term of probation and terms and conditions of probation are
18 fulfilled and the court discharges the individual and dismisses the
19 proceedings, the court shall also report the dismissal to the
20 secretary of state.

21 (6) As used in subsections (7) to (9), "felony in which a
22 motor vehicle was used" means a felony during the commission of
23 which the person operated a motor vehicle and while operating the
24 vehicle presented real or potential harm to persons or property and
25 1 or more of the following circumstances existed:

26 (a) The vehicle was used as an instrument of the felony.

27 (b) The vehicle was used to transport a victim of the felony.

1 (c) The vehicle was used to flee the scene of the felony.

2 (d) The vehicle was necessary for the commission of the
3 felony.

4 (7) If a person is charged with a felony in which a motor
5 vehicle was used, other than a felony specified in subsection (4)
6 or section 319, the prosecuting attorney shall include the
7 following statement on the complaint and information filed in
8 district or circuit court:

9 "You are charged with the commission of a felony in which a
10 motor vehicle was used. If you are convicted and the judge finds
11 that the conviction is for a felony in which a motor vehicle was
12 used, as defined in section 319 of the Michigan vehicle code, 1949
13 PA 300, MCL 257.319, your driver's license shall be suspended by
14 the secretary of state."

15 (8) If a juvenile is accused of an act, the nature of which
16 constitutes a felony in which a motor vehicle was used, other than
17 a felony specified in subsection (4) or section 319, the
18 prosecuting attorney or family division of circuit court shall
19 include the following statement on the petition filed in the court:

20 "You are accused of an act the nature of which constitutes a
21 felony in which a motor vehicle was used. If the accusation is
22 found to be true and the judge or referee finds that the nature of
23 the act constitutes a felony in which a motor vehicle was used, as
24 defined in section 319 of the Michigan vehicle code, 1949 PA 300,
25 MCL 257.319, your driver's license shall be suspended by the
26 secretary of state."

27 (9) If the court determines as part of the sentence or

1 disposition that the felony for which the person was convicted or
2 adjudicated and with respect to which notice was given under
3 subsection (7) or (8) is a felony in which a motor vehicle was
4 used, the clerk of the court shall forward an abstract of the court
5 record of that conviction to the secretary of state.

6 (10) As used in subsections (11) and (12), "felony in which a
7 commercial motor vehicle was used" means a felony during the
8 commission of which the person operated a commercial motor vehicle
9 and while the person was operating the vehicle 1 or more of the
10 following circumstances existed:

11 (a) The vehicle was used as an instrument of the felony.

12 (b) The vehicle was used to transport a victim of the felony.

13 (c) The vehicle was used to flee the scene of the felony.

14 (d) The vehicle was necessary for the commission of the
15 felony.

16 (11) If a person is charged with a felony in which a
17 commercial motor vehicle was used and for which a vehicle group
18 designation on a license is subject to suspension or revocation
19 under section 319b(1)(c)(iii), 319b(1)(d), 319b(1)(e)(iii), or
20 319b(1)(f)(i), the prosecuting attorney shall include the following
21 statement on the complaint and information filed in district or
22 circuit court:

23 "You are charged with the commission of a felony in which a
24 commercial motor vehicle was used. If you are convicted and the
25 judge finds that the conviction is for a felony in which a
26 commercial motor vehicle was used, as defined in section 319b of
27 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle

1 group designations on your driver's license shall be suspended or
2 revoked by the secretary of state."

3 (12) If the judge determines as part of the sentence that the
4 felony for which the defendant was convicted and with respect to
5 which notice was given under subsection (11) is a felony in which a
6 commercial motor vehicle was used, the clerk of the court shall
7 forward an abstract of the court record of that conviction to the
8 secretary of state.

9 (13) Every person required to forward abstracts to the
10 secretary of state under this section shall certify for the period
11 from January 1 through June 30 and for the period from July 1
12 through December 31 that all abstracts required to be forwarded
13 during the period have been forwarded. The certification shall be
14 filed with the secretary of state not later than 28 days after the
15 end of the period covered by the certification. The certification
16 shall be made upon a form furnished by the secretary of state and
17 shall include all of the following:

18 (a) The name and title of the person required to forward
19 abstracts.

20 (b) The court for which the certification is filed.

21 (c) The time period covered by the certification.

22 (d) The following statement:

23 "I certify that all abstracts required by section 732 of the
24 Michigan vehicle code, MCL 257.732; MSA 9.2432, for the period
25 _____ through _____ have been forwarded to the
26 secretary of state."

27 (e) Other information the secretary of state considers

1 necessary.

2 (f) The signature of the person required to forward abstracts.

3 (14) The failure, refusal, or neglect of a person to comply
4 with this section constitutes misconduct in office and is grounds
5 for removal from office.

