

(4) A municipality shall record any deed in lieu of foreclosure in the office of the register of deeds in the county within which the property is located and pay any applicable recording costs.

(5) A municipality shall forward a copy of a deed in lieu of foreclosure recorded under subsection (4) to the treasurer of the city, village, or township, and to the treasurer of the county, within which the property is located.

(6) To encourage the donation or transfer of blighting property, a municipality may forgive fines levied by the municipality against the property or fines relating to the property levied against a person with a legal interest in the property.

125.2809 Transfer of property designated as blighting.

Sec. 9. (1) For reasonable and valuable consideration, a municipality may transfer for development property designated as blighting property and acquired under this act. A municipality may transfer the blighting property after the transferee presents all of the following:

(a) A development plan for the property.

(b) Guarantees of the transferee's financial ability to implement the development plan for the blighting property.

(2) If property obtained by a municipality under this act is subsequently sold by the municipality for an amount in excess of any costs incurred by the municipality relating to demolition, renovation, improvements, or infrastructure development, the excess amount shall be returned on a pro rata basis to any taxing jurisdiction affected by the extinguishment of taxes under section 8 as a result of the designation of the property as blighting property to the extent necessary to offset the extinguishment of taxes under section 8. Upon the request of any taxing jurisdiction in which the blighting property is located, the municipality shall provide to the requesting taxing jurisdiction cost information regarding any subsequent sale or transfer by the municipality of the blighting property.

125.2810 Additional powers.

Sec. 10. The powers granted in this act are in addition to powers granted to municipalities under the statutes and local charters. Nothing contained in this act shall be construed to amend or repeal any of the provisions of 1933 (Ex Sess) PA 18, MCL 125.651 to 125.709c, or of 1945 PA 344, MCL 125.71 to 125.84.

Repeal of act.

Enacting section 1. This act is repealed 5 years after the effective date of this act.

This act is ordered to take immediate effect.

Approved March 5, 2002.

Filed with Secretary of State March 6, 2002.

[No. 28]

(HB 5389)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations;

to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2001 PA 136, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

The People of the State of Michigan enact:

CHAPTER XVII

777.17 Applicability of chapter to certain felonies; chapters 751 to 830.

Sec. 17. This chapter applies to the following felonies enumerated in chapters 751 to 830 of the Michigan Compiled Laws as set forth in sections 17a to 17g of this chapter.

777.17b Applicability of chapter to certain felonies; §§ 752.272a(2)(c) to 752.543.

Sec. 17b. This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
752.272a(2)(c)	Pub saf	F	Sale or distribution of nitrous oxide device — 2 or more prior convictions	4
752.365(3)	Pub ord	G	Obscenity — subsequent offense	2
752.541	Pub saf	D	Riot	10
752.542	Pub saf	D	Incitement to riot	10
752.542a	Pub saf	D	Riot in state correctional facilities	10
752.543	Pub saf	G	Unlawful assembly	5

777.17c Applicability of chapter to certain felonies; §§ 752.797(1)(c) to 752.797(3)(f); determination.

Sec. 17c. (1) This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
752.797(1)(c)	Property	E	Computer fraud — 2 prior convictions or value of \$1,000 to \$20,000	5

752.797(1)(d)	Property	D	Computer fraud — 3 or more prior convictions or value of \$20,000 or more	10
752.797(2)(a)	Property	E	Unlawfully accessing computer, computer system, or computer program	5
752.797(2)(b)	Property	D	Unlawfully accessing computer, computer system, or computer program, with prior conviction	10
752.797(3)(b)	Variable	G	Using computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years	2
752.797(3)(c)	Variable	F	Using computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
752.797(3)(d)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	7
752.797(3)(e)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years	10
752.797(3)(f)	Variable	B	Using computer to commit crime punishable by a maximum term of imprisonment of at least 20 years or for life	20

(2) For a violation of section 797(3) of 1979 PA 53, MCL 752.797, determine the offense category, offense variable level, and prior record variable level based on the underlying offense.

777.17d Applicability of chapter to certain felonies; §§ 752.802 to 752.1054(2).

Sec. 17d. This chapter applies to the following felonies enumerated in chapter 752 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
752.802	Property	H	Vending machines — manufacture/sale of slugs	5
752.811	Property	H	Breaking and entering a coin operated device	3
752.861	Person	G	Careless discharge of firearm causing injury or death	2
752.881	Person	G	Reckless use of bow and arrow resulting in injury or death	2
752.1003	Property	F	Health care fraud — false claim/state, unnecessary, conceal information	4
752.1004	Property	F	Health care fraud — kickbacks/referral fees	4
752.1005	Property	H	Health care fraud — conspiracy	10

752.1006	Property	D	Health care fraud — subsequent offense	20
752.1054(2)	Property	G	Copying audio/video recordings for gain	5

777.17f Applicability of chapter to certain felonies; §§ 764.1e to 767a.9.

Sec. 17f. This chapter applies to the following felonies enumerated in chapters 760 to 799 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
764.1e	Pub trst	C	Peace officer — false statement in a complaint	15
767.4a	Pub trst	F	Disclosing or possessing grand jury information	4
767a.9(1)(a)	Pub trst	C	Perjury committed in prosecutor's investigative hearing — noncapital crime	15
767a.9(1)(b)	Pub trst	B	Perjury committed in prosecutor's investigative hearing — capital crime	Life

777.17g Applicability of chapter to certain felonies; §§ 800.281(1) to 801.263(2).

Sec. 17g. This chapter applies to the following felonies enumerated in chapters 800 to 830 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
800.281(1)	Pub saf	H	Furnishing prisoner with contraband	5
800.281(2)	Pub saf	H	Furnishing prisoner with contraband outside	5
800.281(3)	Pub saf	H	Bringing contraband into prisons	5
800.281(4)	Pub saf	E	Prisoner possessing contraband	5
800.283(1)	Pub saf	E	Furnishing weapon to prisoner in prison	5
800.283(2)	Pub saf	E	Prisons — knowledge of a weapon in a correctional facility	5
800.283(3)	Pub saf	E	Bringing weapon into prison	5
800.283(4)	Pub saf	E	Prisoner possessing weapon	5
801.262(1)(a)	Pub saf	E	Bringing weapon into jail	5
801.262(1)(b)	Pub saf	E	Furnishing weapon to prisoner in jail	5
801.262(2)	Pub saf	E	Prisoner in jail possessing weapon	5
801.263(1)	Pub saf	H	Furnishing contraband to prisoner in jail	5
801.263(2)	Pub saf	H	Prisoner in jail possessing contraband	5

Effective date.

Enacting section 1. This amendatory act takes effect April 1, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 29]**(HB 5390)**

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363, and by adding sections 14a, 14b, 14c, 14d, 14f, 14g, 14h, 14j, 14m, and 14p to chapter XVII.

The People of the State of Michigan enact:

CHAPTER XVII

777.14 Chapters 400 to 499 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 14. This chapter applies to felonies enumerated in chapters 400 to 499 of the Michigan Compiled Laws as set forth in sections 14a to 14p.

777.14a Applicability of chapter to certain felonies; §§ 400.60(2) to 400.722(4).

Sec. 14a. This chapter applies to the following felonies enumerated in chapters 400 to 407 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
400.60(2)	Property	H	Welfare — obtaining over \$500 by failure to inform	4
400.603	Pub trst	G	Medicaid fraud — false statement in benefit/concealing information	4
400.604	Pub trst	G	Medicaid fraud — kickback/referral fees	4
400.605	Pub trst	G	Medicaid fraud — false statement regarding institutions	4

400.606	Property	E	Medicaid fraud — conspiracy	10
400.607	Pub trst	G	Medicaid fraud — false claim/ medically unnecessary	4
400.609	Property	D	Medicaid fraud — fourth or subse- quent offense	10
400.713(13)	Pub saf	H	Adult foster care — unlicensed facility	2
	Pub saf	F	Adult foster care — unlicensed facility — subsequent violation	5
400.722(4)	Pub saf	F	Adult foster care — maintaining operation after refusal of licensure	5

777.14b Applicability of chapter to certain felonies; §§ 408.1035(5) to 409.122(3).

Sec. 14b. This chapter applies to the following felonies enumerated in chapters 408 to 420 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
408.1035(5)	Person	H	MIOSHA violation causing employee death	1
	Person	G	MIOSHA violation causing employee death — subsequent offense	3
408.1035a(5)	Person	H	MIOSHA violation causing employee death	1
	Person	G	MIOSHA violation causing employee death — subsequent offense	3
409.122(2)	Person	G	Employment of children during certain hours — second offense	2
	Person	E	Employment of children during certain hours — third or subse- quent offense	10
409.122(3)	Person	D	Employment of children in child sexually abusive activity	20

777.14c Applicability of chapter to certain felonies; §§ 421.54 to 421.54c.

Sec. 14c. This chapter applies to the following felonies enumerated in chapter 421 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
421.54(a)(ii)(B)	Property	H	Unemployment comp fraud — failure to comply with act/rule \$25,000-\$100,000	2
421.54(a)(ii)(C)	Property	G	Unemployment comp fraud — failure to comply with act/rule over \$100,000	5
421.54(a)(iv)(B)	Property	H	Unemployment comp fraud — willful violation of act/rule over \$100,000	2
421.54(b)(ii)(B)	Property	H	Unemployment comp fraud — false statement or misrepre- sentation over \$25,000	2

421.54(b)(ii)(C)	Property	H	Unemployment comp fraud — false statement or misrepresentation without actual loss	2
421.54(d)	Property	H	Unemployment comp fraud — disclose confidential information for financial gain	1
421.54a	Property	G	Unemployment comp fraud — false statement as condition of employment	10
421.54b(b)(i)	Property	H	Unemployment comp fraud — conspiracy with loss of \$25,000 or less	2
421.54b(b)(ii)	Property	G	Unemployment comp fraud — conspiracy with loss over \$25,000	5
421.54b(b)(iii)	Property	H	Unemployment comp fraud — conspiracy with no actual loss	2
421.54c(b)(ii)	Property	H	Unemployment comp fraud — embezzlement of \$25,000 to under \$100,000	2
421.54c(b)(iii)	Property	G	Unemployment comp fraud — embezzlement of \$100,000 or more	5
421.54c(b)(iv)	Property	H	Unemployment comp fraud — embezzlement with no actual loss	2

777.14d Applicability of chapter to certain felonies; §§ 431.257 to 432.218.

Sec. 14d. This chapter applies to the following felonies enumerated in chapters 422 to 432 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
431.257	Pub trst	G	Racing, boxing and exhibition racing	2
431.307(8)	Pub trst	G	Horse racing — testifying falsely to commissioner while under oath	4
431.330(4)	Pub trst	G	Horse racing — administering a drug that could affect racing condition	5
431.332	Pub trst	G	Horse racing — influencing or attempting to influence result of race	5
432.30	Property	G	Lottery — forgery of tickets	5
432.218	Pub ord	D	Casino gaming offenses	10

777.14f Applicability of chapter to certain felonies; §§ 436.1701(2) to 436.1919.

Sec. 14f. This chapter applies to the following felonies enumerated in chapter 436 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
436.1701(2)	Person	D	Selling alcohol to a minor and causing death	10
436.1909(3)	Pub ord	H	Liquor violation	1
436.1919	Pub ord	H	Fraudulent documents, labels, or stamps	1

777.14g Applicability of chapter to certain felonies; §§ 438.41 to 444.107.

