

# HOUSE BILL No. 4403

March 4, 1997, Introduced by Reps. Wallace, Baird, Willard, Curtis, Hale, LaForge, Martinez, Callahan, Hanley, Bogardus, Scott, DeHart, Varga and Parks and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 328 (MCL 257.328), as amended by 1995 PA  
287.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 328. (1) The owner of a motor vehicle who operates or  
2 permits the operation of the motor vehicle upon the highways of  
3 this state or the operator of the motor vehicle shall produce,  
4 pursuant to subsection (2), upon the request of a police officer,  
5 evidence that the motor vehicle is insured under chapter 31 of  
6 the insurance code of 1956, ~~Act No. 218 of the Public Acts of~~  
7 ~~1956, being sections 500.3101 to 500.3179 of the Michigan~~  
8 ~~Compiled Laws~~ 1956 PA 218, MCL 500.3101 TO 500.3179. An owner  
9 or operator of a motor vehicle who fails to produce evidence of  
10 insurance under this subsection when requested to produce that

1 evidence or who fails to have motor vehicle insurance for the  
2 vehicle as required under chapter 31 of ~~Act No. 218 of the~~  
3 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
4 500.3101 TO 500.3179, is responsible for a civil infraction.

5 (2) A certificate of insurance, if issued by an insurance  
6 company, ~~which certificate~~ THAT states that security ~~which~~  
7 THAT meets the requirements of sections 3101 and 3102 of ~~Act~~  
8 ~~No. 218 of the Public Acts of 1956, being sections 500.3101 and~~  
9 ~~500.3102 of the Michigan Compiled Laws~~ THE INSURANCE CODE OF  
10 1956, 1956 PA 218, MCL 500.3101 AND 500.3102, is in force shall  
11 be accepted as prima facie evidence that insurance is in force  
12 for the motor vehicle described in the certificate of insurance  
13 until the expiration date shown on the certificate. The certifi-  
14 cate, in addition to describing the motor vehicles for which  
15 insurance is in effect, shall state the name of each person named  
16 on the policy, policy declaration, or a declaration certificate  
17 whose operation of the vehicle would cause the liability coverage  
18 of that insurance to become void.

19 (3) If an owner or operator of a motor vehicle is determined  
20 to be responsible for a violation of subsection (1), the court in  
21 which the civil infraction determination is entered may require  
22 the person to surrender his or her operator's or chauffeur's  
23 license unless proof that the vehicle has insurance meeting the  
24 requirements of sections 3101 and 3102 of ~~Act No. 218 of the~~  
25 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
26 500.3101 AND 500.3102, is submitted to the court. If the person  
27 submits proof to the court that the vehicle has insurance meeting

1 the requirements of sections 3101 and 3102 of ~~Act No. 218 of the~~  
2 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL  
3 500.3101 AND 500.3102, in addition to the civil fine and costs  
4 provided by section 907, the court shall assess a fee of \$25.00.  
5 THE COURT SHALL WAIVE ANY CIVIL FINE OR COSTS IMPOSED AGAINST A  
6 PERSON UNDER SECTION 907 AND ANY FEES IMPOSED BY THIS SUBSECTION  
7 FOR A VIOLATION OF SUBSECTION (1) IF THE PERSON, BEFORE THE  
8 APPEARANCE DATE ON THE CITATION, PRESENTS TO THE COURT A CERTIFI-  
9 CATE OF INSURANCE MEETING THE REQUIREMENTS OF SECTIONS 3101 AND  
10 3102 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 AND  
11 500.3102, SHOWING THAT INSURANCE WAS IN FORCE AT THE TIME OF THE  
12 CITATION. If the court requires the license to be surrendered,  
13 the court shall order the secretary of state to suspend the  
14 person's license. The court shall immediately destroy the  
15 license and shall forward to the secretary of state an abstract  
16 of the court record as required by section 732. Upon receipt of  
17 the abstract, the secretary of state shall suspend the person's  
18 license beginning with the date on which a person is determined  
19 to be responsible for the civil infraction for a period of 30  
20 days or until proof of insurance which meets the requirements of  
21 sections 3101 and 3102 of ~~Act No. 218 of the Public Acts of~~  
22 ~~1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101 AND  
23 500.3102, is submitted to the secretary of state, whichever  
24 occurs later. A person who submits proof of insurance to the  
25 secretary of state under this subsection shall pay a service fee  
26 of \$25.00 to the secretary of state. The person shall not be

1 required to be examined as set forth in section 320c and shall  
2 not be required to pay a replacement license fee.

3       (4) If an owner or operator of a motor vehicle is determined  
4 to be responsible for a violation of subsection (1), the court in  
5 which the civil infraction determination is entered shall notify  
6 the secretary of state of the vehicle registration number and the  
7 year and make of the motor vehicle being operated at the time of  
8 the violation. This notification shall be made on the abstract  
9 or on a form approved by the supreme court administrator. Upon  
10 receipt, the secretary of state shall immediately enter this  
11 information in the records of the department. The secretary of  
12 state shall not renew, transfer, or replace the registration  
13 plate of the vehicle involved in the violation or allow the pur-  
14 chase of a new registration plate for the vehicle involved in the  
15 violation until the owner meets the requirements of section 227a  
16 or unless the vehicle involved in the violation is transferred or  
17 sold to a person other than the owner's spouse, mother, father,  
18 sister, brother, or child.

19       (5) An owner or operator of a motor vehicle who knowingly  
20 produces false evidence under this section is guilty of a misde-  
21 meanor, punishable by imprisonment for not more than 1 year, or a  
22 fine of not more than \$1,000.00, or both.

23       (6) Points shall not be entered on a driver's record pursu-  
24 ant to section 320a for a violation of this section.

25       (7) This section does not apply to the owner or operator of  
26 a motor vehicle that is registered in a state other than this  
27 state or a foreign country or province.