6 (15) Except as provided in subsection (16), the secretary of
7 state shall keep all abstracts received under this section at the
8 secretary of state's main office and the abstracts shall be open
9 for public inspection during the office's usual business hours.
10 Each abstract shall be entered upon the master driving record of
11 the person to whom it pertains.

12 (16) Except for controlled substance offenses described in
13 subsection (4), the court shall not submit, and the secretary of
14 state shall discard and not enter on the master driving record, an
15 abstract for a conviction or civil infraction determination for any
16 of the following violations:

17 (a) The parking or standing of a vehicle.

18 (b) A nonmoving violation that is not the basis for the
19 secretary of state's suspension, revocation, or denial of an
20 operator's or chauffeur's license.

21 (c) A violation of chapter II that is not the basis for the
22 secretary of state's suspension, revocation, or denial of an
23 operator's or chauffeur's license.

24 (d) A pedestrian, passenger, or bicycle violation, other than
25 a violation of section 703(1) or (2) of the Michigan liquor control
26 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance
27 substantially corresponding to section 703(1) or (2) of the

1 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or
2 section 624a or 624b or a local ordinance substantially
3 corresponding to section 624a or 624b.

4 (e) A violation of section 710e or a local ordinance
5 substantially corresponding to section 710e.

6 (f) A violation of section 328(1) if, before the appearance
7 date on the citation, the person submits proof to the court that
8 the motor vehicle had insurance meeting the requirements of
9 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
10 MCL 500.3101 and 500.3102, at the time the citation was issued.
11 Insurance obtained subsequent to the time of the violation does not
12 make the violation an exception under this subsection.

13 (g) A violation described in section 319b(10) (b) (vii) if,
14 before the court appearance date or date fines are to be paid, the
15 person submits proof to the court that he or she held a valid
16 commercial driver license on the date the citation was issued.

17 (h) A violation of section 311 if the person was driving a
18 noncommercial vehicle and, before the court appearance date or the
19 date fines are to be paid, the person submits proof to the court
20 that he or she held a valid driver license on the date the citation
21 was issued.

22 (i) A violation of section 602b(1) or 602c.

23 **(J) A VIOLATION FOR OPERATING A MOTOR VEHICLE AT A SPEED OF 5**
24 **MILES PER HOUR OR LESS OVER THE SPEED LIMIT.**

25 (17) Except as otherwise provided in this subsection, the
26 secretary of state shall discard and not enter on the master
27 driving record an abstract for a bond forfeiture that occurred

1 outside this state. The secretary of state shall enter on the
2 master driving record an abstract for a conviction as defined in
3 section 8a(b) that occurred outside this state in connection with
4 the operation of a commercial motor vehicle or for a conviction of
5 a person licensed as a commercial motor vehicle driver.

6 (18) The secretary of state shall inform the courts of this
7 state of the nonmoving violations and violations of chapter II that
8 are used by the secretary of state as the basis for the suspension,
9 restriction, revocation, or denial of an operator's or chauffeur's
10 license.

11 (19) If a conviction or civil infraction determination is
12 reversed upon appeal, the person whose conviction or determination
13 has been reversed may serve on the secretary of state a certified
14 copy of the order of reversal. The secretary of state shall enter
15 the order in the proper book or index in connection with the record
16 of the conviction or civil infraction determination.

17 (20) The secretary of state may permit a city or village
18 department, bureau, person, or court to modify the requirement as
19 to the time and manner of reporting a conviction, civil infraction
20 determination, or settlement to the secretary of state if the
21 modification will increase the economy and efficiency of collecting
22 and utilizing the records. If the permitted abstract of court
23 record reporting a conviction, civil infraction determination, or
24 settlement originates as a part of the written notice to appear,
25 authorized in section 728(1) or 742(1), the form of the written
26 notice and report shall be as prescribed by the secretary of state.

27 (21) Notwithstanding any other law of this state, a court

1 shall not take under advisement an offense committed by a person
2 while operating a commercial motor vehicle or by a person licensed
3 to drive a commercial motor vehicle while operating a noncommercial
4 motor vehicle at the time of the offense, for which this act
5 requires a conviction or civil infraction determination to be
6 reported to the secretary of state. A conviction or civil
7 infraction determination that is the subject of this subsection
8 shall not be masked, delayed, diverted, suspended, or suppressed by
9 a court. Upon a conviction or civil infraction determination, the
10 conviction or civil infraction determination shall immediately be
11 reported to the secretary of state in accordance with this section.

12 (22) Except as provided in this act and notwithstanding any
13 other provision of law, a court shall not order expunction of any
14 violation reportable to the secretary of state under this section.