Sec. 14g. This chapter applies to the following felonies enumerated in chapters 437 to 444 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
438.41	Property	E	Criminal usury	5
440.9320(8)	Property	G	Farming — illegal sale of secured products	3
442.219	Pub trst	E	Sales — false statement	5
443.50	Pub trst	E	Issuing warehouse receipt for goods not received	5
443.52	Pub trst	E	Issuing duplicate warehouse receipt not so marked	5
444.13	Pub trst	H	Warehousemen and warehouse receipts	2
444.107	Pub trst	E	Warehouse certificates — willfully alter or destroy	5

777.14h Applicability of chapter to certain felonies; §§ 445.487(2) to 445.1679.

Sec. 14h. This chapter applies to the following felonies enumerated in chapter 445 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
445.487(2)	Pub ord	H	Precious metal and gem dealer failure to record material matter — subsequent offense	2
445.488(2)	Pub ord	H	Precious metal and gem dealer violations — subsequent offense	2
445.489	Pub ord	H	Precious metal and gem dealer violations	2
445.490	Pub ord	H	Precious metal and gem dealer failure to obtain a certificate of registration	2
445.779	Pub ord	H	Antitrust violation	2
445.1505	Pub trst	G	Franchise investment law — fraudulent filing/offers	7
445.1508	Pub trst	G	Franchise investment law — sale without proper disclosure	7
445.1513	Pub trst	G	Franchise investment law — illegal offers/sales	7
445.1520	Pub trst	G	Franchise investment law — keeping records	7
445.1521	Pub trst	G	Franchise investment law — false representation	7
445.1523	Pub trst	G	Franchise investment law — false statements of material fact	7
445.1525	Pub trst	G	Franchise investment law — false advertising	7
445.1528	Pub trst	D	Pyramid/chain promotions — offer or sell	7

445.1671	Pub trst	E	Mortgage brokers, lenders — knowingly giving a false statement	15
445.1679	Pub trst	H	Mortgage brokers act — general violations	3

777.14j Applicability of chapter to certain felonies; §§ 450.775 to 451.806.

Sec. 14j. This chapter applies to the following felonies enumerated in chapters 450 and 451 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
450.775	Pub ord	H	Corporations — minority and woman owned businesses	2
450.795	Pub ord	H	Corporations — handicapper business opportunity act	2
451.319	Pub trst	G	Securities, real estate, and debt management — violation	2
451.434	Pub trst	H	Debt management act — licensee violations	2
451.501	Pub trst	E	Blue sky laws — fraudulent schemes/statements	10
451.502	Pub trst	E	Blue sky laws — investment advisor/agent fraud	10
451.503	Pub trst	E	Blue sky laws — make/sell false bullion/certificates	10
451.601	Pub trst	E	Blue sky laws — unregistered broker/dealer/agent/advisor	10
451.603(h)	Pub trst	E	Blue sky laws — fail to notify administrator of sanctions	10
451.604(a)(1)(j) to (s) and (v) to (z)	Pub trst	E	Blue sky laws — various violations	10
451.701	Pub trst	E	Blue sky laws — offer/sell unregistered securities	10
451.802	Pub trst	E	Blue sky laws — unlawfully selling securities	10
451.804	Pub trst	E	Blue sky laws — willful false statements	10
451.805(b)	Pub trst	E	Blue sky laws — false representation of administrative approval	10
451.806(b)	Pub trst	E	Blue sky laws — improper disclosure by cor and sec bur employee	10

777.14m Applicability of chapter to certain felonies; §§ 462.257(1) to 472.36.

Sec. 14m. This chapter applies to the following felonies enumerated in chapters 460 to 473 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
462.257(1)	Person	A	Trains — endangering travel	Life
462.353(5)	Pub saf	E	Operating a locomotive under the influence — third or subsequent offense	4
472.36	Pub saf	A	Street railways — obstruction of track	Life

777.14p Applicability of chapter to certain felonies; §§ 482.44 to 493.77(2).

Sec. 14p. This chapter applies to the following felonies enumerated in chapters 482 to 499 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
482.44	Property	H	Bills of lading — issuance for goods not received	5
482.46	Property	H	Bills of lading — issuance of duplicate not so marked	5
482.48	Property	H	Bills of lading — negotiation when goods not in carriers' possession	5
482.49	Property	H	Bills of lading — inducing carrier to issue when goods have not been received	5
482.50	Property	H	Bills of lading — issuance of non-negotiable bill not so marked	5
483.226	Pub trst	E	Officer of a pipeline company — intent to defraud — stock	10
487.1505(6)	Pub trst	E	BIDCO act — knowingly receiving money or property at an interest rate exceeding 25%	5
492.137(a)	Pub trst	H	Installment sales of motor vehicles	3
493.56a(13)	Pub trst	C	False statement in reports — secondary mortgage	15
493.77(2)	Pub trst	H	Regulatory loans	3

Effective date.

Enacting section 1. This amendatory act takes effect April 1, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 30]

(HB 5391)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe

its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 156, and by adding sections 13b, 13c, 13d, 13e, 13f, 13g, 13j, 13k, 13m, 13n, and 13p.

The People of the State of Michigan enact:

CHAPTER XVII

777.13 Chapters 300 to 399 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 13. This chapter applies to felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws as set forth in sections 13a to 13p of this chapter.

777.13b Applicability of chapter to certain felonies; §§ 324.1608 to 324.2157(1)(d).

Sec. 13b. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(1)(c)	Property	E	Damage to state property involving \$1,000 to \$20,000 or with prior convictions	5
324.2157(1)(d)	Property	D	Damage to state property involving \$20,000 or more or with prior convictions	10

777.13c Applicability of chapter to certain felonies; §§ 324.3115(2) to 324.21548(1).

Sec. 13c. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.3115(2)	Pub saf	H	Waste discharge violations	2
324.3115(4)	Pub saf	G	Waste discharge violations — substantial endangerment	5
324.5531(4)	Pub saf	H	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants — causing death or serious bodily injury	6
324.5531(6)	Pub saf	C	Knowingly releasing pollutants — resulting in death or serious bodily injury	15

324.8905(2)	Pub saf	H	Infectious waste/pathological waste/sharps — littering violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological waste/sharps — littering violation — subsequent offense	5
324.11151(2)	Pub saf	H	Hazardous waste violations — subsequent offense	2
324.11151(3)	Pub saf	H	Hazardous waste violation — with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation — with extreme indifference for human life	5
324.12116(2)	Pub saf	H	Waste — false statement or entry in a license application	2
324.20139(3)	Pub saf	H	Hazardous waste — knowingly releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks — false or misleading information	5
324.21548(1)	Pub trst	H	False statement, report, claim, bid, work invoice, or other request for payment	5

777.13d Applicability of chapter to certain felonies; §§ 324.30316(3) to 324.33939(1).

Sec. 13d. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.30316(3)	Pub saf	H	NREPA violation — subsequent offense	2
324.31525	Person	G	NREPA — imminent danger of death or serious injury — subsequent offense	2
324.33939(1)	Pub trst	H	NREPA violation for commercial purposes	2

777.13e Applicability of chapter to certain felonies; §§ 324.40118(11) to 324.52908(1)(d).

Sec. 13e. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.40118(11)	Pub ord	G	Wildlife conservation — buying/selling protected animals — subsequent offense	4
324.51120(2)	Property	H	Removing forest products over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.52908(1)(c)	Property	E	Damage to plant involving \$1,000 to \$20,000 or with prior convictions	5
324.52908(1)(d)	Property	D	Damage to plant involving \$20,000 or more or with prior convictions	10

777.13f Applicability of chapter to certain felonies; §§ 324.61511 to 324.61521(1).

Sec. 13f. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3

777.13g Applicability of chapter to certain felonies; §§ 324.76107(3) to 324.82160(3).

Sec. 13g. This chapter applies to the following felonies enumerated in chapter 324 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.76107(3)	Pub ord	D	Removing or mutilating human body from Great Lakes bottomland	10
324.76107(4)(c)	Property	E	Recovering abandoned property in Great Lakes having value of \$1,000 to \$20,000 or with prior convictions	5
324.76107(4)(d)	Property	D	Recovering abandoned property in Great Lakes having value of \$20,000 or more or with prior convictions	10
324.80130d(1)	Pub ord	H	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.80130d(3)	Pub ord	C	False representation to obtain personal information — third or subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide by vessel	2
324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	C	Operating a vessel under the influence causing death	15
324.80176(5)	Person	E	Operating a vessel under the influence causing serious impairment	5
324.80177(1)(c)	Pub saf	E	Operating a vessel under the influence — third or subsequent offense	5
324.80319a(1)	Pub ord	H	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.80319a(3)	Pub ord	C	False representation to obtain personal information — third or subsequent offense	15

324.81120(1)	Pub ord	H	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.81120(3)	Pub ord	C	False representation to obtain personal information — third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence — third or subsequent offense	5
324.81134(7)	Person	C	Operating an ORV under the influence causing death	15
324.81134(8)	Person	E	Operating an ORV under the influence causing serious impairment	5
324.82126c(1)	Person	G	Operating a snowmobile carelessly or negligently causing death or serious impairment	2
324.82126c(2)	Person	G	Operating a snowmobile without regard to safety causing serious impairment	2
324.82127(4)	Person	C	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	E	Operating a snowmobile under the influence causing serious impairment	5
324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence — third or subsequent offense	5
324.82160(1)	Pub ord	H	False representation to obtain personal information	4
324.82160(2)	Pub ord	G	False representation to obtain personal information — second offense	7
324.82160(3)	Pub ord	C	False representation to obtain personal information — third or subsequent offense	15

777.13j Applicability of chapter to certain felonies; § 328.232.

Sec. 13j. This chapter applies to the following felonies enumerated in chapters 325 to 332 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
328.232	Property	E	Conversion of funeral contracts	5

777.13k Applicability of chapter to certain felonies; §§ 333.2685 to 333.5661.

Sec. 13k. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
333.2685	Person	E	Use of a live human embryo, fetus for nontherapeutic research	5
333.2688	Person	E	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	E	Abortion to obtain embryo	5
333.2690	Person	E	Sale or delivery of fetus or embryo	5
333.2813(3)	Pub trst	F	Unauthorized disclosure of social security number — subsequent offense	4
333.2835(9)	Pub trst	G	Disclosing confidential information — abortion	3
333.5210	Person	F	AIDS — sexual penetration with uninformed partner	4
333.5661	Person	F	Fraud resulting in patient death	4

777.13m Applicability of chapter to certain felonies; §§ 333.7341(8) to 333.7410a.

