

HOUSE BILL No. 5905

September 21, 2016, Introduced by Rep. Leutheuser and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 40a, and 216 (MCL 257.11, 257.40a, and 257.216), section 11 as amended by 2008 PA 539, section 40a as added by 1990 PA 98, and section 216 as amended by 2009 PA 32, and by adding section 30d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 11. (1) Except as otherwise provided in this section,
2 "dealer" means a person who is 1 or more of the following:
3 (a) A person who in a 12-month period did 1 or more of the
4 following:
5 (i) Engaged in the business of purchasing, selling,

1 exchanging, brokering, leasing, or dealing in vehicles of a type
2 required to be titled under this act.

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

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

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

10 (2) There is a rebuttable presumption that a person who in a
11 12-month period buys and sells, exchanges, brokers, leases, or
12 deals in 5 or more vehicles, or buys and sells, exchanges, brokers,
13 or deals in salvageable parts for 5 or more vehicles, or buys 5 or
14 more vehicles to sell vehicle parts or to process into scrap metal
15 is engaged in a business of being a dealer as described in
16 subsection (1).

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

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

21 (b) A bank holding company.

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

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

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

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

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

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

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

15 (j) A person who has received a vehicle under section
16 252g(3)(a) for the purpose of selling that vehicle to a dealer
17 licensed under this act.

18 **(K) A PERSON WHO IS IN THE BUSINESS OF EXCLUSIVELY SELLING**
19 **MINI CAMPERS.**

20 **SEC. 30D. "MINI CAMPER" MEANS A PICKUP CAMPER THAT WEIGHS**
21 **1,000 POUNDS OR LESS.**

22 Sec. 40a. "Pickup camper" means a nonself-propelled
23 recreational vehicle, without wheels for road use, that is designed
24 to rest all of its weight upon, and be attached to, a motor
25 vehicle, and is primarily intended for use as temporary living
26 quarters in connection with recreational, camping, or travel
27 purposes. A pickup camper does not include truck covers or caps

1 consisting of walls and a roof but that do not have floors and
2 facilities for using the camper as a dwelling. **PICKUP CAMPER DOES**
3 **NOT INCLUDE A MINI CAMPER.**

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

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

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

14 (c) An implement of husbandry.

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

20 (e) A vehicle that is propelled exclusively by electric power
21 obtained from overhead trolley wires though not operated on rails.

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

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

26 (h) A vehicle driven or moved on a street or highway, by the
27 most direct route, only for the purpose of securing a scale weight

1 receipt from a weighmaster for purposes of section 801 or obtaining
2 a vehicle inspection by a law enforcement agency before titling or
3 registration of that vehicle.

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

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

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

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

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

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

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

1 **(P) A MINI CAMPER.**

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.