Sec. 13m. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
333.7341(8)	CS	G	Delivery or manufacture of imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 650 or more grams of certain schedule 1 or 2 controlled substances	Life
333.7401(2)(a)(ii)	CS	A	Delivery or manufacture of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances	30
333.7401(2)(a)(iii)	CS	B	Delivery or manufacture of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled substances	20
333.7401(2)(a)(iv)	CS	D	Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances	20
333.7401(2)(b)(i)	CS	B	Delivery or manufacture of methamphetamine	20
333.7401(2)(b)(ii)	CS	E	Delivery or manufacture of certain schedule 1, 2, or 3 controlled substances	7
333.7401(2)(c)	CS	F	Delivery or manufacture of schedule 4 controlled substance	4
333.7401(2)(d)(i)	CS	C	Delivery or manufacture of 45 or more kilograms of marijuana	15
333.7401(2)(d)(ii)	CS	D	Delivery or manufacture of 5 or more but less than 45 kilograms of marijuana	7
333.7401(2)(d)(iii)	CS	F	Delivery or manufacture of less than 5 kilograms or 20 plants of marijuana	4

333.7401(2)(e)	CS	G	Delivery or manufacture of schedule 5 controlled substance	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an official or counterfeit prescription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture of prescription or counterfeit form (other than official)	7
333.7401a	Person	B	Delivering a controlled substance or GBL with intent to commit criminal sexual conduct	20
333.7401b(3)(a)	CS	E	Delivery or manufacture of GBL	7
333.7401b(3)(b)	CS	G	Possession of GBL	2
333.7401c(2)(a)	CS	D	Operating or maintaining controlled substance laboratory	10
333.7401c(2)(b)	CS	B	Operating or maintaining controlled substance laboratory in presence of minor	20
333.7401c(2)(c)	CS	B	Operating or maintaining controlled substance laboratory involving hazardous waste	20
333.7401c(2)(d)	CS	B	Operating or maintaining controlled substance laboratory near certain places	20
333.7401c(2)(e)	CS	A	Operating or maintaining controlled substance laboratory involving firearm or other harmful device	25
333.7402(2)(a)	CS	D	Delivery or manufacture of certain imitation controlled substances	10
333.7402(2)(b)	CS	E	Delivery or manufacture of schedule 1, 2, or 3 imitation controlled substance	5
333.7402(2)(c)	CS	F	Delivery or manufacture of imitation schedule 4 controlled substance	4
333.7402(2)(d)	CS	G	Delivery or manufacture of imitation schedule 5 controlled substance	2
333.7402(2)(e)	CS	C	Delivery or manufacture of controlled substance analogue	15
333.7403(2)(a)(i)	CS	A	Possession of 650 or more grams of certain schedule 1 or 2 controlled substances by juvenile	Life
333.7403(2)(a)(ii)	CS	A	Possession of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances	30
333.7403(2)(a)(iii)	CS	B	Possession of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled substances	20

333.7403(2)(a)(iv)	CS	G	Possession of 25 or more but less than 50 grams of certain schedule 1 or 2 controlled substances	4
333.7403(2)(a)(v)	CS	G	Possession of less than 25 grams of certain schedule 1 or 2 controlled substances	4
333.7403(2)(b)(i)	CS	D	Possession of methamphetamine	10
333.7403(2)(b)(ii)	CS	G	Possession of certain schedule 1, 2, 3, or 4 controlled substances or controlled substances analogue	2
333.7403(2)(e)	CS	H	Possession of official prescription form	1
333.7405(a)	CS	G	Controlled substance violations by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations by licensee	4
333.7407(1)(b)	CS	G	Use of fictitious, revoked, or suspended license number	4
333.7407(1)(c)	CS	G	Obtaining controlled substance by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining prescription information	4
333.7407(1)(g)	CS	F	Possession of counterfeit prescription form	4
333.7407(2)	CS	G	Refusing to furnish records under controlled substance article	4
333.7410a	CS	G	Controlled substance offense or offense involving GBL in or near a park	2

777.13n Applicability of chapter to certain felonies; §§ 333.10204(1) to 333.21792.

Sec. 13n. This chapter applies to the following felonies enumerated in chapter 333 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
333.10204(1)	Pub ord	F	Transferring a human organ for valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by an unauthorized individual	4
333.10205	Pub saf	F	Removal of a human organ in an unapproved facility	4
333.13738(2)	Pub saf	F	Waste disposal violations — second offense	5

333.13738(3)	Pub saf	F	Disposing of waste — indifference to human life	2
	Pub saf	B	Disposing of waste — extreme indifference to human life	20
333.16170(3)	Pub trst	F	False representation — health professional recovery program	4
333.16294	Pub saf	F	Health profession — unauthorized practice	4
333.17766a(2)	CS	F	Possession of steroids — subsequent offense	4
333.17766a(3)	CS	E	Delivery or manufacture of steroids	7
333.17766a(4)	CS	G	Delivery of imitation steroids	7
333.17766c(2)	CS	G	Possession of more than 10 grams ephedrine	2
333.20142(5)	Pub trst	F	False statement — application licensure health facility	4
333.21792	Pub trst	G	Nursing homes — referral fees/ bribing officials/accepting bribes	4

777.13p Applicability of chapter to certain felonies; §§ 338.1053 to 388.962.

Sec. 13p. This chapter applies to the following felonies enumerated in chapters 338 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
338.1053	Pub trst	F	Private security business and security alarm act violation	4
338.3434a(2)	Pub trst	F	Unauthorized disclosure of a social security number — subsequent offense	4
388.936	Pub trst	F	Knowingly making false statement — school district loans	4
388.962	Pub trst	F	Knowingly making false statement — school district loans	4

Effective date.

Enacting section 1. This amendatory act takes effect April 1, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 31]

(HB 5392)

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide

laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 31 of chapter IX and section 11 of chapter XVII (MCL 769.31 and 777.11), section 31 of chapter IX as amended by 1998 PA 317 and section 11 of chapter XVII as amended by 2001 PA 154, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

CHAPTER IX

769.31 Definitions.

Sec. 31. As used in this section and section 34 of this chapter:

(a) “Departure” means a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines set forth in chapter XVII.

(b) “Intermediate sanction” means probation or any sanction, other than imprisonment in a state prison or state reformatory, that may lawfully be imposed. Intermediate sanction includes, but is not limited to, 1 or more of the following:

(i) Inpatient or outpatient drug treatment.

(ii) Probation with any probation conditions required or authorized by law.

(iii) Residential probation.

(iv) Probation with jail.

(v) Probation with special alternative incarceration.

(vi) Mental health treatment.

(vii) Mental health or substance abuse counseling.

(viii) Jail.

(ix) Jail with work or school release.

(x) Jail, with or without authorization for day parole under 1962 PA 60, MCL 801.251 to 801.258.

(xi) Participation in a community corrections program.

(xii) Community service.

(xiii) Payment of a fine.

(xiv) House arrest.

(xv) Electronic monitoring.

(c) “Offender characteristics” means only the prior criminal record of an offender.

(d) “Offense characteristics” means the elements of the crime and the aggravating and mitigating factors relating to the offense that the legislature determines are appropriate. For purposes of this subdivision, an offense described in section 33b of 1953 PA 232, MCL 791.233b, that resulted in a conviction and that arose out of the same transaction as the offense for which the sentencing guidelines are being scored shall be considered as an aggravating factor.

(e) “Prior criminal record” means all of the following:

(i) Misdemeanor and felony convictions.

(ii) Probation and parole violations involving criminal activity.

(iii) Dispositions entered under section 18 of chapter XIIA of 1939 PA 288, MCL 712A.18, for acts that would have been crimes if committed by an adult.

(iv) Assignment to youthful trainee status under sections 11 to 15 of chapter II.

(v) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.

(vi) Dispositions described in subparagraph (iii) that have been set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged.

CHAPTER XVII

777.11 Chapters 1 to 199 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11. This chapter applies to felonies enumerated in chapters 1 to 199 of the Michigan Compiled Laws as set forth in sections 11a to 11e of this chapter.

777.11a Chapters 1 to 27 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11a. This chapter applies to the following felonies enumerated in chapters 1 to 27 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
4.421(1)	Pub trst	G	Lobbyists — compensation contingent on outcome of action	3
4.421(2)	Pub trst	G	Lobbyists giving gifts	3
18.366(1)(c)	Property	E	False presentation to crime victim services commission to obtain \$1,000 to \$20,000 or with prior convictions	5
18.366(1)(d)	Property	D	False presentation to crime victim services commission to obtain \$20,000 or more or with prior convictions	10
18.1268(9)	Pub trst	H	Purposefully submitting false business certification	Fine
21.154	Pub trst	E	Public officer — embezzlement	5

777.11b Chapter 28 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11b. This chapter applies to the following felonies enumerated in chapter 28 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
28.214	Pub trst	F	Unauthorized disclosure of information from LEIN — subsequent offense	4
28.293(1)	Pub ord	E	False information when applying for state ID	5
28.293(2)	Pub ord	D	False information when applying for state ID — second offense	7
28.293(3)	Pub ord	C	False information when applying for state ID — third or subsequent offense	15
28.295(1)(a)	Pub ord	H	Forging state ID card to commit felony	4
28.295(3)	Property	H	Using stolen state ID card to commit felony	Variable
28.295a(1)	Pub ord	H	False representation to obtain or misuse personal information	4
28.295a(2)	Pub ord	G	False representation to obtain or misuse personal information — second offense	7
28.295a(3)	Pub ord	C	False representation to obtain or misuse personal information — third or subsequent offense	15
28.422	Pub saf	F	Pistols — license application forgery	4
28.422a(4)	Pub saf	F	False statement on pistol sales record	4
28.425b(3)	Pub saf	F	False statement on concealed pistol permit application	4
28.425j(2)	Pub saf	F	Unlawful granting or presenting of pistol training certificate	4
28.425o(3)(c)	Pub saf	F	Carrying concealed pistol in prohibited place — third or subsequent offense	4
28.435	Pub saf	G	Firearm sale without trigger lock, gun case, or storage container — third or subsequent offense	2
28.729(1)(a)	Pub ord	F	Failure to register as a sex offender, first offense	4
28.729(1)(b)	Pub ord	D	Failure to register as a sex offender, second offense	7
28.729(1)(c)	Pub ord	D	Failure to register as a sex offender, third or subsequent offense	10

777.11c Chapters 29 to 167 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11c. This chapter applies to the following felonies enumerated in chapters 29 to 167 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
35.929	Pub trst	H	Willful falsification in application for veterans benefits	3
35.980	Pub trst	H	False statement in application for Korean veterans benefits	3
35.1029	Pub trst	H	False statement in application for Vietnam veterans benefits	3
38.412a(1)	Pub trst	H	County employee providing answers to county civil service exam	1
38.516	Pub trst	H	Fire and police civil service — appointment or employment contrary to act	2
45.82	Pub trst	E	County purchasing agent — violations in awarding bids or contracts	5
47.8	Pub trst	H	Payment of claim against county before audit	2
47.56	Pub trst	H	Wayne county treasurer paying claims without appropriate signature	2
51.364	Pub trst	H	Appointment or selection contrary to civil service commission rules	2
110.28	Pub trst	G	Fourth class cities — misappropriation of money or property	3
117.25(3)	Pub trst	E	Amendment to city electors — willfully affixing another's signature, false representation	15
125.1447(1)(c)	Property	E	False pretenses under state housing development act involving \$1,000 to \$20,000 or with prior convictions	5
125.1447(1)(d)	Property	D	False pretenses under state housing development authority act involving \$20,000 or more or with prior convictions	10

777.11d Chapter 168 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11d. This chapter applies to the following felonies enumerated in chapter 168 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
168.731(4)	Pub trst	G	Election law — filing certain false statements	2
168.734	Pub trst	G	Election law — election board refusing to provide challenger conveniences	2

168.756	Pub trst	E	Elector's false statement concerning inability to mark ballot	5
168.757	Pub trst	E	Election inspector — unlawful conduct	5
168.759(8)	Pub trst	E	Forged signature on absentee ballot	5
168.759b	Pub trst	E	False statement in application for emergency absentee ballot	5
168.761(5)	Pub trst	E	Assisting an absentee voter in making a false statement	5
168.769(4)	Pub trst	E	Voting both in person and by absentee ballot	5
168.792a(11)	Pub trst	E	Disclosing how ballot voted or election results early before polls are closed	5
168.792a(16)	Pub trst	E	Disclosing election result or how ballot voted	5
168.808	Pub trst	E	Untrue statement by member of board of inspectors	4
168.873	Pub trst	E	Misconduct of election employee in recount — county and local	5
168.887	Pub trst	E	Misconduct of election employee in recount	5
168.932(a)	Pub trst	E	Bribing or intimidating voters	5
168.932(b)	Pub trst	E	Ballot tampering	5
168.932(c)	Pub trst	E	Destroying or falsifying election return or records	5
168.932(d)	Pub trst	E	Disclosing votes or obstructing voter	5
168.932(e)	Pub trst	E	Absentee ballot tampering	5
168.932(f)	Pub trst	E	Election law — possess absent voter ballot delivered to another person	5
168.932(g)	Pub trst	E	Suggesting how a disabled voter should vote	5
168.932(h)	Pub trst	E	Suggesting or influencing how an absentee voter should vote	5
168.932(i)	Pub trst	E	Organizing a meeting where absentee voter ballots are to be voted	5
168.932a	Pub trst	G	Election offenses	4
168.933	Pub trst	E	False swearing to register or vote	5
168.936	Pub trst	E	Election law — perjury	5
168.937	Pub trst	E	Election law — forgery	5

777.11e Chapters 169 to 199 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 11e. This chapter applies to the following felonies enumerated in chapters 169 to 199 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
169.254	Pub trst	H	Campaign finance — corporate contributions	3

169.255	Pub trst	H	Campaign finance — corporate solicitation for certain funds	3
169.266	Pub trst	H	Campaign finance — qualified campaign expenditures	3

Repeal of §§ 769.32 and 769.33.

Enacting section 1. Sections 32 and 33 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.32 and 769.33, are repealed.

Effective date.

Enacting section 2. This amendatory act takes effect April 1, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 32]

(SB 493)

AN ACT to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers

and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending section 1242 (MCL 500.1242).

The People of the State of Michigan enact:

500.1242 Refusal, suspension, or revocation of license; notice; hearings; summary suspension; subpoenas.

Sec. 1242. (1) The commissioner shall refuse to grant a license to act as a solicitor, an insurance counselor, or an adjuster to an applicant who fails to meet the requirements of this chapter. Notice of the refusal shall be in writing and shall set forth the basis for the refusal. If the applicant submits a written request within 30 days after mailing of the notice of refusal, the commissioner shall promptly conduct a hearing in which the applicant shall be given an opportunity to show compliance with the requirements of this chapter.

(2) The commissioner, after notice and opportunity for a hearing, may suspend or revoke the license of a solicitor, insurance counselor, or adjuster who fails to maintain the standards required for initial licensing or who violates any provision of this act.

(3) After notice and opportunity for a hearing, the commissioner may refuse to grant or renew a license to act as a solicitor, adjuster, or insurance counselor if he or she determines by a preponderance of the evidence, that it is probable that the business or primary occupation of the applicant will give rise to coercion, indirect rebating of commissions, or other practices in the sale of insurance that are prohibited by law.

(4) Without prior hearing, the commissioner may order summary suspension of a license if he or she finds that protection of the public requires emergency action and incorporates this finding in his or her order. The suspension shall be effective on the date specified in the order or upon service of a certified copy of the order on the licensee, whichever is later. If requested, the commissioner shall conduct a hearing on the suspension within a reasonable time but not later than 20 days after the effective date of the summary suspension unless the person whose license is suspended requests a later date. At the hearing, the commissioner shall determine if the suspension should be continued or if the suspension should be withdrawn, and, if proper notice is given, may determine if the license should be revoked. The commissioner shall announce his or her decision within 30 days after conclusion of the hearing. The suspension shall continue until the decision is announced.

(5) The commissioner, or his or her designated deputy, may issue subpoenas to require the attendance and testimony of witnesses and the production of documents necessary to the conduct of the hearing and may designate an office of financial and insurance services employee to make service. The subpoenas issued by the commissioner, or his or her designated deputy, may be enforced upon petition to the circuit court of Ingham county to show cause why a contempt order should not be issued, as provided by law.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 33]

(HB 5483)

AN ACT to amend 1982 PA 162, entitled “An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to

prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 124 (MCL 450.2124).

The People of the State of Michigan enact:

450.2124 Requirements of other acts not modified; compliance; inconsistency between acts.

Sec. 124. (1) This act does not modify the requirements of the following:

(a) The supervision of trustees for charitable purposes act, 1961 PA 101, MCL 14.251 to 14.266.

(b) 1965 PA 169, MCL 450.251 to 450.253.

(c) The charitable organizations and solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

(d) The uniform management of institutional funds act, 1976 PA 157, MCL 450.1201 to 450.1210.

(e) The career development and distance learning act.

(2) A corporation subject to any 1 or more of the acts listed in subsection (1) shall comply with those acts and shall comply with this act. If there is any inconsistency between those acts and this act, those acts shall control.

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5482 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

Compiler's note: House Bill No. 5482, referred to in enacting section 1, was filed with the Secretary of State March 7, 2002, and became P.A. 2002, No. 36, Imd. Eff. Mar. 7, 2002.

[No. 34]

(HB 5393)

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in

criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 1 and 12 of chapter XVII (MCL 777.1 and 777.12), section 1 as amended by 2000 PA 279 and section 12 as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

The People of the State of Michigan enact:

CHAPTER XVII

777.1 Definitions.

Sec. 1. As used in this chapter:

(a) “Aircraft” means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(b) “Departure” means that term as defined in section 31 of chapter IX.

(c) “Homicide” means any crime in which the death of a human being is an element of that crime.

(d) “Intermediate sanction” means that term as defined in section 31 of chapter IX.

(e) “ORV” means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101.

(f) “Snowmobile” means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101.

(g) “Vehicle” means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

(h) “Vessel” means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104.

777.12 Chapters 200 to 299 of Michigan Compiled Laws; felonies to which chapter applicable.

Sec. 12. This chapter applies to felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws as set forth in sections 12a to 12n of this chapter.

777.12a Chapters 200 to 219; felonies.

Sec. 12a. This chapter applies to the following felonies enumerated in chapters 200 to 219 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
205.27(1)(a)	Pub trst	G	Failure to file or false tax return or payment	5
205.27(1)(b)	Pub trst	G	Aiding and abetting tax evasion or filing false returns	5
205.27(1)(c)	Pub trst	G	Making/permitting false tax returns or payments	5

205.27(3)	Pub trst	G	False tax returns/perjury	15
205.28(1)(e)	Pub trst	G	State employee compromising taxes	5
205.28(1)(f)	Pub trst	G	Unauthorized disclosure of tax information	5
205.428(2)	Pub trst	G	Tobacco products tax act violations	5
205.428(3)	Pub trst	G	Illegal sale of cigarettes or other tobacco products with wholesale price of \$250.00 or more	5
205.428(6)	Pub trst	F	Illegal tobacco stamp or tobacco stamp device	10
205.428(7)	Pub trst	G	Illegal vending machine license, disk, or marker	5
207.118a	Pub ord	G	Gasoline tax — embezzlement over \$100	10
207.119	Pub trst	G	Gasoline or motor fuel tax violation	4
207.127c	Pub ord	G	Diesel fuel tax — embezzlement over \$100	10
207.754(3)	Pub trst	G	State treasurer — municipality tax — divulging confidential information	5

777.12b Chapters 220 to 256; felonies.

Sec. 12b. This chapter applies to the following felonies enumerated in chapters 220 to 256 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
252.311	Property	H	Destroying a tree or shrub to make a sign more visible	2

777.12c Chapter 257; felonies.

Sec. 12c. This chapter applies to the following felonies enumerated in chapters I and II of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.233a(7)	Pub ord	G	Odometer tampering	5
257.254	Property	E	Possessing stolen vehicle title	10
257.257(1)	Property	G	Altering or forging vehicle documents — first offense	5
257.257(2)	Property	G	Altering or forging vehicle documents — second offense	7
257.257(3)	Property	E	Altering or forging vehicle documents — third or subsequent offense	15

777.12d Chapter 257; felonies.

Sec. 12d. This chapter applies to the following felonies enumerated in chapters III, IV, and V of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.309(6)	Pub ord	F	Corrupting an examining officer	5
257.309(7)	Pub ord	F	Deviating from road test criteria	5

257.309(8)	Pub ord	F	Forging, counterfeiting, or altering road test certification	5
257.312b(6)	Pub ord	F	Corrupting a person or agency conducting a motorcycle driving test	5
257.312b(7)	Pub ord	F	Deviating from motorcycle road test criteria	5
257.312b(8)	Pub ord	F	Forging, counterfeiting, or altering motorcycle road test certification	5
257.329(1)	Property	G	Possession/sale of stolen or counterfeit insurance certificates	5
257.329(2)	Property	E	Possession/sale of stolen or counterfeit insurance certificates — second offense	7
257.329(3)	Property	E	Possession/sale of stolen or counterfeit insurance certificates — third or subsequent offense	15

777.12e Chapter 257; felonies.

Sec. 12e. This chapter applies to the following felonies enumerated in sections 601 to 624b of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.601b(3)	Person	C	Moving violation causing death to construction worker	15
257.601c(2)	Person	C	Moving violation causing death to operator of implement of husbandry	15
257.602a(2)	Pub saf	G	Fleeing and eluding — fourth degree	2
257.602a(3)	Pub saf	E	Fleeing and eluding — third degree	5
257.602a(4)	Person	D	Fleeing and eluding — second degree	10
257.602a(5)	Person	C	Fleeing and eluding — first degree	15
257.617(2)	Person	E	Failure to stop at scene of accident resulting in serious impairment or death	5
257.617(3)	Person	C	Failure to stop at scene of accident resulting in death when at fault	15

777.12f Chapter 257; felonies.

Sec. 12f. This chapter applies to the following felonies enumerated in sections 625 to 625o of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.625(4)(a)	Person	C	Operating a vehicle under the influence or while impaired causing death	15
257.625(4)(b)	Person	B	Operating a vehicle under the influence or while impaired causing death to certain persons	20

257.625(5)	Person	E	Operating a vehicle under the influence or while impaired causing serious impairment	5
257.625(7)(a)(ii)	Person	E	Operating a vehicle under the influence or while impaired with a minor in the vehicle — subsequent offense	5
257.625(8)(c)	Pub saf	E	Operating a vehicle under the influence — third or subsequent offense	5
257.625(9)(b)	Person	E	Allowing a vehicle to be operated while under the influence or impaired causing death	5
257.625(9)(c)	Person	G	Allowing a vehicle to be operated while under the influence or impaired causing serious impairment	2
257.625(10)(c)	Pub saf	E	Impaired driving — third or subsequent offense	5
257.625k(7)	Pub saf	D	Knowingly providing false information concerning an ignition interlock device	10
257.625k(9)	Pub saf	D	Failure to report illegal ignition interlock device	10
257.625m(5)	Pub saf	E	Commercial drunk driving — third or subsequent offense	5

777.12g Chapter 257; felonies.

Sec. 12g. This chapter applies to the following felonies enumerated in sections 626 to 750 of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.626c	Person	G	Felonious driving	2
257.653a(3)	Person	G	Failure to use due care and caution causing injury to emergency personnel	2
257.653a(4)	Person	C	Failure to use due care and caution causing death to emergency personnel	15
257.744a	Pub saf	D	False statement in citation — perjury	15

777.12h Chapter 257; felonies.

Sec. 12h. This chapter applies to the following felonies enumerated in chapters VII, VIII, and IX of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.902	Pub saf	E	Motor vehicle code violations	5
257.903(1)	Property	E	Motor vehicle code — false certification — first offense	5
257.903(2)	Property	E	Motor vehicle code — false certification — second offense	7

257.903(3)	Property	D	Motor vehicle code — false certification — third or subsequent offense	15
257.904(4)	Person	C	Operating a vehicle without a license causing death	15
257.904(5)	Person	E	Operating a vehicle without a license causing serious impairment	5
257.904(7)	Person	G	Allowing a vehicle to be operated without a license causing serious impairment	2
	Person	E	Allowing a vehicle to be operated without a license causing death	5

777.12j Chapter 257; felonies.

Sec. 12j. This chapter applies to the following felonies enumerated in chapter 257 of the Michigan Compiled Laws beginning with MCL 257.941:

M.C.L.	Category	Class	Description	Stat Max
257.1353(2)	Pub trst	H	Motor vehicle — fail to record material matter — subsequent offense	2
257.1354(2)	Pub trst	H	Motor vehicle — general violations — subsequent offense	2
257.1355	Pub trst	H	Motor vehicle — fail to record transaction/falsify records	2

777.12k Chapters 258 to 260; felonies.

Sec. 12k. This chapter applies to the following felonies enumerated in chapters 258 to 260 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
259.80f(3)	Pub saf	D	Possessing weapon in sterile area of commercial airport	10
259.83(2)(b)	Pub saf	G	Aircraft — failure to comply with certification requirements — second violation	2
259.83(2)(c)	Pub saf	F	Aircraft — failure to comply with certification requirements — third or subsequent violation	4
259.83b(2)(a)	Pub saf	F	Conducting flight operations without certificate	4
259.83b(2)(b)	Pub saf	E	Conducting flight operations without certificate — second violation	5
259.83b(2)(c)	Pub saf	D	Conducting flight operations without certificate — third or subsequent violation	10
259.183	Property	E	Aircraft — unlawful taking or tampering	5
259.185(4)	Person	C	Operating or serving as crew of aircraft while under the influence causing death	15

259.185(5)	Person	E	Operating or serving as crew of aircraft while under the influence causing serious impairment	5
259.185(8)	Pub saf	E	Operating or serving as crew of aircraft while under the influence — third or subsequent offense	5

777.12m Chapters 285 to 289; felonies.

Sec. 12m. This chapter applies to the following felonies enumerated in chapters 285 to 289 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
285.82	Pub trst	H	Grain dealers act violations	5
285.279(2)(c)	Property	E	False pretenses under Michigan family farm development act involving \$1,000 to \$20,000 or with prior convictions	5
285.279(2)(d)	Property	D	False pretenses under Michigan family farm development act involving \$20,000 or more or with prior convictions	10
286.455(2)	Pub saf	G	Agriculture — hazardous substance	5
286.929(4)	Pub trst	G	Organic products act violations	4
287.323(1)	Person	C	Dangerous animal causing death	15
287.323(2)	Person	G	Dangerous animal causing serious injury	4
287.679	Pub ord	H	Dead animals — third or subsequent violation	1
287.744(1)	Pub ord	G	Animal industry act violations	5
287.855	Pub saf	G	Agriculture — contaminating livestock/false statement/violation of quarantine	5
287.967(5)	Pub ord	G	Cervidae producer violations	4
288.223	Pub saf	G	Sale or labeling of oleomargarine violations	3
288.257	Pub saf	G	Margarine violations	3
288.284	Pub trst	H	Selling falsely branded cheese	2
289.5107(2)	Pub saf	F	Adulterated, misbranded, or falsely identified food	4

777.12n Chapters 290 to 299; felonies.

Sec. 12n. This chapter applies to the following felonies enumerated in chapters 290 to 299 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
290.629(1)	Person	G	Weights and measures — assaults enforcement officer	2
290.631(3)	Pub trst	G	Weights and measures	5
290.650	Person	G	Motor fuels — assaulting/obstructing director or authorized representative	2
290.650b(3)	Pub trst	H	Motor fuels violations	2

Effective date; exception.

Enacting section 1. Except as provided in enacting section 2, this amendatory act takes effect April 1, 2002.

Effective date of § 777.1.

Enacting section 2. Section 1 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1, as amended by this amendatory act, takes effect May 15, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 35]**(SB 541)**

AN ACT to amend 1945 PA 327, entitled “An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics,” by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 51, 83, 86, 87, 89, 133, 151, and 205 (MCL 259.2, 259.3, 259.4, 259.5, 259.6, 259.7, 259.8, 259.9, 259.51, 259.83, 259.86, 259.87, 259.89, 259.133, 259.151, and 259.205), sections 2, 3, 4, 5, 6, 7, 8, 51, 83, 86, and 133 as amended by 1996 PA 370, sections 9 and 151 as amended by 2000 PA 382, and section 89 as amended by 1998 PA 81, and by adding sections 80g, 80h, 83a, 83b, 87a, 89a, 205a, and 205b; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

259.2 Definitions; A.

Sec. 2. As used in this act:

(a) “Accident” means an event involving an aircraft that is in-flight or taxiing, resulting in death or injury to any person, damage to the aircraft affecting its ability to safely operate, or damage to public property or property of another person.

(b) “Aeronautical facilities” means any device, physical or otherwise, that is an object of nature or that is human-made, that aids and is used in aeronautics.

(c) “Aeronautics” means any act or matter that treats or deals with flight in the airspace.

(d) “Air navigation” means the operation or navigation of aircraft in the airspace over the land and waters of this state.

(e) “Aircraft” means any contrivance used or designed for navigation of or flight in the air.

(f) “Aircraft, civil” means any aircraft other than a public aircraft.

(g) “Aircraft, public” means any aircraft used exclusively in the service of any government or of any political subdivision of a government, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(h) “Airman” means any individual, including the 1 in command, and any pilot, mechanic, or member of the crew, who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repair of aircraft, and any individual who serves in the capacity of aircraft dispatcher or air traffic control tower operator.

(i) “Airport” means any location, either on land or water, that is used for the landing or take-off of aircraft, and includes the buildings and facilities, if any, on that location.

(j) “Airport approach plan” means a plan, or an amendment to a plan, adopted under section 12 of the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.442.

(k) “Airport layout plan” means a plan, or an amendment to a plan, that shows current or proposed layout of an airport and that is approved by the commission.

(l) “Airport manager” means any individual who is properly appointed and designated by the airport owner as the airport manager, and who is responsible for the supervision and operation of the airport to the airport owner.

(m) “Airspace approval” means that approval issued by the appropriate federal authority pertaining to the safe and efficient use of airspace by aircraft for an established or proposed airport or landing field.

(n) “Airspace, navigable” means airspace at and above the minimum flight altitudes prescribed in the federal air regulations including airspace needed for safe takeoff and landing.

259.3 Definitions; B to D.

Sec. 3. As used in this act:

(a) “Balloon” means a lighter-than-air aircraft that is not engine driven and that sustains flight through the use of either gas buoyancy or an airborne heater.

(b) “Commercial activity or operations” means an activity or operation such as the sale of gasoline or oil, the soliciting or engaging in charter flying or flight instruction, the provision of shelter or the tie-down of an aircraft, the overhaul or repair of an aircraft or of engines, or other activity or operation that offers aeronautic facilities or services to the public.

(c) “Commission” means the Michigan aeronautics commission.

(d) “Dealer” means a person engaged in the business of purchasing, selling, brokering, exchanging, or dealing in aircraft parts or in aircraft of a type required to be registered.

(e) “Decal plate” means that distinctive tab, sticker, decal, or plate issued by the commission with the registration certificate for an aircraft.

(f) “Department” means the state transportation department, bureau of aeronautics.

(g) “Director” means the deputy director of the department, bureau of aeronautics who is the director of the Michigan aeronautics commission.

259.4 Definitions; F, G.

Sec. 4. As used in this act:

(a) “Flight instructor” means any person who possesses a valid flight instructor certificate or other airman certificate issued by the federal aviation administration authorizing that individual to instruct in aircraft.

(b) “Flight school” means any person providing or offering to provide flight training leading to pilot or flight instructor certification, for hire or compensation, and engaged in any of the following:

(i) Advertising or calling oneself a flight school or anything equivalent to a flight school.

(ii) Hiring, contracting, or otherwise using 1 or more flight instructors in an endeavor described in this section.

(c) “Flying club” means any group of persons owning, leasing, or operating 1 or more aircraft, not for profit or reward, and using the aircraft for the purpose of providing its members with an aircraft for their personal use and enjoyment.

(d) “Fuel” means any gasoline, distillate, benzine, naphtha, benzol, or other volatile and inflammable liquid produced, compounded, and used for propelling aircraft.

(e) “Garage keeper” means any person who, for hire or reward, publicly offers to store, maintain, keep, or repair aircraft or any accessory used in the operation of aircraft and to furnish accessories and supplies for aircraft or any accessory used in the operation of aircraft.

259.5 Definitions; H, I.

Sec. 5. As used in this act:

(a) “Hazards to air navigation” means any obstruction of whatever character, object of natural growth, or use of land, upon or surrounding or adjacent to an airport, landing field, or other aeronautical facility, that prevents the safe use of the facilities for the take-off or landing of aircraft.

(b) “Heliport” means an area of land, water, or a fixed structure used or intended to be used for the landing and takeoff of helicopters or other rotary wing aircraft.

(c) “Heliport approach surface” means an imaginary plane beginning at the end of the heliport landing area with the same width as the landing area and extending outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1.

(d) “Historic aircraft” means an aircraft that is over 30 years old and that is owned solely as a collector’s item or for participation in club activities, exhibitions, tours, parades, or similar uses, but that is not used for general transportation.

(e) “Hospital” means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(f) “Hospital heliport” means a heliport limited to serving helicopters engaged in air ambulance or other hospital-related functions.

(g) “Hospital helistop” means a minimally developed facility for the boarding and discharging of helicopter crew and passengers and the loading and unloading of helicopter cargo solely for an air ambulance or other hospital-related functions.

(h) “In-flight” is that time from the beginning of an aircraft’s take off run to the end of the landing run.

259.6 Definitions; L to O.

Sec. 6. As used in this act:

(a) “Landing area” means an area of an airport, landing field, or other aeronautical facility used or intended for use in landing, taking off, or taxiing of aircraft, excluding area and facilities for shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo.

(b) “Landing field” means any location, either on land or water, that is used for the landing or take-off of aircraft.

(c) “Manufacturer” means a person engaged in the business of manufacturing aircraft, aircraft engines, propellers, component parts, appliances, or accessories.

(d) “Nonresident” means a person who is not a resident of this state.

(e) “Operation of aircraft” or “operate aircraft” means the use of aircraft for the purpose of air navigation, including the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control in the capacity of owner, lessee, or otherwise, of the aircraft, is engaging in the operation of aircraft.

259.7 Definitions; P to R.

Sec. 7. As used in this act:

(a) “Person” means an individual, partnership, corporation, association, governmental entity, or other legal entity.

(b) “Political subdivision” means a county, city, village, or township of this state, and any other political subdivision, public corporation, authority, or district in this state that is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports, landing fields, and other aeronautical facilities.

(c) “Private landing area” means any location, either on land or water, that is used for the takeoff or landing of aircraft, and its use is restricted to the owner or persons authorized by the owner. Notwithstanding any existing limitation or regulation to the contrary, the owner and any person authorized by the owner has the right to use that private landing area. Commercial operations shall not be conducted on a private landing area.

(d) “Public use facility” means an airport, landing field, or other aeronautical facility that is available for use by the general public without prior approval of the owner or operator.

(e) “Rule” means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

259.8 Definitions; S.

Sec. 8. As used in this act:

(a) “Seaplane” means an aircraft that is capable of landing and taking off on the water.

(b) “Seaplane base” means an area of water used or intended to be used for the landing and takeoff of aircraft, together with appurtenant shoreside buildings and facilities.

(c) “State approach surface” means an imaginary plane longitudinally centered on the extended runway centerline and extending outward and upward from each end of the state primary surface.

(d) “State primary surface” means a surface longitudinally centered on a runway. For a paved runway, the state primary surface extends 200 feet beyond each end of that runway for an unpaved runway or a planned paved runway, the state primary surface ends at each end of that runway. The elevation of any point on the state primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a state primary surface is as follows:

- (i) One hundred feet for basic utility airports.
- (ii) Two hundred and fifty feet for general utility airports.

259.9 Definitions; T to V.

Sec. 9. As used in this act:

(a) “Taxi” means the moving of an aircraft under its own power either on the ground or on the surface of the water, prior to the beginning of the take-off run and after the end of the landing run.

(b) “Temporary commercial operations” means any commercial operation conducted for a period not to exceed 120 days per calendar year.

(c) “Ultralight” means an aircraft meeting requirements of 14 C.F.R. part 103.

(d) “Vehicle” means any device in, upon, or by which a person or property is or may be transported, except an aircraft.

259.51 Aeronautics commission; powers and duties generally.

Sec. 51. (1) The commission has general supervision over aeronautics within this state. The commission shall encourage, foster, and participate with and provide grants to the political subdivisions of this state in the development of aeronautics within this state. The commission shall establish and encourage the establishment of airports, landing fields, and other aeronautical facilities. The commission shall promulgate rules that it considers necessary and advisable for the public safety governing the designing, laying out, location, building, equipping, and operation of airports and landing fields and shall exercise exclusive authority to approve the location and operation of airports, landing fields, and other aeronautical facilities within the state, so as to assure a uniformity in regulations covering aeronautics. In order to implement this act, the commission may establish programs of state financial assistance in the form of grants, leases, loans, and purchases, or a combination of grants, leases, loans, and purchases, for assisting political subdivisions or other persons. The commission shall not grant an exclusive right for the use of an aeronautical facility. The commission may by the issuance of appropriate and effective rules register pilot’s certificates issued by the civil aeronautics authority or other similar federal authority to resident pilots of the state for which it may charge a fee not to exceed \$5.00; govern and regulate commercial operations in intrastate commerce for which it may charge a fee of not more than \$25.00; and provide for the licensing of aircraft dealers for which it may charge a fee of not more than \$25.00.

(2) The commission shall cooperate with and assist the federal government, state governments, authorities of political subdivisions, and individuals engaged in aeronautics or the development of aeronautics, and shall seek to coordinate the aeronautical activities of these entities. The commission may confer with or hold joint hearings with any federal or state governments, their agencies, the authorities of political subdivisions, and

individuals, in connection with any matter arising under this act, and avail itself of the cooperation, services, records, and facilities of those agencies in the administration and enforcement of this act. The commission shall reciprocate by furnishing governments and their agencies its cooperation, services, records, and facilities, insofar as may be practicable.

(3) The commission may perform acts, issue and amend orders, and make, promulgate, and amend reasonable general or special rules and procedures, and establish minimum standards, consistent with this act, which it considers necessary to implement this act and to perform its duties under this act, all commensurate with and for the purpose of protecting and insuring the general public interest, health, welfare, and safety. The commission may adopt and enforce the provisions of the currently effective federal legislation governing aeronautics. The commission shall promulgate rules to implement this act. The commission may deviate from or add to rules if necessary for the public safety and for the safety of aircraft and airmen within the state. A rule of the commission shall not apply to aeronautical facilities owned by the federal government.

(4) For the safety of aircraft and airmen within this state the commission may designate, establish, or modify a state airways system. The commission may publish and distribute maps, charts, and information relating to that system.

(5) The commission, a commission member or employee, the director, and every state, county, and municipal officer charged with the enforcement of state and municipal laws shall enforce and assist in the enforcement of this act and of rules promulgated under this act, and of all other laws of this state relating to aeronautics. In the aid of enforcement, general police powers are conferred upon the commission, each of its members, the director, and the officers and employees of the commission designated by the commission to exercise those powers. The commission is further authorized to enforce this act and rules promulgated under this act by injunction in the circuit court. The prosecuting attorney of the county in which an offense is committed shall prosecute offenders against this act and other aeronautical laws of this state, or any rule promulgated under this act or order issued by the commission. When a complaint is made before a municipal court in a city having such a court, or the district court in the county, district, or political subdivision in which venue is proper, that court may take cognizance, hear, try, and determine such matters and pass sentence upon offenders in accordance with law.

(6) The commission, a commission member, the director, or an employee designated by the commission may hold investigations, inquiries, and hearings concerning matters covered by this act, aircraft accidents, or orders and rules of the commission. Each person designated may administer oaths and affirmations, certify to official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents. In case of failure to comply with a subpoena or order issued under this act, the commission, or its authorized representative, may invoke the aid of a court of general jurisdiction. The court may order the witness to comply with the requirements of the subpoena or order, or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

(7) In order to facilitate investigations by the commission in the interest of public safety and development of aeronautics, the reports of investigations or hearings, or any part of them, shall not be admitted in evidence or used for any purpose in an action or proceeding growing out of a matter referred to in the investigation, hearing, or report, except in case of criminal or other proceedings instituted in behalf of the state under this act or any other law of this state relating to aeronautics. A commissioner, director, or an officer or employee of the commission shall not be required to testify to facts ascertained in, or information gained by reason of, his or her official capacity, or be required to testify

as an expert witness in an action or proceeding involving an aircraft. Except as otherwise provided in this section, the commission may make available to appropriate federal and state agencies information and material developed in the course of its hearings and investigations.

(8) For the purposes of executing its powers and duties under this act, the commission, upon recommendations to the state administrative board, may enter into necessary contracts.

259.80g Operation of ultralight.

Sec. 80g. (1) A person shall not operate an ultralight in a manner that creates a hazard to other persons or property.

(2) A person shall not allow an object to be dropped from an ultralight if it creates a hazard to other persons or property.

(3) A person shall not operate an ultralight between sunset and sunrise. Each person operating an ultralight shall maintain vigilance so as to see and avoid aircraft and shall yield the right-of-way to all aircraft.

(4) A person shall not operate an ultralight in a manner that creates a collision hazard with any other aircraft.

(5) A powered ultralight shall yield the right-of-way to an unpowered ultralight.

(6) A person shall not operate an ultralight over any congested area of a city, town, or settlement, or over an open air assembly of persons.

(7) Notwithstanding subsection (3), an ultralight may be operated up to 30 minutes before sunrise or 30 minutes after sunset if both of the following apply:

(a) The ultralight is equipped with an operating anticollision light visible for at least 3 statute miles.

(b) The ultralight is operating in uncontrolled airspace as defined by federal regulations.

259.80h Seaplane base; takeoff and landing distance.

Sec. 80h. A seaplane operator conducting commercial operations shall assure that the seaplane base used for takeoff or landing has sufficient takeoff and landing distance for the operation being conducted as specified by the manufacturer's operating limitations for the aircraft being operated.

259.83 Operation of civil aircraft; federal airman certification requirements; compliance required.

Sec. 83. (1) A person shall not operate a civil aircraft over or upon the lands and waters of this state unless he or she is complying with the federal airman certification requirements under the code of federal regulations.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) For a first violation, the 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.

(b) For a second violation within 5 years of the first violation, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(c) For a third or subsequent violation within 5 years of the second or subsequent violation, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

259.83a Flight operations requiring federal aviation regulation air carrier or commercial operator's certification.

Sec. 83a. (1) A person holding a valid federal air carrier operating certificate or commercial operator's certificate shall not conduct flight operations in violation of that certificate.

(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 \$1,000.00, or both.

259.83b Flight operations; prohibition; violation.

Sec. 83b. (1) A person shall not conduct flight operations requiring a federal aviation regulation air carrier or commercial operator's certification without first having been issued a valid federal aviation regulation air carrier or operating certificate or valid commercial operator's certificate.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) For a first violation, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

(b) For a second violation within 5 years after the first violation, the person is guilty of a felony punishable by imprisonment for not less than 1 year or more than 5 years or a fine of not less than \$5,000.00 or more than \$50,000.00, or both.

(c) For a third or subsequent violation within 5 years after a conviction for a violation of this section, the person is guilty of a felony punishable by imprisonment for not less than 4 years or more than 10 years or a fine of not less than \$10,000.00 or more than \$100,000.00, or both.

259.86 Airport manager; license; fee; expiration; approval of aeronautical facilities; license of approval; requirements; fee in lieu of real property taxes; temporary field permits; statement describing approach clear zones and transitional surface areas.

Sec. 86. (1) Any individual appointed as an airport manager by the owner of a licensed aeronautical facility, before operating as an airport manager, shall be licensed by the department for which the department may make a reasonable charge not to exceed \$5.00. An airport manager license expires on December 31, annually.

(2) All airports, landing fields, and other aeronautical facilities, except those owned or operated by the United States government, before operating as such, shall be approved by the department.

(3) The department shall issue annually a license of approval in each case and charge an annual fee not in excess of \$100.00. The fee shall be in lieu of all real property taxes on the landing area and improvements to the landing area to the extent permitted by section 7y of the general property tax act, 1893 PA 206, MCL 211.7y.

(4) Commercial operations shall not be performed on any land based landing area other than at a licensed aeronautical facility except that temporary field permits may be issued under this section. All commercial operations shall be based out of a licensed aeronautical facility.

(5) If the owner of an aircraft uses, or proposes to use, an area of land for temporary commercial landing areas, he or she shall apply to the commission for a temporary field permit on forms furnished by the commission.

(6) The annual license of approval issued pursuant to subsection (2) shall include a statement, certified by the director, describing the approach clear zones and transitional

surface areas for the airport for which the license is applicable. Standards for describing approach clear zones and transitional surface areas shall be uniform according to type of runway and shall conform with regularly accepted definitions and usage in the aeronautics field.

259.87 Airports and facilities; rejection of application for permission to operate.

Sec. 87. (1) In any case in which the department rejects an application for permission to operate an airport, landing field, or other aeronautical facility, or in any case where the department shall issue any order requiring certain things to be done, it shall set forth its reasons for the order and shall state the requirements to be met before approval will be given. In any case in which the department considers it necessary, the department may order the closing of any airport, landing field, or other aeronautical facility, until compliance is made with the requirements ordered by the department.

(2) A facility shall not be licensed or approved that requires aircraft to be airborne under a bridge or power line during the approach to or takeoff from a landing area, or that requires aircraft to fly in a manner that may endanger persons or property.

259.87a Certificate of approval; registration; fee.

Sec. 87a. Each certificate of approval of an airport, landing field, or other aeronautical facility shall be registered annually, and the department is authorized to establish a reasonable fee in accordance with issued rules and regulations.

259.89 Private use landing areas.

Sec. 89. Sections 86 and 87a do not apply to landing areas designated and operated for private use if commercial operations are not performed on the landing areas. A landing area for private use shall not be established, without commission approval, within 5 nautical miles of a public use facility certified by the commission or that would violate section 87.

259.89a Ultralight or balloon use; landing areas.

Sec. 89a. Sections 86 and 87a do not apply to landing areas designated and operated for the exclusive use of either ultralights or balloons. A landing area for ultralight or balloon use shall not be established, without commission approval, within 5 nautical miles of a public use facility certified by the commission. For the purposes of this section, “established” means any facility that is used or intended to be used for the operation of balloons or ultralights more than 10 times in any 12-month period.

259.133 Additional powers of political subdivision establishing aeronautical facility.

Sec. 133. In addition to the general powers conferred by this act, a political subdivision that has established or establishes an airport, landing field, or other aeronautical facility may do 1 or more of the following:

(a) Vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation of the airport, landing field, or other aeronautical facility, in an officer, a board, or body of a political subdivision, by ordinance or resolution that prescribes the powers and duties of the officer, board, or body. In counties operating under the county road system with a population of more than 2,000,000, the board of county road commissioners may implement this section for that county.

(b) Employ a regular airport manager for the airport, landing field, or other aeronautical facility under its control, or in cases where an airport board or body is established, the airport manager may be employed by the board or body.

(c) Adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of any properties under its control, whether within or outside of its territorial limits; appoint airport guards or police, with full police powers; establish penalties for the violation of the rules, regulations, and ordinances, and enforce the penalties.

(d) Adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports, landing fields, or other aeronautical facilities within the political subdivision or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules adopted pursuant to this subdivision shall be consistent with and conform as nearly as possible with the laws of this state and the rules of the state transportation department.

(e) Lease for a term of years, donate, or sell, the airport, landing field, or other aeronautical facility, or buildings and structures relating to the airport, landing field, or other aeronautical facility, or real property acquired or set apart for these purposes, to any person or persons, any other political subdivision or the state, or the federal government, or any department of a political subdivision, or the state or federal government, either exclusively or in common with others, for operation and public use; confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; enter into leases, contracts, agreements, or grants of privileges of concessions with any person or persons, any other political subdivision or the state government or the federal government, or any department of a political subdivision or the state or federal government, for the operation, use, or occupancy, either exclusively or in common with others, of all or any part of the airport, landing field, or other aeronautical facility, including any buildings and structures of the airport, landing field, or aeronautical facility, under its control, for a term or terms not to exceed 50 years, establishing the charges, rentals, or fees at a fixed or variable rate binding upon the parties for the full term of the lease, contract, agreement, or grant, which lease, contract, agreement, or grant may provide for the resolution of disputes or for the fixing of variable terms through arbitration or similar procedure. The terms, charges, rentals, and fees shall be equal and uniform for the same type of facilities provided, services rendered, or privileges granted with no unjust discrimination between users of the same class for like facilities provided, services rendered, or privileges granted. However, the public shall not be deprived of its rightful, equal, and uniform use of facilities provided, services rendered, or privileges granted. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of the facility.

(f) Sell, donate, or lease any property, real or personal, acquired for such purposes and belonging to the political subdivision, which in the judgment of its governing body, may not be subsequently required for aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the political subdivision, governing the sale or leasing of similarly owned property.

(g) Determine the charges, rentals, or fees for the use of any properties under its control, and the charges for any services or accommodations, and the terms and conditions under which the properties may be used, which rentals, fees, charges, terms, and conditions shall be equal and uniform for the same type of use provided, services rendered, or accommodations granted with no unjust discrimination between users of the

same class for like use provided, services rendered, or accommodations granted, except that any charges, rentals, and fees as may be fixed or determined by any lease, contract, agreement, or grant of privileges of concessions to which the political subdivision is a party or is the grantor, shall be binding upon all parties for the full term prescribed in the lease, contract, agreement, or grant unless the same is sooner modified or terminated by mutual consent of the parties. However, the public shall not be deprived of its rightful, equal, and uniform use of such property. Terms, charges, rentals, and fees may vary if necessary, to provide security and funds for payment of bonds to be issued as authorized by this act to finance improvements to any airport, or to allow for other differing costs of financing, construction of facilities, or maintenance and operation of any such facility. Liens may be attached and enforced by law, as provided in such cases, and their enforcement, for repairs to or improvements or storage or care of any personal property, to enforce the payment of the charges.

(h) Exercise all powers necessarily incidental to the exercise of the general and special powers granted under this section.

259.151 State plan for approach protection areas.

Sec. 151. (1) The commission may create and establish a state plan for approach protection areas surrounding airports, landing fields, and other aeronautical facilities, by establishing standards of height and use to which any structure or obstruction, whether natural or human-made, may be erected or maintained within a distance from the boundaries of any airport, landing field or other aeronautical facility necessary for public safety.

(2) The airport manager of an airport licensed under this act shall promptly file all of the following with any city, village, township, or county that is located in whole or in part within the approach protection area:

(a) A copy of the airport approach plan for the airport, if any.

(b) A copy of the airport layout plan for the airport, if any.

(c) A registration of the airport's name and mailing address for the purposes of receipt of notice under section 4 of the city and village zoning act, 1921 PA 207, MCL 125.584, section 9 of the county zoning act, 1943 PA 183, MCL 125.209, or section 9 of the township zoning act, 1943 PA 184, MCL 125.279.

(3) The filing under subsection (2) shall be made with the zoning board, zoning commission, or other commission appointed to recommend zoning regulations or, if there is no body exercising the powers of such a commission, with the legislative body of the city, village, township, or county.

259.205 Garage keeper lien.

Sec. 205. A garage keeper who in pursuance of any contract, expressed or implied, written or unwritten, furnishes any labor, material, or supplies has a lien upon any aircraft stored, maintained, supplied, or repaired by him or her for the proper charges due for the storage, maintenance, keeping, and repair of the aircraft and for gasoline or aviation fuel, electric current, or other accessories and supplies furnished or expenses bestowed or labor performed on the aircraft at the request or with the consent of the registered owner of the aircraft, whether the owner is a conditional sale vendee or a mortgagor remaining in possession or otherwise. The garage keeper may detain the aircraft at any time it is in his or her possession within 90 days after performing the last labor or furnishing the last supplies for which the lien is claimed. The lien, to the extent it is for labor and material

furnished in making repairs upon an aircraft, has priority over all other liens upon the aircraft.

259.205a Garage keeper lien; priority.

Sec. 205a. (1) If the vehicle subject to a lien under section 1 is an aircraft, the garage keeper's lien shall take priority over any prior lien unless the prior lienholder pays to the garage keeper the amount of the lien attributable to labor and materials, or the following applicable amount, whichever is less:

(a) \$5,000.00 in the case of an aircraft that has a single engine of less than 150 horsepower.

(b) \$10,000.00 in the case of an aircraft that has a single engine of 150 or more horsepower.

(c) \$20,000.00 in the case of a multiengine, nonturbocharged aircraft, or an aircraft that is rated at less than 6,000 pounds maximum certificated gross takeoff weight.

(d) \$40,000.00 in the case of a multiengine turbocharged aircraft, or an aircraft that is rated at 6,000 pounds or more maximum certificated gross takeoff weight.

(e) \$100,000.00 in the case of a turboprop or turbojet aircraft.

(2) A payment made to a garage keeper under subsection (1) shall be added to the amount of the lien of the prior lienholder who made the payment, and shall be subtracted from the amount of the garage keeper's lien.

(3) The garage keeper's lien established in this act is the sole lien available to a garage keeper as to an aircraft, and the common law garage keeper's lien as to an aircraft is abolished.

259.205b Garage keeper lien; filing of lien claim; sale; notice; purchase; disposition of surplus.

Sec. 205b. (1) If the charges described in section 1 for an aircraft are not paid when due, the garage keeper may, within 60 days after the last work or service is performed, file with the federal aviation administration aircraft registry, a claim of lien, duly acknowledged, stating the name and address of the lien claimant, the amount due, and describing the aircraft by make, model, serial number, and registration number. If charges described in section 1 for an aircraft are not paid within 60 days after a claim of lien together with an itemized statement of the account is delivered to the registered owner of the aircraft by personal service or service by registered or certified mail addressed to the last known address of the registered owner of the aircraft, and a record of the lien described above has been filed with the federal aviation administration aircraft registry, the garage keeper may sell the aircraft at public auction. The sale shall be held not less than 20 days or more than 60 days after the expiration of the 60-day period.

(2) Not later than 20 days before any sale is held, the garage keeper shall give written notice of the time and place of the sale to the federal aviation administration aircraft registry, to any lienholder as shown by the records of the federal aviation administration aircraft registry, and to the registered owner of the aircraft. Notice to the federal aviation administration aircraft registry and the lienholders shall be given by first-class mail, addressed to the federal aviation administration aircraft registry, and to the address of the lienholders. Notice to the registered owner of the aircraft shall be given personally or by certified mail, directly to the last known address of the registered owner. Notice of the time and place of the sale also shall be posted in a conspicuous place at the place of the sale and at every airport within a 25-mile radius of the place of the sale.

(3) The garage keeper may bid for and purchase the aircraft at the sale. If the garage keeper directly or indirectly purchases the aircraft at the sale, the proceeds of the sale shall be determined to be either the amount paid by the garage keeper or the fair cash market value of the aircraft as determined by a neutral aircraft appraiser immediately before the time of sale, whichever is the greater.

(4) Any surplus received at the sale, after all charges of the garage keeper have been paid and satisfied and all costs of sale have been deducted, shall be returned to any lienholder who has a properly recorded security interest in the aircraft or part of the aircraft before distribution of the proceeds of the sale is complete, and the balance shall be returned to the registered owner of the aircraft.

Repeal of §§ 259.10, 259.10a, 259.11, 259.14a, 259.15, 259.15a, 259.15b, 259.16, 259.17, 259.17a, 259.17b, 259.18, 259.19, 259.20, 259.20a, 259.20a[1], 259.20b, 259.20c, 259.20d, 259.21, 259.21a, 259.21b, 259.21c, 259.22, 259.23, 259.24, 259.24a, 259.24b, 259.25, 259.25a, 259.25a[1], 259.25b, 259.25c, 259.25d, 259.25e, 259.86a, 259.86b, and 259.86c.

Enacting section 1. Sections 10, 10a, 11, 14a, 15, 15a, 15b, 16, 17, 17a, 17b, 18, 19, 20, 20a, 20a[1], 20b, 20c, 20d, 21, 21a, 21b, 21c, 22, 23, 24, 24a, 24b, 25, 25a, 25a[1], 25b, 25c, 25d, 25e, 86a, 86b, and 86c of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10, 259.10a, 259.11, 259.14a, 259.15, 259.15a, 259.15b, 259.16, 259.17, 259.17a, 259.17b, 259.18, 259.19, 259.20, 259.20a, 259.20a[1], 259.20b, 259.20c, 259.20d, 259.21, 259.21a, 259.21b, 259.21c, 259.22, 259.23, 259.24, 259.24a, 259.24b, 259.25, 259.25a, 259.25a[1], 259.25b, 259.25c, 259.25d, 259.25e, 259.86a, 259.86b, and 259.86c, are repealed.

Effective date.

Enacting section 2. This amendatory act takes effect May 15, 2002.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 36]

(HB 5482)

AN ACT to provide for the formation, regulation, and registration of distance learning corporations; to prescribe their duties, rights, powers, immunities, and liabilities; and to provide for the powers and duties of certain state officers and entities.

The People of the State of Michigan enact:

390.1571 Short title.

Sec. 1. This act shall be known and may be cited as the “career development and distance learning act”.

390.1572 Definitions.

Sec. 2. As used in this act:

(a) “Administrator” means that term as defined in section 105 of the nonprofit act, MCL 450.2105.

(b) “Community college” means a community college organized under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, and is determined by the department of education to meet the requirements for accreditation by a recognized regional accrediting body.

(c) “Director” means the director of the department of career development or his or her designee.

(d) “Nonprofit act” means the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

(e) “Public school” means a local school district, a local act school district, a public school academy, a university school, or an intermediate school district established under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(f) “Registered distance learning corporation” means a distance learning corporation incorporated under the nonprofit act and registered under this act.

(g) “State public university” means a university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

390.1573 Registered distance learning corporation; laws applicable to nonprofit corporations; tax exemption; registration.

Sec. 3. (1) A registered distance learning corporation is subject to the laws of this state applicable to nonprofit corporations, except as provided in this act.

(2) A registered distance learning corporation is a charitable and benevolent institution, and its funds and property are exempt from taxation by this state or any political subdivision of this state.

(3) A corporation shall not act as a registered distance learning corporation except as authorized by and pursuant to a registration issued by the director under this act.

390.1574 Articles of incorporation.

Sec. 4. (1) The articles of incorporation of a registered distance learning corporation shall contain all of the following:

(a) The purposes of the corporation, which shall include at least all of the following:

(i) To help promote the use of education technology to accelerate career and workforce development by improving the learning environment, stimulating innovative teaching methods, achieving accountability, and providing residents of this state with greater technology-based educational choices.

(ii) To promote technology-based education and training to public and private sector organizations, including, but not limited to, alternative models of education that emphasize partnerships between public education and the business sector.

(iii) To provide technology-based services that will enable distance learning education and training to flourish and prosper, including, but not limited to, providing selected industries with business and financial operations, human resource administration, resource development, research, marketing, technology coordination, digital library support, faculty training and development, and other student and academic support operations.

(iv) To support and encourage various collaborative efforts among educational institutions, businesses, nonprofit organizations, and government agencies to meet the training and educational needs of the state’s workforce.

(v) To establish, acquire, or participate in or with other persons that further the purposes of the registered distance learning corporation.

(b) A provision that the board shall include 4 members who are appointed as follows:

(i) Two board members appointed by the governor with the advice and consent of the senate.

(ii) One board member appointed by the governor from a list of 5 names submitted by the majority leader of the senate.

(iii) One board member appointed by the governor from a list of 5 names submitted by the speaker of the house of representatives.

(c) A provision that the board of directors shall consist of the following individuals:

(i) The 4 appointed board members described in subdivision (b).

(ii) At least 1 board member representing state public universities.

(iii) At least 1 board member representing community colleges.

(iv) At least 1 board member representing public schools.

(v) At least 1 board member representing independent nonprofit degree-granting colleges and universities located in this state.

(vi) At least 5 board members representing the private sector.

(d) A provision that the corporation is not an educational corporation for purposes of sections 170 to 177 of 1931 PA 327, MCL 450.170 to 450.177.

(2) A corporation applying for registration as a registered distance learning corporation shall submit its articles of incorporation and any amendments to its articles of incorporation or restated articles of incorporation to the attorney general for examination. The attorney general shall review the articles or amendments within 60 days, and if the attorney general finds that the articles or amendments comply with this act, the attorney general shall certify this finding to the director.

(3) In addition to any fee required in the nonprofit act, a corporation applying for registration as a registered distance learning corporation shall pay the following fees, which shall be deposited in the state treasury:

(a) A fee of \$100.00 to the attorney general for the examination described in subsection (2).

(b) A fee of \$500.00 to the director for the examination and registration described in section 5.

390.1575 Registration; requirements.

Sec. 5. (1) To apply for registration as a registered distance learning corporation, a corporation shall file all of the following with the director:

(a) A copy of the articles of incorporation of the corporation, certified by the administrator.

(b) The certificate of the attorney general required under section 4(2). This requirement is waived if the corporation submitted the articles of incorporation under section 4(2) and the attorney general does not act under section 4(2) to certify the articles within 60 days.

(c) A general plan of the proposed activities of the corporation.

(d) A copy of the financial statements of the corporation.

(e) A copy of the bylaws of the corporation.

(2) The director shall examine the documents filed under subsection (1), may conduct any investigation which he or she considers necessary, may request additional oral and written information from the corporation, and may examine under oath any persons interested in or connected with the distance learning corporation seeking registration.

(3) The director shall register a corporation as a registered distance learning corporation if all of the following are met:

(a) The documents filed under subsection (1) are in proper form.

(b) The articles of incorporation of the corporation contain the provisions required under section 4.

(c) The corporation has been in existence for distance learning purposes for 3 years or more at the time it applies for registration.

(d) The internal revenue service has determined that the corporation is exempt from taxation under section 501(c)(3) of the internal revenue code of 1986.

(4) If the director registers a corporation as a registered distance learning corporation under subsection (3), the director shall do both of the following:

(a) Return to the corporation 1 copy of the articles of incorporation, certified that the corporation is a registered distance learning corporation.

(b) Deliver to the administrator a certificate that the corporation is a registered distance learning corporation.

390.1576 Acquiring, holding, and disposing funds and property.

Sec. 6. A registered distance learning corporation shall acquire, hold, and dispose of its funds and property only for the lawful purposes of the corporation and for the benefit of the public. A registered distance learning corporation shall conduct its activities, including acquiring, holding, and disposing of funds and property, in a manner within the scope of the purposes of the corporation as specifically set forth in its articles and consistent with this act.

390.1577 Registered distance learning corporation; powers.

Sec. 7. (1) Subject to the limits contained in this act, the nonprofit act, any other law of this state, or in its articles of incorporation, a registered distance learning corporation may do any act consistent with 1 or more of the purposes of the corporation, including, but not limited to, 1 or more of the following:

(a) Engage in experimental distance learning projects.

(b) Provide training and distance learning services and professional development programs to government employees.

(c) Accept gifts, grants, appropriations, donations, fees for services, royalties, or other payments or property from any source.

(d) In administering any publicly supported distance learning plan, contract or subcontract with any organization that administers or furnishes distance learning services to any federal, state, or local government, agency, or political subdivision.

(e) Make grants for the public welfare.

(f) Participate with any other public or private entity in any transaction the corporation has the power to conduct by itself.

(g) Obtain, hold, and dispose of patents, trademarks, copyrights, or other intellectual property rights in any invention, idea, good, service, or other tangible or intangible

property subject to protection under any applicable intellectual property law, including, but not limited to, property created or developed by an employee of or a person under contract with the corporation.

(h) Offer educators opportunities to learn new knowledge, skills, and strategies for developing and delivering instructional services.

(i) Grant credits, degrees, or high school diplomas only through dual enrollment programs with educational institutions that are authorized to grant credits, degrees, or high school diplomas in this state.

(2) If an act of a registered distance learning corporation is otherwise legal, it is not invalid because the corporation was without capacity or power to do the act. However, the lack of capacity or power may be asserted in any of the following actions:

(a) An action by a board member against the corporation to enjoin an act.

(b) An action by or in the right of the corporation to procure a judgment in its favor against an incumbent or former officer or board member of the corporation for loss or damage due to an unauthorized act of that officer or board member.

(c) An action or special proceeding by the attorney general to enjoin the corporation from the transacting of unauthorized business, to set aside an unauthorized transaction, or to obtain other equitable relief.

(3) A registered distance learning corporation is not and shall not act in this state as a public school or postsecondary degree-granting institution and shall not independently grant degrees or high school diplomas.

390.1578 Complaint alleging violation of act; hearing; determination; cease and desist order; actions.

Sec. 8. (1) If a sworn complaint alleging a violation of this act by a registered distance learning corporation is filed with the director, the director may hold a hearing to consider the alleged violation of this act.

(2) If the director after a hearing determines that the registered distance learning corporation is violating or has violated this act, the director shall reduce his or her findings and decision to writing and shall issue and serve upon the corporation a copy of the findings and an order requiring the corporation to cease and desist from engaging in the prohibited activity.

(3) If a registered distance learning corporation violates a cease and desist order of the director issued under subsection (2), the director after notice and an opportunity for a hearing may by order revoke the registration of the corporation under this act. However, if the corporation shows by a preponderance of the evidence that the prohibited activity described in the cease and desist order resulted from a bona fide error that violated a policy or procedure of the corporation intended to prevent that error, the director shall not revoke the registration but may require that the corporation take specified remedial action. The corporation shall comply with any remedial action that the director requires.

(4) After notice and an opportunity for hearing, the director at any time may by order reopen and alter, modify, or set aside, all or part of an order issued by him or her under this section, if in his or her opinion conditions of fact or of law have so changed as to require that action or if the public interest requires that action.

390.1579 Confidentiality of information.

Sec. 9. (1) To ensure the confidentiality of records containing personal data associated with identifiable individuals, a registered distance learning corporation shall use reasonable

care to secure these records from unauthorized access and to collect only personal data that is necessary for the proper operation of the corporation.

(2) A registered distance learning corporation shall adopt appropriate practices and procedures concerning confidential information in compliance with applicable law.

(3) A registered distance learning corporation may enter into agreements with public and private persons to protect trade secrets, tests and test scores, proprietary information, and other information the disclosure of which would jeopardize the privacy or property rights of another person. Information subject to an agreement under this subsection in the possession of a public body is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

This act is ordered to take immediate effect.

Approved March 7, 2002.

Filed with Secretary of State March 7, 2002.

[No. 37]

(SB 604)

AN ACT to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention