

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5668**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 3a, 14, 40b, 217, 235, 248a, 251, 252d,
252g, 303, 304, 310, 319b, 320d, 602b, 642, 722, 724, 801, and
801c (MCL 257.3a, 257.14, 257.40b, 257.217, 257.235, 257.248a,
257.251, 257.252d, 257.252g, 257.303, 257.304, 257.310, 257.319b,
257.320d, 257.602b, 257.642, 257.722, 257.724, 257.801, and
257.801c), section 3a as added by 2008 PA 568, section 14 as
amended by 2004 PA 495, section 40b as amended by 2008 PA 7,
section 217 as amended by 2005 PA 36, section 235 as amended by
2002 PA 652, section 251 as amended by 2002 PA 642, sections 252d
and 252g as amended by 2008 PA 539, sections 303, 304, and 319b
as amended by 2012 PA 306, section 310 as amended by 2008 PA 36,
section 320d as amended by 2010 PA 289, sections 602b and 801 as

amended by 2011 PA 159, section 642 as amended by 2008 PA 304, sections 722 and 724 as amended by 2012 PA 252, and section 801c as amended by 2006 PA 298, and by adding sections 235b, 248d, and 801j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

9 **(C) IT INCLUDES NOT LESS THAN 4 HOURS OF INSTRUCTION.**

10 **(D) ~~(e)~~—**It contains such other information as is approved by
11 the secretary of state, **WITH OR WITHOUT SUPPORTING DVD MATERIAL,**
12 and that is offered over the internet or through classroom
13 instruction.

14 Sec. 14. (1) Except as provided in ~~subsection (2)~~
15 **SUBSECTIONS (2) AND (3),** "established place of business" means
16 the place actually occupied either continuously or at regular
17 periods by a dealer or manufacturer where his or her books and
18 records are kept and a large share of his or her business
19 transacted.

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

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

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

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

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

27 (e) The premises contain a registered repair facility on

1 site for the repair and servicing of motor vehicles of a type
2 sold at the established place of business, unless the dealer has
3 entered into a written servicing agreement with a registered
4 repair facility at a location not to exceed 10 miles' distance
5 from the established place of business. If repairs are conducted
6 pursuant to a servicing agreement, the servicing agreement shall
7 be conspicuously posted in the office.

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

10 (3) AN ESTABLISHED PLACE OF BUSINESS FOR A WHOLESALER SHALL
11 SATISFY ALL OF THE FOLLOWING REQUIREMENTS:

12 (A) THE PREMISES SHALL CONTAIN A PERMANENTLY ENCLOSED
13 BUILDING OR STRUCTURE THAT IS EITHER OWNED, LEASED, OR RENTED BY
14 A WHOLESALER, WHICH IS NOT A COMMERCIAL MAILBOX, TENT, TEMPORARY
15 STAND, OR OTHER TEMPORARY QUARTERS.

16 (B) ALL BOOKS, RECORDS, AND FILES NECESSARY TO CONDUCT THE
17 BUSINESS OF THE WHOLESALER SHALL BE MAINTAINED IN THE BUILDING OR
18 STRUCTURE DESCRIBED IN SUBDIVISION (A).

19 (C) THE PREMISES SHALL NOT BE USED FOR THE DISPLAY OF
20 VEHICLES. HOWEVER, THE PREMISES MAY BE USED FOR THE STORAGE OF
21 VEHICLES PURCHASED BY THE WHOLESALER PRIOR TO SALE TO A LICENSED
22 VEHICLE DEALER.

23 (D) THE PREMISES SHALL BE IDENTIFIED BY AN EXTERIOR SIGN
24 DISPLAYING THE NAME OF THE WHOLESALER THAT IS PERMANENTLY AFFIXED
25 TO THE BUILDING OR LAND WITH LETTERS CLEARLY VISIBLE FROM THE
26 ROADWAY.

27 (E) THE PREMISES SHALL SATISFY ALL APPLICABLE ZONING

1 **REQUIREMENTS AND ANY OTHER APPLICABLE MUNICIPAL REQUIREMENTS.**

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

11 (2) "Highly restricted personal information" means an
12 individual's photograph or image, social security number,
13 digitized signature, medical and disability information, and
14 source documents presented by an applicant to obtain an
15 operator's or chauffeur's license under section 307(1). **HIGHLY**
16 **RESTRICTED PERSONAL INFORMATION ALSO INCLUDES EMERGENCY CONTACT**
17 **INFORMATION UNDER SECTION 310(13).**

18 Sec. 217. (1) An owner of a vehicle that is subject to
19 registration under this act shall apply to the secretary of
20 state, upon an appropriate form furnished by the secretary of
21 state, for the registration of the vehicle and issuance of a
22 certificate of title for the vehicle. A vehicle brought into this
23 state from another state or jurisdiction that has a rebuilt,
24 salvage, scrap, flood, or comparable certificate of title issued
25 by that other state or jurisdiction shall be issued a rebuilt,
26 salvage, scrap, or flood certificate of title by the secretary of
27 state. The application shall be accompanied by the required fee.

1 An application for a certificate of title shall bear the
2 signature or verification and certification of the owner. The
3 application shall contain all of the following:

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

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

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

11 (b) A description of the vehicle including the make or name,
12 style of body, and model year; the number of miles, not including
13 the tenths of a mile, registered on the vehicle's odometer at the
14 time of transfer; whether the vehicle is a flood vehicle or
15 another state previously issued the vehicle a flood certificate
16 of title; whether the vehicle is to be or has been used as a taxi
17 or police vehicle, or by a political subdivision of this state,
18 unless the vehicle is owned by a dealer and loaned or leased to a
19 political subdivision of this state for use as a driver education
20 vehicle; whether the vehicle has previously been issued a salvage
21 or rebuilt certificate of title from this state or a comparable
22 certificate of title from any other state or jurisdiction;
23 vehicle identification number; and the vehicle's weight fully
24 equipped, if a passenger vehicle registered in accordance with
25 section 801(1)(a), and, if a trailer coach or pickup camper, in
26 addition to the weight, the manufacturer's serial number, or in
27 the absence of the serial number, a number assigned by the

1 secretary of state. A number assigned by the secretary of state
2 shall be permanently placed on the trailer coach or pickup camper
3 in the manner and place designated by the secretary of state.

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

7 (d) Further information that the secretary of state
8 reasonably requires to enable the secretary of state to determine
9 whether the vehicle is lawfully entitled to registration and the
10 owner entitled to a certificate of title. If the secretary of
11 state is not satisfied as to the ownership of a ~~late model~~
12 ~~vehicle or other vehicle~~ having a value over \$2,500.00 **OR THAT IS**
13 **LESS THAN 10 YEARS OLD**, before registering the vehicle and
14 issuing a certificate of title, the secretary of state may
15 require the applicant to file a properly executed surety bond in
16 a form prescribed by the secretary of state and executed by the
17 applicant and a company authorized to conduct a surety business
18 in this state. The bond shall be in an amount equal to twice the
19 value of the vehicle as determined by the secretary of state and
20 shall be conditioned to indemnify or reimburse the secretary of
21 state, any prior owner, and any subsequent purchaser or lessee of
22 the vehicle and their successors in interest against any expense,
23 loss, or damage, including reasonable attorney's fees, by reason
24 of the issuance of a certificate of title for the vehicle or on
25 account of any defect in the right, title, or interest of the
26 applicant in the vehicle. An interested person has a right of
27 action to recover on the bond for a breach of the conditions of

1 the bond, but the aggregate liability of the surety to all
2 persons shall not exceed the amount of the bond. ~~The bond shall~~
3 ~~be returned at the end of 3 years, or before 3 years if the~~
4 ~~vehicle is no longer registered in this state and the currently~~
5 ~~valid certificate of title is surrendered to the secretary of~~
6 ~~state, unless the secretary of state has received notification of~~
7 ~~the pendency of an action to recover on the bond.~~ If the
8 secretary of state is not satisfied as to the ownership of a
9 vehicle that is valued at \$2,500.00 or less and that is ~~not a~~
10 ~~late model vehicle,~~ **10 YEARS OLD OR OLDER**, the secretary of state
11 shall require the applicant to certify that the applicant is the
12 owner of the vehicle and entitled to register and title the
13 vehicle.

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

25 (f) An application for registration of a vehicle on the
26 basis of elected gross weight shall include a declaration by the
27 applicant specifying the elected gross weight for which

1 application is being made.

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

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

26 (a) If the lessee is an individual, the lessee's Michigan
27 driver license number or Michigan personal identification number

1 or, if the lessee does not have a Michigan driver license or
2 Michigan personal identification number, the lessee's mailing
3 address.

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

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

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

1 days of delivery of the vehicle or boat trailer, a title and
2 registration for the vehicle or boat trailer may subsequently be
3 acquired only upon the payment of a **LATE** transfer fee of \$15.00
4 **FOR AN INDIVIDUAL OR A DEALER OTHER THAN A DEALER SUBJECT TO**
5 **SECTION 235B** in addition to the fees specified in section 806.
6 **FOR A USED OR SECONDHAND VEHICLE DEALER SUBJECT TO SECTION 235B,**
7 **THE LATE TRANSFER FEE IS \$100.00 IN ADDITION TO THE FEES**
8 **SPECIFIED IN SECTION 806.** The purchaser or lessee of the vehicle
9 or the purchaser of the boat trailer shall sign the application,
10 including, ~~when~~**IF** applicable, the declaration specifying the
11 maximum elected gross weight ~~as~~ as required by subsection (1)(f),
12 and other necessary papers to enable the dealer or person to
13 secure the title, registration plates, and transfers from the
14 secretary of state. If the secretary of state mails or delivers a
15 purchaser's certificate of title to a dealer, the dealer shall
16 mail or deliver the certificate of title to the purchaser not
17 more than 5 days after receiving the certificate of title from
18 the secretary of state.

19 (5) A dealer selling or exchanging an off lease or buy back
20 vehicle shall apply to the secretary of state for a new title for
21 the vehicle within 15 days after it receives the certificate of
22 title from the lessor or manufacturer under section 235 **OR**
23 **SECTION 235B** and transfer or secure registration plates and
24 secure a certificate of registration for the vehicle in the name
25 of the purchaser. The dealer's license may be suspended or
26 revoked in accordance with section 249 for failure to apply for a
27 title when required or for failure to transfer or secure

1 registration plates and certificate of registration within the
2 15-day period. If the dealer or person fails to apply for a title
3 when required, and to transfer or secure registration plates and
4 secure a certificate of registration and pay the required fees
5 within the 15-day time period, a title and registration for the
6 vehicle may subsequently be acquired only upon the payment of a
7 **LATE** transfer fee of \$15.00 **FOR AN INDIVIDUAL OR DEALER OTHER**
8 **THAN A USED OR SECONDHAND VEHICLE DEALER SUBJECT TO SECTION 235B**
9 in addition to the fees specified in section 806. **THE LATE**
10 **TRANSFER FEE FOR A USED OR SECONDHAND VEHICLE DEALER SUBJECT TO**
11 **SECTION 235B IS \$100.00 IN ADDITION TO THE FEES SPECIFIED IN**
12 **SECTION 806.** The purchaser of the vehicle shall sign the
13 application, including, ~~when~~**IF** applicable, the declaration
14 specifying the maximum elected gross weight ~~,~~as required by
15 subsection (1)(f), and other necessary papers to enable the
16 dealer or person to secure the title, registration plates, and
17 transfers from the secretary of state. If the secretary of state
18 mails or delivers a purchaser's certificate of title to a dealer,
19 the dealer shall mail or deliver the certificate of title to the
20 purchaser not more than 5 days after receiving the certificate of
21 title from the secretary of state.

22 (6) If a vehicle is delivered to a purchaser or lessee who
23 has valid Michigan registration plates that are to be transferred
24 to the vehicle, and an application for title, if required, and
25 registration for the vehicle is not made before delivery of the
26 vehicle to the purchaser or lessee, the registration plates shall
27 be affixed to the vehicle immediately, and the dealer shall

1 provide the purchaser or lessee with an instrument in writing, on
2 a form prescribed by the secretary of state, which shall serve as
3 a temporary registration for the vehicle for a period of 15 days
4 from the date the vehicle is delivered.

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

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

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

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

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

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

8 Sec. 235. (1) If the transferee of a vehicle is a new motor
9 vehicle dealer or a used **OR SECONDHAND** vehicle dealer that
10 acquires the vehicle for resale, the dealer is not required to
11 obtain a new registration of the vehicle or forward the
12 certificate of title to the secretary of state, but shall retain
13 and have in the dealer's immediate possession the assigned
14 certificate of title with the odometer information properly
15 completed, **EXCEPT AS OTHERWISE PROVIDED IN SECTION 235B**. A dealer
16 shall obtain a certificate of title for a vehicle having a
17 salvage certificate of title before the dealer may operate the
18 vehicle under dealer's license plates. Upon transferring title or
19 interest to another person that is not a dealer, the dealer shall
20 complete an assignment and warranty of title upon the certificate
21 of title, salvage certificate of title, or dealer reassignment of
22 title form and make an application for registration and a new
23 title as provided in section 217(4).

24 (2) The dealer or transferee is liable for all damages
25 arising from the operation of the vehicle while the vehicle is in
26 the dealer's or transferee's possession.

27 (3) Upon transferring title or interest to another dealer,

1 the dealer shall complete an assignment and warranty of title
2 upon the certificate of title, salvage certificate of title, or
3 dealer reassignment of title form and deliver it to the licensed
4 dealer to which the transfer is made.

5 (4) The secretary of state shall prescribe the dealer
6 reassignment of title form. The form shall contain the title
7 number of the accompanying title; the name, address, and, if
8 applicable, dealer license number of the transferee; the year,
9 make, model, body type, and vehicle identification number of the
10 vehicle; the name, address, dealer number, and signature of the
11 transferor; an odometer mileage statement ~~pursuant to AS~~
12 **PRESCRIBED UNDER** section 233a; and any other information the
13 secretary of state requires.

14 (5) This section does not prohibit a dealer from selling a
15 buy back vehicle while the certificate of title is in the
16 possession of a manufacturer that obtained the certificate of
17 title under the manufacturer's buy back vehicle program. The
18 manufacturer shall mail the certificate of title to the dealer
19 within 5 business days after the manufacturer's receipt of a
20 signed statement from the purchaser of the vehicle acknowledging
21 he or she was informed by the dealer that the manufacturer
22 acquired title to the vehicle as the result of an arbitration
23 proceeding, ~~pursuant to UNDER~~ a customer satisfaction policy
24 adopted by the manufacturer, or under 1986 PA 87, MCL 257.1401 to
25 257.1410, or a similar law of another state.

26 (6) This section does not prohibit a dealer from selling an
27 off lease vehicle while the certificate of title is in the

1 possession of a lessor. The lessor shall mail the certificate of
2 title to the dealer within 21 days after the lessor receives the
3 purchase price of the vehicle and any other fees and charges due
4 under the lease.

5 SEC. 235B. (1) A USED OR SECONDHAND VEHICLE DEALER MAY
6 VOLUNTARILY ENTER INTO A WRITTEN AGREEMENT WITH AN INVENTORY
7 LENDER ALLOWING THE INVENTORY LENDER TO RETAIN IN ITS POSSESSION
8 THE CERTIFICATE OF TITLE FOR A VEHICLE THAT IS SUBJECT TO AN
9 INVENTORY LOAN IF ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET:

10 (A) THE USED OR SECONDHAND VEHICLE DEALER POSTS A NOTICE ON
11 THE USED OR SECONDHAND VEHICLE WINDOW DISCLOSING THE EXISTENCE OF
12 THE USED OR SECONDHAND VEHICLE DEALER'S INVENTORY LOAN FOR THE
13 VEHICLE. THE NOTICE UNDER THIS SUBDIVISION SHALL INCLUDE THE
14 NAME, ADDRESS, TELEPHONE NUMBER, AND INTERNET ADDRESS OF THE USED
15 OR SECONDHAND VEHICLE INVENTORY LENDER IN A MANNER AND OF A SIZE
16 SUFFICIENT TO ALERT POTENTIAL BUYERS OF THE EXISTENCE OF
17 INVENTORY LOAN, CONTACT INFORMATION FOR THE HOLDER OF THAT
18 INVENTORY LOAN, AND THAT THE INVENTORY LENDER HOLDS THE TITLE TO
19 THE VEHICLE IN ITS POSSESSION. THE NOTICE UNDER THIS SUBDIVISION
20 SHALL BE IN A FORM AND MANNER AS PRESCRIBED BY THE SECRETARY OF
21 STATE.

22 (B) THE USED OR SECONDHAND VEHICLE DEALER MAINTAINS A COLOR
23 COPY OF THE CERTIFICATE OF TITLE, EITHER IN PAPER OR ELECTRONIC
24 FORM, AT THE USED OR SECONDHAND VEHICLE DEALER'S PLACE OF
25 BUSINESS. THE COLOR COPY OF THE CERTIFICATE OF TITLE SHALL
26 INDICATE ON ITS FACE THAT IT IS A COPY. THE COLOR COPY OF THE
27 TITLE AND A DISCLOSURE OR NOTICE OF THE VEHICLE INVENTORY

1 LENDER'S POSSESSION OF THE TITLE SHALL BE PRESENTED TO THE BUYER
2 AT THE TIME OF PURCHASE IN PAPER OR ELECTRONIC FORM.

3 (C) THE USED OR SECONDHAND VEHICLE DEALER MAINTAINS A PAPER
4 OR ELECTRONIC COPY OF THE INVENTORY LOAN AGREEMENT BETWEEN THE
5 USED OR SECONDHAND VEHICLE DEALER AND THE VEHICLE INVENTORY
6 LENDER, ALONG WITH THE INVENTORY LIST, WHICH SHALL BE NOT MORE
7 THAN 5 DAYS OLD. THESE DOCUMENTS SHALL BE MADE AVAILABLE TO THE
8 SECRETARY OF STATE UPON THE REQUEST OF THE SECRETARY OF STATE.

9 (2) A USED OR SECONDHAND VEHICLE DEALER'S INVENTORY LENDER
10 SHALL RELEASE THE CERTIFICATE OF TITLE TO THE USED OR SECONDHAND
11 VEHICLE DEALER, THE USED OR SECONDHAND VEHICLE DEALER'S DESIGNEE,
12 OR THE SECRETARY OF STATE, AS APPLICABLE, NOT MORE THAN 2 BANKING
13 BUSINESS DAYS AFTER THE USED OR SECONDHAND VEHICLE DEALER'S
14 INVENTORY LENDER RECEIVES 1 OF THE FOLLOWING:

15 (A) THE OUTSTANDING PRINCIPAL BALANCE AND ANY OTHER FEES AND
16 CHARGES DUE ON THE VEHICLE UNDER THE INVENTORY LOAN.

17 (B) A WRITTEN REQUEST FROM THE USED OR SECONDHAND VEHICLE
18 DEALER WITH PROOF OF FULL PAYMENT EVIDENCING THAT THE VEHICLE HAS
19 BEEN SOLD TO A BUYER IN THE ORDINARY COURSE OF BUSINESS UNDER
20 SECTION 9320 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL
21 440.9320, OR A SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE.

22 (C) A WRITTEN REQUEST FROM THE PURCHASER AND PROOF OF FULL
23 PAYMENT EVIDENCING THAT THE PURCHASER'S STATUS AS A BUYER IN
24 ORDINARY COURSE OF BUSINESS UNDER SECTION 9320 OF THE UNIFORM
25 COMMERCIAL CODE, 1962 PA 174, MCL 440.9320, OR A SUBSTANTIALLY
26 SIMILAR LAW OF ANOTHER STATE.

27 (D) A WRITTEN REQUEST FROM THE SECRETARY OF STATE.

1 (3) A USED OR SECONDHAND VEHICLE DEALER'S INVENTORY LENDER
2 THAT FAILS TO RELEASE A VEHICLE TITLE AS REQUIRED UNDER
3 SUBSECTION (2) MAY BE ORDERED TO PAY AN ADMINISTRATIVE FINE OF
4 \$500.00.

5 (4) A USED OR SECONDHAND VEHICLE INVENTORY LENDER THAT HOLDS
6 A CERTIFICATE OF TITLE FOR A VEHICLE SHALL REGISTER WITH THE
7 SECRETARY OF STATE IN A FORM AND MANNER AS PRESCRIBED BY THE
8 SECRETARY OF STATE TO PROVIDE ITS LOCATION AND CONTACT
9 INFORMATION. NO FEE SHALL BE CHARGED FOR REGISTRATION UNDER THIS
10 SUBSECTION.

11 (5) THIS SECTION APPLIES ONLY TO DEALERS LICENSED UNDER THIS
12 ACT THAT SOLELY SELL USED OR SECONDHAND VEHICLES AND DOES NOT
13 APPLY TO A DEALER LICENSED UNDER THIS ACT THAT SELLS NEW MOTOR
14 VEHICLES OR BOTH NEW MOTOR VEHICLES AND USED OR SECONDHAND
15 VEHICLES.

16 (6) SECTION 235 APPLIES TO USED OR SECONDHAND VEHICLE
17 DEALERS UNDER THIS SECTION ONLY TO THE EXTENT THAT SECTION 235
18 DOES NOT CONFLICT WITH THIS SECTION.

19 (7) AS USED IN THIS SECTION:

20 (A) "INVENTORY LENDER" MEANS A THIRD PARTY ENGAGED IN THE
21 BUSINESS OF PROVIDING FINANCING TO A USED OR SECONDHAND VEHICLE
22 DEALER FOR THE ACQUISITION OR RETENTION OF VEHICLES THAT ARE HELD
23 FOR SALE OR LEASE BY THE USED OR SECONDHAND VEHICLE DEALER IN THE
24 ORDINARY COURSE OF THE USED OR SECONDHAND VEHICLE DEALER'S
25 BUSINESS AND HAS FILED A FINANCING STATEMENT WITH THE SECRETARY
26 OF STATE EVIDENCING THE THIRD PARTY'S SECURITY INTEREST IN THE
27 USED OR SECONDHAND VEHICLE DEALER'S INVENTORY AND THE PROCEEDS OF

1 THAT INVENTORY.

2 (B) "LICENSE" MEANS THE APPLICABLE LICENSE UNDER SECTION
3 248.

4 Sec. 248a. (1) A motor vehicle dealer shall not advertise or
5 represent a motor vehicle to be a demonstrator, executive or
6 manufacturer's vehicle, leased vehicle, new motor vehicle, or
7 used or secondhand vehicle unless the vehicle so described is as
8 defined in this act.

9 (2) A MOTOR VEHICLE DEALER SHALL MAINTAIN AND ADHERE TO
10 DESIGNATED BUSINESS HOURS THAT ARE FILED WITH THE SECRETARY OF
11 STATE.

12 SEC. 248D. ALL OF THE FOLLOWING REQUIREMENTS APPLY TO A
13 WHOLESALER:

14 (A) A WHOLESALER SHALL NOT ADVERTISE VEHICLES FOR SALE ON
15 THE INTERNET OR ANY CLASSIFIED LISTING UNLESS THE ADVERTISEMENT
16 CLEARLY DISCLOSES THE WHOLESALER'S LICENSE CLASSIFICATION AND
17 CLEARLY STATES THAT ANY PURCHASER SHALL BE A LICENSED VEHICLE
18 DEALER.

19 (B) A WHOLESALER SHALL BUY OR SELL NOT LESS THAN 24 VEHICLES
20 IN THIS STATE EACH YEAR TO RETAIN POSSESSION OF A WHOLESALER
21 LICENSE.

22 (C) A WHOLESALER SHALL MAINTAIN AN ESTABLISHED PLACE OF
23 BUSINESS IN THIS STATE THAT SATISFIES THE CONDITIONS LISTED IN
24 SECTION 14(3).

25 (D) A WHOLESALER SHALL MAINTAIN AND ADHERE TO DESIGNATED
26 BUSINESS HOURS THAT ARE FILED WITH THE SECRETARY OF STATE.

27 Sec. 251. (1) Each new vehicle dealer, used vehicle dealer,

1 ~~and broker~~, **AND WHOLESALER** shall maintain a record in a manner
2 prescribed by the secretary of state of each vehicle of a type
3 subject to titling under this act that is bought, sold, leased,
4 or exchanged by the dealer or received or accepted by the dealer
5 for sale, lease, or exchange.

6 (2) Each record shall contain the date of the purchase,
7 sale, lease, or exchange or receipt for the purpose of sale,
8 lease, or exchange, a description of the vehicle, the name and
9 address of the seller, the purchaser or lessee, and the alleged
10 owner or other persons from whom the vehicle was purchased or
11 received, or to whom it was sold, leased, or delivered. The
12 record shall contain a copy of any odometer mileage statement
13 received by the dealer when the dealer purchased or acquired a
14 vehicle and a copy of the odometer mileage statement furnished by
15 the dealer when the dealer sold, leased, or exchanged the vehicle
16 as prescribed in section 233a. If the vehicle is purchased, sold,
17 leased, or exchanged through a broker, the record shall include
18 the broker's name and dealer license number and the amount of the
19 broker's fee, commission, compensation, or other valuable
20 consideration paid by the purchaser or lessee or paid by the
21 dealer, or both. The records of all vehicles purchased, sold,
22 leased, or exchanged through a broker maintained by the secretary
23 of state shall be in an electronic format determined by the
24 secretary of state. A dealer shall retain for not less than 5
25 years each odometer mileage statement the dealer receives and
26 each odometer mileage statement furnished by the dealer upon the
27 sale, lease, or exchange of a vehicle. The description of the

1 vehicle, in the case of a motor vehicle, shall also include the
2 vehicle identification number and other numbers or identification
3 marks as may be on the vehicle, and shall also include a
4 statement that a number has been obliterated, defaced, or
5 changed, if that is the fact. For a trailer or semitrailer, the
6 record shall include the vehicle identification number and other
7 numbers or identification marks as may be on the trailer or
8 semitrailer.

9 (3) Not more than 20 days after the delivery of the vehicle,
10 the seller shall deliver to the buyer in person or by mail to the
11 buyer's last known address a duplicate of a written statement, on
12 a form prescribed by the secretary of state in conjunction with
13 the department of treasury, describing clearly the name and
14 address of the seller, the name and address of the buyer, the
15 vehicle sold to the buyer, the cash sale price of the vehicle,
16 the cash paid down by the buyer, the amount credited the buyer
17 for a trade-in, a description of the trade-in, the amount charged
18 for vehicle insurance, stating the types of insurance covered by
19 the insurance policy, the amount charged for a temporary
20 registration plate, the amount of any other charge and specifying
21 its purpose, the net balance due from the buyer, and a summary of
22 insurance coverage to be affected. If the vehicle sold is a new
23 motor home, the written statement shall contain a description,
24 including the year of manufacture, of every major component part
25 of the vehicle that has its own manufacturer's certificate of
26 origin. The written statement shall disclose if the vehicle sold
27 is a vehicle that the seller had loaned or leased to a political

1 subdivision of this state for use as a driver education vehicle.
2 The written statement shall be dated, but not later than the
3 actual date of delivery of the vehicle to the buyer. The original
4 and all copies of the prescribed form shall contain identical
5 information. The statement shall be furnished by the seller,
6 shall be signed by the seller or the seller's agent and by the
7 buyer, and shall be filed with the application for new title or
8 registration. Failure of the seller to deliver this written
9 statement to the buyer does not invalidate the sale between the
10 seller and the buyer.

11 (4) A retail vehicle sale is void unless both of the
12 following conditions are met:

13 (a) The sale is evidenced by a written memorandum that
14 contains the agreement of the parties and is signed by the buyer
15 and the seller or the seller's agent.

16 (b) The agreement contains a place for acknowledgment by the
17 buyer of the receipt of a copy of the agreement or actual
18 delivery of the vehicle is made to the buyer.

19 (5) Each dealer record and inventory, including the record
20 and inventory of a vehicle scrap metal processor not required to
21 obtain a dealer license, shall be open to inspection by a police
22 officer or an authorized officer or investigator of the secretary
23 of state during reasonable or established business hours.

24 (6) A dealer licensed as a distressed vehicle transporter
25 shall maintain records in a form as prescribed by the secretary
26 of state. The records shall identify each distressed vehicle that
27 is bought, acquired, and sold by the dealer. The record shall

1 identify the person from whom a distressed vehicle was bought or
2 acquired and the dealer to whom the vehicle was sold. The record
3 shall indicate whether a certificate of title or salvage
4 certificate of title was obtained by the dealer for each vehicle.

5 (7) A dealer licensed under this act shall maintain records
6 for a period of 5 years. The records shall be made available for
7 inspection by the secretary of state or other law enforcement
8 officials. To determine or enforce compliance with this chapter
9 or other applicable law, the secretary of state or any law
10 enforcement official may inspect a dealer whenever he or she
11 determines it is necessary. The secretary of state may issue an
12 order summarily suspending the license of a dealer ~~pursuant to~~
13 **UNDER** section 92 of the administrative procedures act of 1969,
14 1969 PA 306, MCL 24.292, based on an affidavit by a person
15 familiar with the facts set forth in the affidavit that the
16 dealer has failed to maintain the records required by this act or
17 failed to provide the records for inspection as requested by the
18 secretary of state, or has otherwise hindered, obstructed, or
19 prevented the inspection of records authorized under this
20 section. The dealer to whom the order is directed shall comply
21 immediately, but on application to the department shall be
22 afforded a hearing within 30 days ~~pursuant to~~**UNDER** the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
24 24.328. On the basis of the hearing, the summary order shall be
25 continued, modified, or held in abeyance not later than 30 days
26 after the hearing.

27 (8) A dealer licensed as a vehicle salvage pool operator or

1 broker shall maintain records in a form as prescribed by the
2 secretary of state. The records shall contain a description of
3 each vehicle or salvageable part stored by the dealer, the name
4 and address of the insurance company or person storing the
5 vehicle or salvageable part, the period of time the vehicle or
6 salvageable part was stored, and the person acquiring the vehicle
7 or salvageable part. In the case of a late model vehicle, a
8 record of the purchase or sale of a major component part of the
9 vehicle shall be maintained identifying the part purchased or
10 sold, the name and address of the seller or purchaser, the date
11 of the purchase or sale, and the identification number assigned
12 to the part by the dealer. The record of the purchase or sale of
13 a part shall be maintained in or attached to the dealer's police
14 book or hard copy of computerized data entries and reference
15 codes and shall be accessible at the dealer's location. In
16 addition, a dealer licensed as a broker shall maintain a record
17 of the odometer mileage reading of each vehicle sold pursuant to
18 an agreement between the broker and the buyer or the broker and
19 the seller. The record of odometer mileage shall be maintained
20 for 5 years and shall contain all of the information required by
21 section 233a.

22 (9) A dealer licensed as a used vehicle parts dealer or an
23 automotive recycler shall maintain records in a form prescribed
24 by the secretary of state. The records shall contain the date of
25 purchase or acquisition of the vehicle, a description of the
26 vehicle including the color, and the name and address of the
27 person from whom the vehicle was acquired. If the vehicle is

1 sold, the record shall contain the date of sale and the name and
2 address of the purchaser. The record shall indicate if the
3 certificate of title or salvage or scrap certificate of title was
4 obtained by the dealer. In the case of a late model vehicle, a
5 record of the purchase or sale of a major component of the
6 vehicle shall be maintained identifying the part purchased or
7 sold, the name and address of the seller or purchaser, the date
8 of the purchase or sale, and the identification number assigned
9 to the part by the dealer, except that a bumper remanufacturer is
10 not required to maintain a record of the purchase of a bumper.
11 However, a bumper remanufacturer shall assign and attach an
12 identification number to a remanufactured bumper and maintain a
13 record of the sale of the bumper. The record of the purchase or
14 sale of a part shall be maintained in or attached to the dealer's
15 police book or hard copy of computerized data entries and
16 reference codes and shall be accessible at the dealer's location.

17 (10) A dealer licensed as a vehicle scrap metal processor
18 shall maintain records as prescribed by the secretary of state.
19 As provided in section 217c, the records shall contain for a
20 vehicle purchased from a dealer a copy of the scrap vehicle
21 inventory, including the name and address of the dealer, a
22 description of the vehicle acquired, and the date of acquisition.
23 If a vehicle is purchased or acquired from a person other than a
24 dealer, the record shall contain the date of acquisition, a
25 description of the vehicle, including the color, the name and
26 address of the person from whom the vehicle was acquired, and
27 whether a certificate of title or salvage or scrap certificate of

1 title was obtained by the dealer.

2 (11) A dealer licensed as a foreign salvage vehicle dealer
3 shall maintain records in a form prescribed by the secretary of
4 state. The records shall contain the date of purchase or
5 acquisition of each distressed vehicle, a description of the
6 vehicle including the color, and the name and address of the
7 person from whom the vehicle was acquired. If the vehicle is
8 sold, the record shall contain the date of sale and the name and
9 address of the purchaser. The record shall indicate if the
10 certificate of title or salvage or scrap certificate of title was
11 obtained by the dealer. In the case of a late model vehicle, a
12 record of the purchase or sale of each salvageable part purchased
13 or acquired in this state shall be maintained and the record
14 shall contain the date of purchase or acquisition of the part, a
15 description of the part, the identification number assigned to
16 the part, and the name and address of the person to or from whom
17 the part was purchased, acquired, or sold. The record of the
18 sale, purchase, or acquisition of a part shall be maintained in
19 the dealer's police book. The police book shall only contain
20 vehicles and salvageable parts purchased in this state or used in
21 the repair of a vehicle purchased in this state. The police book
22 and the records of vehicle part sales, purchases, or acquisitions
23 shall be made available at a location within the state for
24 inspection by the secretary of state within 48 hours after a
25 request by the secretary of state.

26 (12) The secretary of state shall make periodic unannounced
27 inspections of the records, facilities, and inventories of

1 automotive recyclers and used or secondhand vehicle parts
2 dealers.

3 (13) The secretary of state may promulgate rules to
4 implement this section ~~pursuant to~~ **UNDER** the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

6 Sec. 252d. (1) A police agency or a governmental agency
7 designated by the police agency may provide for the immediate
8 removal of a vehicle from public or private property to a place
9 of safekeeping at the expense of the last-titled owner of the
10 vehicle in any of the following circumstances:

11 (a) If the vehicle is in such a condition that the continued
12 operation of the vehicle upon the highway would constitute an
13 immediate hazard to the public.

14 (b) If the vehicle is parked or standing upon the highway in
15 such a manner as to create an immediate public hazard or an
16 obstruction of traffic.

17 (c) If a vehicle is parked in a posted tow away zone.

18 (d) If there is reasonable cause to believe that the vehicle
19 or any part of the vehicle is stolen.

20 (e) If the vehicle must be seized to preserve evidence of a
21 crime, or if there is reasonable cause to believe that the
22 vehicle was used in the commission of a crime.

23 (f) If removal is necessary in the interest of public safety
24 because of fire, flood, storm, snow, natural or man-made
25 disaster, or other emergency.

26 (g) If the vehicle is hampering the use of private property
27 by the owner or person in charge of that property or is parked in

1 a manner ~~which~~ **THAT** impedes the movement of another vehicle.

2 (h) If the vehicle is stopped, standing, or parked in a
3 space designated as parking for persons with disabilities and is
4 not permitted by law to be stopped, standing, or parked in a
5 space designated as parking for persons with disabilities.

6 (i) If the vehicle is located in a clearly identified access
7 aisle or access lane immediately adjacent to a space designated
8 as parking for persons with disabilities.

9 (j) If the vehicle is interfering with the use of a ramp or
10 a curb-cut by persons with disabilities.

11 (k) If the vehicle has been involved in a traffic crash and
12 cannot be safely operated from the scene of the crash.

13 ~~—— (2) If the owner or other person who is legally entitled to~~
14 ~~possess the vehicle arrives at the location where a vehicle is~~
15 ~~located before the actual towing or removal of the vehicle, the~~
16 ~~vehicle shall be disconnected from the tow truck, and the owner~~
17 ~~or other person who is legally entitled to possess the vehicle~~
18 ~~may take possession of the vehicle and remove it without~~
19 ~~interference upon the payment of the reasonable service fee, for~~
20 ~~which a receipt shall be provided.~~

21 **(2) UNLESS THE VEHICLE IS ORDERED TO BE TOWED BY A POLICE**
22 **AGENCY OR A GOVERNMENTAL AGENCY DESIGNATED BY A POLICE AGENCY**
23 **UNDER SUBSECTION (1) (A), (D), (E), OR (K), IF THE OWNER OR OTHER**
24 **PERSON WHO IS LEGALLY ENTITLED TO POSSESS A VEHICLE TO BE TOWED**
25 **OR REMOVED ARRIVES AT THE LOCATION WHERE THE VEHICLE IS LOCATED**
26 **BEFORE THE ACTUAL TOWING OR REMOVAL OF THE VEHICLE, THE VEHICLE**
27 **SHALL BE DISCONNECTED FROM THE TOW TRUCK, AND THE OWNER OR OTHER**

1 PERSON WHO IS LEGALLY ENTITLED TO POSSESS THE VEHICLE MAY TAKE
2 POSSESSION OF THE VEHICLE AND REMOVE IT WITHOUT INTERFERENCE UPON
3 THE PAYMENT OF THE REASONABLE SERVICE FEE, FOR WHICH A RECEIPT
4 SHALL BE PROVIDED.

5 (3) A police agency that authorizes the removal of a vehicle
6 under subsection (1) shall do all of the following:

7 (a) Check to determine if the vehicle has been reported
8 stolen prior to authorizing the removal of the vehicle.

9 (b) Except for vehicles impounded under subsection (1)(d),
10 (e), or (k), a police agency shall enter the vehicle into the law
11 enforcement information network as abandoned not less than 7 days
12 after authorizing the removal and follow the procedures set forth
13 in section 252a.

14 (4) A vehicle impounded under subsection (1)(d), (e), or (k)
15 must first be released by the police agency that authorized the
16 removal prior to the towing agency or custodian releasing the
17 vehicle to the vehicle owner.

18 (5) Not less than 20 days but not more than 30 days after a
19 vehicle has been released under subsection (4), the towing agency
20 or custodian shall notify the police agency to enter the vehicle
21 as abandoned and the police agency shall follow the procedures
22 set forth in section 252a if the impounded vehicle has not been
23 redeemed.

24 Sec. 252g. (1) Subject to section 252a(16), a public sale
25 for a vehicle and its contents that has been determined to be
26 abandoned under section 252a or removed under section 252d shall
27 be conducted in the following manner:

1 (a) It shall be under the control of the police agency.
2 However, a police agency may designate the custodian of the
3 vehicle or a third party to conduct the auction.

4 (b) It shall be open to the public and consist of open
5 auction bidding or bidding by sealed bids. If sealed bids are
6 received, the person submitting the bid shall receive a receipt
7 for the bid from the police agency or the agency's designee or,
8 if the vehicle is being sold under section 252a(16), the
9 custodian of the vehicle.

10 (c) Except as otherwise provided in sections 252a(16) and
11 (17) and 252b(7), it shall be held not less than 5 days after
12 public notice of the sale has been published.

13 (d) The public notice shall be published at least once in a
14 newspaper having a general circulation within the county in which
15 the vehicle was abandoned. The public notice shall give a
16 description of the vehicle for sale and shall state the time,
17 date, and location of the sale.

18 (2) The money received from the public sale of the vehicle
19 shall be applied in the following order of priority:

20 (a) ~~Towing~~ **ACCRUED TOWING** and storage charges. **HOWEVER, IF**
21 **THE MONEY RECEIVED FROM THE PUBLIC SALE DOES NOT SATISFY THE**
22 **ACCRUED TOWING AND STORAGE CHARGES, THE TOWING COMPANY MAY**
23 **COLLECT THE BALANCE OF THOSE UNPAID FEES FROM THE LAST TITLED**
24 **OWNER, SUBJECT TO SECTION 252I.**

25 (b) Expenses incurred by the police agency or the custodian
26 of the vehicle.

27 (c) Payment of the \$40.00 abandoned vehicle fee described in

1 section 252f(3) (a) .

2 (d) Any extra money shall be sent to the department of
3 treasury's unclaimed property division to be disbursed as
4 follows:

5 (i) To the secured party, if any, in the amount of the debt
6 outstanding on the vehicle.

7 (ii) Remainder to the owner. A reasonable attempt shall be
8 made to mail the remainder to the last titled owner. If delivery
9 of the remainder cannot be accomplished, the remainder shall
10 become the property of the unit of government governing the
11 location from which the vehicle was towed.

12 (3) If there are no bidders on the vehicle, the police
13 agency or the custodian of the vehicle may do 1 of the following:

14 (a) Turn the vehicle over to the towing firm or the
15 custodian of the vehicle to satisfy charges against the vehicle.
16 However, if the value of the vehicle does not satisfy the towing
17 fees and accrued daily storage fees, the custodian of the vehicle
18 may collect the balance of those unpaid fees from the last titled
19 owner, subject to section 252i.

20 (b) Obtain title to the vehicle for the police agency or the
21 unit of government the police agency represents, by doing the
22 following:

23 (i) Paying the towing and storage charges.

24 (ii) Applying for title to the vehicle.

25 (c) Hold another public sale under subsection (1) .

26 (4) A person who acquires ownership of a vehicle under
27 subsection (1) or (3) that has been designated as a distressed

1 vehicle shall apply for a salvage certificate of title within 15
2 days after obtaining the vehicle.

3 (5) Upon disposition of the vehicle, the police agency or
4 towing agency or custodian shall provide the secretary of state
5 and the police agency, if that police agency did not conduct the
6 sale, with the vehicle's disposition and the name of the agency
7 that disposed of it and the police agency shall cancel the entry
8 in the law enforcement information network.

9 (6) Not less than 25 days after the date of notice required
10 under section 252a, if the police agency does not provide a copy
11 of the bill of sale by the police agency for the abandoned
12 vehicle to the towing agency or custodian or police agency's
13 designee, the towing agency or custodian or police agency
14 designee may obtain an original of the bill of sale by submitting
15 an application to the secretary of state in a form as determined
16 by the secretary of state.

17 Sec. 303. (1) The secretary of state shall not issue a
18 license under this act to any of the following persons:

19 (a) A person, as an operator, who is less than 18 years of
20 age, except as otherwise provided in this act.

21 (b) A person, as a chauffeur, who is less than 18 years of
22 age, except as otherwise provided in this act.

23 (c) A person whose license is suspended, revoked, denied, or
24 canceled in any state. If the suspension, revocation, denial, or
25 cancellation is not from the jurisdiction that issued the last
26 license to the person, the secretary of state may issue a license
27 after the expiration of 5 years from the effective date of the

1 most recent suspension, revocation, denial, or cancellation.

2 (d) A person who in the opinion of the secretary of state is
3 afflicted with or suffering from a physical or mental disability
4 or disease preventing that person from exercising reasonable and
5 ordinary control over a motor vehicle while operating the motor
6 vehicle upon the highways.

7 (e) A person who is unable to understand highway warning or
8 direction signs in the English language.

9 (f) A person who is unable to pass a knowledge, skill, or
10 ability test administered by the secretary of state in connection
11 with the issuance of an original operator's or chauffeur's
12 license, original motorcycle indorsement, or an original or
13 renewal of a vehicle group designation or vehicle indorsement.

14 (g) A person who has been convicted of, has received a
15 juvenile disposition for, or has been determined responsible for
16 2 or more moving violations under a law of this state, a local
17 ordinance substantially corresponding to a law of this state, or
18 a law of another state substantially corresponding to a law of
19 this state within the preceding 3 years, if the violations
20 occurred before issuance of an original license to the person in
21 this state, another state, or another country.

22 (h) A nonresident, including, but not limited to, a foreign
23 exchange student.

24 (i) A person who has failed to answer a citation or notice
25 to appear in court or for any matter pending or fails to comply
26 with an order or judgment of the court, including, but not
27 limited to, paying all fines, costs, fees, and assessments, in

1 violation of section 321a, until that person answers the citation
2 or notice to appear in court or for any matter pending or
3 complies with an order or judgment of the court, including, but
4 not limited to, paying all fines, costs, fees, and assessments,
5 as provided under section 321a.

6 (j) A person not licensed under this act who has been
7 convicted of, has received a juvenile disposition for, or has
8 been determined responsible for a crime or civil infraction
9 described in section 319, 324, or 904. A person shall be denied a
10 license under this subdivision for the length of time
11 corresponding to the period of the licensing sanction that would
12 have been imposed under section 319, 324, or 904 if the person
13 had been licensed at the time of the violation.

14 (k) A person not licensed under this act who has been
15 convicted of or received a juvenile disposition for committing a
16 crime described in section 319e. A person shall be denied a
17 license under this subdivision for the length of time that
18 corresponds to the period of the licensing sanction that would
19 have been imposed under section 319e if the person had been
20 licensed at the time of the violation.

21 (l) A person not licensed under this act who is determined to
22 have violated section 33b(1) of former 1933 (Ex Sess) PA 8,
23 section 703(1) of the Michigan liquor control code of 1998, 1998
24 PA 58, MCL 436.1703, or section 624a or 624b. The person shall be
25 denied a license under this subdivision for a period of time that
26 corresponds to the period of the licensing sanction that would
27 have been imposed under those sections had the person been

1 licensed at the time of the violation.

2 (m) A person whose commercial driver license application is
3 canceled under section 324(2).

4 (n) Unless otherwise eligible under section 307(1), a person
5 who is not a citizen of the United States.

6 (2) Upon receiving the appropriate records of conviction,
7 the secretary of state shall revoke the operator's or chauffeur's
8 license of a person and deny issuance of an operator's or
9 chauffeur's license to a person having any of the following,
10 whether under a law of this state, a local ordinance
11 substantially corresponding to a law of this state, a law of
12 another state substantially corresponding to a law of this state,
13 or, beginning October 31, 2010, a law of the United States
14 substantially corresponding to a law of this state:

15 (a) Any combination of 2 convictions within 7 years for
16 reckless driving in violation of section 626 before October 31,
17 2010 or, beginning October 31, 2010, 626(2).

18 (b) Any combination of 2 or more convictions within 7 years
19 for any of the following:

20 (i) A felony in which a motor vehicle was used.

21 (ii) A violation or attempted violation of section 601b(2) or
22 (3), section 601c(1) or (2), section 602a(4) or (5), section 617,
23 section 653a(3) or (4), or section 904(4) or (5).

24 (iii) Negligent homicide, manslaughter, or murder resulting
25 from the operation of a vehicle or an attempt to commit any of
26 those crimes.

27 (iv) A violation or attempted violation of section 479a(4) or

1 (5) of the Michigan penal code, 1931 PA 328, MCL 750.479a.

2 (c) Any combination of 2 convictions within 7 years for any
3 of the following or a combination of 1 conviction for a violation
4 or attempted violation of section 625(6) and 1 conviction for any
5 of the following within 7 years:

6 (i) A violation or attempted violation of section 625, except
7 a violation of section 625(2), or a violation of any prior
8 enactment of section 625 in which the defendant operated a
9 vehicle while under the influence of intoxicating or alcoholic
10 liquor or a controlled substance, or a combination of
11 intoxicating or alcoholic liquor and a controlled substance, or
12 while visibly impaired, or with an unlawful bodily alcohol
13 content.

14 (ii) A violation or attempted violation of section 625m.

15 (iii) A violation or attempted violation of former section
16 625b.

17 (d) One conviction for a violation or attempted violation of
18 section 315(5), section 601b(3), section 601c(2), section 602a(4)
19 or (5), section 617, section 625(4) or (5), section 653a(4),
20 section 904(4) or (5), or, beginning October 31, 2010, section
21 626(3) or (4).

22 (e) One conviction of negligent homicide, manslaughter, or
23 murder resulting from the operation of a vehicle or an attempt to
24 commit any of those crimes.

25 (f) One conviction for a violation or attempted violation of
26 section 479a(4) or (5) of the Michigan penal code, 1931 PA 328,
27 MCL 750.479a.

1 (g) Any combination of 3 convictions within 10 years for any
2 of the following or 1 conviction for a violation or attempted
3 violation of section 625(6) and any combination of 2 convictions
4 for any of the following within 10 years, if any of the
5 convictions resulted from an arrest on or after January 1, 1992:

6 (i) A violation or attempted violation of section 625, except
7 a violation of section 625(2), or a violation of any prior
8 enactment of section 625 in which the defendant operated a
9 vehicle while under the influence of intoxicating or alcoholic
10 liquor or a controlled substance, or a combination of
11 intoxicating or alcoholic liquor and a controlled substance, or
12 while visibly impaired, or with an unlawful bodily alcohol
13 content.

14 (ii) A violation or attempted violation of section 625m.

15 (iii) A violation or attempted violation of former section
16 625b.

17 (3) The secretary of state shall revoke a license under
18 subsection (2) notwithstanding a court order unless the court
19 order complies with section 323.

20 (4) Except as otherwise provided under section 304, the
21 secretary of state shall not issue a license under this act to a
22 person whose license has been revoked under this act or revoked
23 and denied under subsection (2) until all of the following occur,
24 as applicable:

25 (a) The later of the following:

26 (i) The expiration of not less than 1 year ~~and 45 days~~ after
27 the license was revoked or denied.

1 (ii) The expiration of not less than 5 years after the date
2 of a subsequent revocation or denial occurring within 7 years
3 after the date of any prior revocation or denial.

4 (b) For a denial under subsection (2)(a), (b), (c), and (g),
5 the person rebuts by clear and convincing evidence the
6 presumption resulting from the prima facie evidence that he or
7 she is a habitual offender. The convictions that resulted in the
8 revocation and denial constitute prima facie evidence that he or
9 she is a habitual offender.

10 (c) The person meets the requirements of the department.

11 (5) The secretary of state may deny issuance of an
12 operator's license as follows:

13 (a) Until the age of 17, to a person not licensed under this
14 act who was convicted of or received a juvenile disposition for
15 violating or attempting to violate section 411a(2) of the
16 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
17 school when he or she was less than 14 years of age. A person not
18 issued a license under this subdivision is not eligible to begin
19 graduated licensing training until he or she attains 16 years of
20 age.

21 (b) To a person less than 21 years of age not licensed under
22 this act who was convicted of or received a juvenile disposition
23 for violating or attempting to violate section 411a(2) of the
24 Michigan penal code, 1931 PA 328, MCL 750.411a, involving a
25 school when he or she was 14 years of age or older, until 3 years
26 after the date of the conviction or juvenile disposition. A
27 person not issued a license under this subdivision is not

1 eligible to begin graduated licensing training or otherwise
2 obtain an original operator's or chauffeur's license until 3
3 years after the date of the conviction or juvenile disposition.

4 (6) The secretary of state shall deny issuance of a vehicle
5 group designation to a person under either of the following
6 circumstances:

7 (a) The person has been disqualified by the United States
8 secretary of transportation from operating a commercial motor
9 vehicle.

10 (b) Beginning on and after January 30, 2012, the person does
11 not meet the requirements of the federal regulations under parts
12 383 and 391 by refusing to certify the type of commercial motor
13 vehicle operation the person intends to perform and, if required,
14 fails to present to the secretary of state a valid medical
15 certification.

16 (7) Multiple convictions or civil infraction determinations
17 resulting from the same incident shall be treated as a single
18 violation for purposes of denial or revocation of a license under
19 this section.

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

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

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

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

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

4 Sec. 304. (1) Except as provided in subsection (3), the
5 secretary of state shall issue a restricted license to a person
6 whose license was suspended or restricted under section 319 or
7 revoked or denied under section 303 based on either of the
8 following:

9 (a) Two or more convictions for violating section 625(1) or
10 (3) or a local ordinance of this state substantially
11 corresponding to section 625(1) or (3).

12 (b) One conviction for violating section 625(1) or (3) or a
13 local ordinance of this state substantially corresponding to
14 section 625(1) or (3), preceded by 1 or more convictions for
15 violating a local ordinance or law of another state substantially
16 corresponding to section 625(1), (3), or (6), or a law of the
17 United States substantially corresponding to section 625(1), (3),
18 or (6).

19 (2) A restricted license issued under subsection (1) shall
20 not be issued until after the person's operator's or chauffeur's
21 license has been suspended or revoked for 45 days and the judge
22 assigned to a DWI/sobriety court certifies to the secretary of
23 state that both of the following conditions have been met:

24 (a) The person has been admitted into a DWI/sobriety court
25 program.

26 (b) An ignition interlock device approved, certified, and
27 installed as required under sections 625k and 625l has been

1 installed on each motor vehicle owned or operated, or both, by
2 the individual.

3 (3) A restricted license shall not be issued under
4 subsection (1) if the person is otherwise ineligible for an
5 operator's or chauffeur's license under this act, unless the
6 person's ineligibility is based on 1 or more of the following:

7 (a) Section 303(1)(i) or (l).

8 (b) Section 303(2)(c)(i) or (iii).

9 (c) Section 303(2)(g)(i) or (iii).

10 (d) Section 319(4), (5), (6), (7), (8)(a) to (e), or (9).

11 (e) Section 319e(2)(a) or (b).

12 (f) Section 320(1)(d).

13 (g) Section 321a(1), (2), or (3).

14 (h) Section 323c.

15 (i) Section 625f.

16 (j) Section 732a(5).

17 (k) Section 904(10).

18 (l) Section 82105a(2) of the natural resources and
19 environmental protection act, 1994 PA 451, MCL 324.82105a.

20 (m) Section 3177 of the insurance code of 1956, 1956 PA 218,
21 MCL 500.3177.

22 (n) Section 10 of the motor vehicle claims act, 1965 PA 198,
23 MCL 257.1110.

24 (4) A restricted license issued under subsection (1) permits
25 the person to whom it is issued to operate only the vehicle
26 equipped with an ignition interlock device described in
27 subsection (2)(b), to take any driving skills test required by

1 the secretary of state, and to drive to and from any combination
2 of the following locations or events:

3 (a) In the course of the person's employment or occupation
4 if the employment or occupation does not require a commercial
5 driver license.

6 (b) To and from any combination of the following:

7 (i) The person's residence.

8 (ii) The person's work location.

9 (iii) An alcohol, drug, or mental health education and
10 treatment as ordered by the court.

11 (iv) Alcoholics anonymous, narcotics anonymous, or other
12 court-ordered self-help programs.

13 (v) Court hearings and probation appointments.

14 (vi) Court-ordered community service.

15 (vii) An educational institution at which the person is
16 enrolled as a student.

17 (viii) A place of regularly occurring medical treatment for a
18 serious condition or medical emergency for the person or a member
19 of the person's household or immediate family.

20 (ix) Alcohol or drug testing as ordered by the court.

21 (x) Ignition interlock service provider as required.

22 (5) While driving with a restricted license, the person
23 shall carry proof of his or her destination and the hours of any
24 employment, class, or other reason for traveling and shall
25 display that proof upon a peace officer's request.

26 (6) Except as otherwise provided in this section, a
27 restricted license issued under subsection (1) is effective until

1 a hearing officer orders an unrestricted license under section
2 322. The hearing officer shall not order an unrestricted license
3 until the later of the following events occurs:

4 (a) The court notifies the secretary of state that the
5 person has successfully completed the DWI/sobriety court program.

6 (b) The minimum period of license sanction that would have
7 been imposed under section 303 or 319 but for this section has
8 been completed.

9 (c) The person demonstrates that he or she has operated with
10 an ignition interlock device for not less than 1 year.

11 (d) The person satisfies the requirements of section 303 and
12 R 257.313 of the Michigan administrative code.

13 (7) In determining whether to order an unrestricted license
14 under subsection (6), the successful completion of the
15 DWI/sobriety court program and a certificate from the
16 DWI/sobriety court judge shall be considered positive evidence of
17 the petitioner's abstinence while the petitioner participated in
18 the DWI/sobriety court program. As used in this subsection,
19 "certificate" includes, but is not limited to, a statement that
20 the participant has maintained a period of abstinence from
21 alcohol for not less than 6 months at the time the participant
22 completed the DWI/sobriety court program.

23 (8) If the secretary of state receives a notification from
24 the DWI/sobriety court under section 1084(6) of the revised
25 judiciary act of 1961, 1961 PA 236, MCL 600.1084, the secretary
26 of state shall summarily impose 1 of the following license
27 sanctions, as applicable:

1 (a) Suspension for the full length of time provided under
2 section 319(8). However, a restricted license shall not be issued
3 as provided under section 319(8). This subdivision applies if the
4 underlying conviction or convictions would have subjected the
5 person to a license sanction under section 319(8) if this section
6 did not apply.

7 (b) A license revocation and denial for the full length of
8 time provided under section 303. The minimum period of license
9 revocation and denial imposed shall be the same as if this
10 section did not apply. This subdivision applies if the underlying
11 conviction or convictions would have caused a license revocation
12 and denial under section 303 if this section did not apply.

13 (9) After the person completes the DWI/sobriety court
14 interlock pilot program, the following apply:

15 (a) The secretary of state shall postpone considering the
16 issuance of an unrestricted license under section 322 for a
17 period of 3 months for each act that would be a minor violation
18 if the person's license had been issued under section 322(6). As
19 used in this subdivision, "minor violation" means that term as
20 defined in R 257.301a of the Michigan administrative code.

21 (b) The restricted license issued under this section shall
22 be suspended or revoked or denied as provided in subsection (8),
23 unless set aside under subsection (6), if any of the following
24 events occur:

25 (i) The person operates a motor vehicle without an ignition
26 interlock device that meets the criteria under subsection (2)(b).

27 (ii) The person removes, or causes to be removed, an ignition

1 interlock device from a vehicle he or she owns or operates unless
2 the secretary of state has authorized its removal under section
3 322a.

4 (iii) The person commits any other act that would be a major
5 violation if the person's license had been issued under section
6 322(6). As used in this subparagraph, "major violation" means
7 that term as defined in R 257.301a of the Michigan administrative
8 code.

9 (iv) The person is arrested for a violation of any of the
10 following:

11 (A) Section 625.

12 (B) A local ordinance of this state or another state
13 substantially corresponding to section 625.

14 (C) A law of the United States substantially corresponding
15 to section 625.

16 (C) ~~(b)~~—If the person is convicted of or found responsible
17 for any offense that requires the suspension, revocation, denial,
18 or cancellation of the person's operator's or chauffeur's
19 license, the restricted license issued under this section shall
20 be suspended until the requisite period of license suspension,
21 revocation, denial, or cancellation, as appropriate, has elapsed.

22 (D) ~~(e)~~—If the person has failed to pay any court-ordered
23 fines or costs that resulted from the operation of a vehicle, the
24 restricted license issued under this section shall be suspended
25 pending payment of those fines and costs.

26 (10) All driver responsibility fees required to be assessed
27 by the secretary of state under section 732a for the conviction

1 or convictions that led to the restricted license under this
2 section shall be held in abeyance as follows:

3 (a) The fees shall be held in abeyance during the time the
4 person has a restricted license under this section and is
5 participating in the DWI/sobriety court interlock pilot project.

6 (b) At the end of the person's participation in the
7 DWI/sobriety court program, the driver responsibility fees shall
8 be assessed and paid under the payment schedule described in
9 section 732a.

10 (11) The vehicle of an individual admitted to the
11 DWI/sobriety court interlock pilot project whose vehicle would
12 otherwise be subject to immobilization or forfeiture under this
13 act is exempt from both immobilization and forfeiture under
14 sections 625n and 904d if both of the following apply:

15 (a) The person is a DWI/sobriety court interlock pilot
16 program participant in good standing or the person successfully
17 satisfactorily completes the DWI/sobriety court interlock pilot
18 program.

19 (b) The person does not subsequently violate a law of this
20 state for which vehicle immobilization or forfeiture is a
21 sanction.

22 (12) This section only applies to individuals arrested for a
23 violation of section 625 on or after January 1, 2011.

24 (13) As used in this section:

25 (a) "DWI/sobriety court" means that term as defined in
26 section 1084 of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.1084.

1 (b) "DWI/sobriety court interlock pilot project" and
2 "DWI/sobriety court program" mean those terms as defined or
3 described in section 1084 of the revised judicature act of 1961,
4 1961 PA 236, MCL 600.1084.

5 Sec. 310. (1) The secretary of state shall issue an
6 operator's license to each person licensed as an operator and a
7 chauffeur's license to each person licensed as a chauffeur. An
8 applicant for a motorcycle indorsement under section 312a or a
9 vehicle group designation or indorsement shall first qualify for
10 an operator's or chauffeur's license before the indorsement or
11 vehicle group designation application is accepted and processed.
12 An original license or the first renewal of an existing license
13 issued to a person less than 21 years of age shall be portrait or
14 vertical in form and a license issued to a person 21 years of age
15 or over shall be landscape or horizontal in form.

16 (2) The license issued under subsection (1) shall contain
17 all of the following:

18 (a) The distinguishing number permanently assigned to the
19 licensee.

20 (b) The full legal name, date of birth, address of
21 residence, height, eye color, sex, digital photographic image,
22 expiration date, and signature of the licensee.

23 (c) In the case of a licensee who has indicated his or her
24 wish to participate in the anatomical gift donor registry under
25 part 101 of the public health code, 1978 PA 368, MCL 333.10101 to
26 333.10123, a heart insignia on the front of the license.

27 (d) Physical security features designed to prevent

1 tampering, counterfeiting, or duplication of the license for
2 fraudulent purposes.

3 (3) Except as otherwise required under this chapter, other
4 information required on the license pursuant to this chapter may
5 appear on the license in a form prescribed by the secretary of
6 state.

7 (4) The license shall not contain a fingerprint or finger
8 image of the licensee.

9 (5) A digitized license may contain an identifier for voter
10 registration purposes. The digitized license may contain
11 information appearing in electronic or machine readable codes
12 needed to conduct a transaction with the secretary of state. The
13 information shall be limited to the person's driver license
14 number, birth date, full legal name, date of transaction, gender,
15 address, state of issuance, license expiration date, and other
16 information necessary for use with electronic devices, machine
17 readers, or automatic teller machines and shall not contain the
18 driving record or other personal identifier. The license shall
19 identify the encoded information.

20 (6) The license shall be manufactured in a manner to
21 prohibit as nearly as possible the ability to reproduce, alter,
22 counterfeit, forge, or duplicate the license without ready
23 detection. In addition, a license with a vehicle group
24 designation shall contain the information required under 49 CFR
25 part 383.

26 (7) Except as provided in subsection (11), a person who
27 intentionally reproduces, alters, counterfeits, forges, or

1 duplicates a license photograph, the negative of the photograph,
2 image, license, or electronic data contained on a license or a
3 part of a license or who uses a license, image, or photograph
4 that has been reproduced, altered, counterfeited, forged, or
5 duplicated is subject to 1 of the following:

6 (a) If the intent of the reproduction, alteration,
7 counterfeiting, forging, duplication, or use is to commit or aid
8 in the commission of an offense that is a felony punishable by
9 imprisonment for 10 or more years, the person committing the
10 reproduction, alteration, counterfeiting, forging, duplication,
11 or use is guilty of a felony, punishable by imprisonment for not
12 more than 10 years or a fine of not more than \$20,000.00, or
13 both.

14 (b) If the intent of the reproduction, alteration,
15 counterfeiting, forging, duplication, or use is to commit or aid
16 in the commission of an offense that is a felony punishable by
17 imprisonment for less than 10 years or a misdemeanor punishable
18 by imprisonment for 6 months or more, the person committing the
19 reproduction, alteration, counterfeiting, forging, duplication,
20 or use is guilty of a felony, punishable by imprisonment for not
21 more than 5 years, or a fine of not more than \$10,000.00, or
22 both.

23 (c) If the intent of the reproduction, alteration,
24 counterfeiting, forging, duplication, or use is to commit or aid
25 in the commission of an offense that is a misdemeanor punishable
26 by imprisonment for less than 6 months, the person committing the
27 reproduction, alteration, counterfeiting, forging, duplication,

1 or use is guilty of a misdemeanor punishable by imprisonment for
2 not more than 1 year or a fine of not more than \$2,000.00, or
3 both.

4 (8) Except as provided in subsections (11) and (16), a
5 person who sells, or who possesses with the intent to deliver to
6 another, a reproduced, altered, counterfeited, forged, or
7 duplicated license photograph, negative of the photograph, image,
8 license, or electronic data contained on a license or part of a
9 license is guilty of a felony punishable by imprisonment for not
10 more than 5 years or a fine of not more than \$10,000.00, or both.

11 (9) Except as provided in subsections (11) and (16), a
12 person who is in possession of 2 or more reproduced, altered,
13 counterfeited, forged, or duplicated license photographs,
14 negatives of the photograph, images, licenses, or electronic data
15 contained on a license or part of a license is guilty of a felony
16 punishable by imprisonment for not more than 5 years or a fine of
17 not more than \$10,000.00, or both.

18 (10) Except as provided in subsection (16), a person who is
19 in possession of a reproduced, altered, counterfeited, forged, or
20 duplicated license photograph, negative of the photograph, image,
21 license, or electronic data contained on a license or part of a
22 license is guilty of a misdemeanor punishable by imprisonment for
23 not more than 1 year or a fine of not more than \$2,000.00, or
24 both.

25 (11) Subsections (7)(a) and (b), (8), and (9) do not apply
26 to a minor whose intent is to violate section 703 of the Michigan
27 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

1 (12) The secretary of state, upon determining after an
2 examination that an applicant is mentally and physically
3 qualified to receive a license, may issue the applicant a
4 temporary driver's permit. The temporary driver's permit entitles
5 the applicant, while having the permit in his or her immediate
6 possession, to ~~drive~~**OPERATE** a motor vehicle upon the highway for
7 a period not exceeding 60 days before the secretary of state has
8 issued the applicant an operator's or chauffeur's license. The
9 secretary of state may establish a longer duration for the
10 validity of a temporary driver's permit if necessary to
11 accommodate the process of obtaining a background check that is
12 required for an applicant by federal law.

13 (13) An operator or chauffeur may indicate on the license in
14 a place designated by the secretary of state his or her blood
15 type, emergency contact information, immunization data,
16 medication data, or a statement that the licensee is deaf. **THE**
17 **SECRETARY OF STATE SHALL NOT REQUIRE AN APPLICANT FOR AN ORIGINAL**
18 **OR RENEWAL OPERATOR'S OR CHAUFFEUR'S LICENSE TO PROVIDE EMERGENCY**
19 **CONTACT INFORMATION AS A CONDITION OF OBTAINING A LICENSE.**
20 **HOWEVER, THE SECRETARY OF STATE MAY INQUIRE WHETHER AN OPERATOR**
21 **OF CHAUFFEUR WOULD LIKE TO PROVIDE EMERGENCY CONTACT INFORMATION.**
22 **EMERGENCY CONTACT INFORMATION OBTAINED UNDER THIS SUBSECTION**
23 **SHALL BE DISCLOSED ONLY TO A STATE OR FEDERAL LAW ENFORCEMENT**
24 **AGENCY FOR LAW ENFORCEMENT PURPOSES OR TO THE EXTENT NECESSARY**
25 **FOR A MEDICAL EMERGENCY.**

26 (14) An operator or chauffeur may indicate on the license in
27 a place designated by the secretary of state that he or she has

1 designated a patient advocate in accordance with sections 5506 to
2 5515 of the estates and protected individuals code, 1998 PA 386,
3 MCL 700.5506 to 700.5515.

4 (15) If the applicant provides proof to the secretary of
5 state that he or she is a minor who has been emancipated under
6 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the
7 designation of the individual's emancipated status in a manner
8 prescribed by the secretary of state.

9 (16) Subsections (8), (9), and (10) do not apply to a person
10 who is in possession of 1 or more photocopies, reproductions, or
11 duplications of a license to document the identity of the
12 licensee for a legitimate business purpose.

13 (17) A sticker or decal may be provided by any person,
14 hospital, school, medical group, or association interested in
15 assisting in implementing an emergency medical information card,
16 but shall meet the specifications of the secretary of state. An
17 emergency medical information card may contain information
18 concerning the licensee's patient advocate designation, other
19 emergency medical information, or an indication as to where the
20 licensee has stored or registered emergency medical information.

21 (18) The secretary of state shall inquire of each licensee,
22 in person or by mail, whether the licensee agrees to participate
23 in the anatomical gift donor registry under part 101 of the
24 public health code, 1978 PA 368, MCL 333.10101 to 333.10123.

25 (19) A licensee who has agreed to participate in the
26 anatomical gift donor registry under part 101 of the public
27 health code, 1978 PA 368, MCL 333.10101 to 333.10123, shall not

1 be considered to have revoked that agreement solely because the
2 licensee's license has been revoked or suspended or has expired.
3 Enrollment in the donor registry constitutes a legal agreement
4 that remains binding and in effect after the donor's death
5 regardless of the expressed desires of the deceased donor's next
6 of kin who may oppose the donor's anatomical gift.

7 Sec. 319b. (1) The secretary of state shall immediately
8 suspend or revoke, as applicable, all commercial learners permits
9 or vehicle group designations on the operator's or chauffeur's
10 license of a person upon receiving notice of a conviction, bond
11 forfeiture, or civil infraction determination of the person, or
12 notice that a court or administrative tribunal has found the
13 person responsible, for a violation described in this subsection
14 of a law of this state, a local ordinance substantially
15 corresponding to a law of this state while the person was
16 operating a commercial motor vehicle, or a law of another state
17 substantially corresponding to a law of this state, or notice
18 that the person has refused to submit to a chemical test of his
19 or her blood, breath, or urine for the purpose of determining the
20 amount of alcohol or presence of a controlled substance or both
21 in the person's blood, breath, or urine while the person was
22 operating a commercial motor vehicle as required by a law or
23 local ordinance of this or another state. The period of
24 suspension or revocation is as follows:

25 (a) Suspension for 60 days, to run consecutively with any
26 commercial driver license action imposed under this section, if
27 the person is convicted of or found responsible for 1 of the

- 1 following while operating a commercial motor vehicle:
- 2 (i) Two serious traffic violations arising from separate
3 incidents within 36 months.
- 4 (ii) A violation of section 667, 668, 669, or 669a.
- 5 (iii) A violation of motor carrier safety regulations 49 CFR
6 392.10 or 392.11, as adopted by section 1a of the motor carrier
7 safety act of 1963, 1963 PA 181, MCL 480.11a.
- 8 (iv) A violation of section 57 of the pupil transportation
9 act, 1990 PA 187, MCL 257.1857.
- 10 (v) A violation of motor carrier safety regulations 49 CFR
11 392.10 or 392.11, as adopted by section 31 of the motor bus
12 transportation act, 1982 PA 432, MCL 474.131.
- 13 (vi) A violation of motor carrier safety regulations 49 CFR
14 392.10 or 392.11 while operating a commercial motor vehicle other
15 than a vehicle covered under subparagraph (iii), (iv), or (v).
- 16 (vii) A violation of commercial motor vehicle fraudulent
17 testing law.
- 18 (b) Suspension for 120 days, to be served consecutively with
19 a 60-day suspension imposed under subdivision (a) (i), if the
20 person is convicted of or found responsible for 1 of the
21 following arising from separate incidents within 36 months while
22 operating a commercial motor vehicle:
- 23 (i) Three serious traffic violations.
- 24 (ii) Any combination of 2 violations described in subdivision
25 (a) (ii).
- 26 (c) Suspension for 1 year, to run consecutively with any
27 commercial driver license action imposed under this section, if

1 the person is convicted of or found responsible for 1 of the
2 following:

3 (i) A violation of section 625(1), (3), (4), (5), (6), (7),
4 or (8), section 625m, or former section 625(1) or (2), or former
5 section 625b, while operating a commercial or noncommercial motor
6 vehicle.

7 (ii) Leaving the scene of an accident involving a commercial
8 or noncommercial motor vehicle operated by the person.

9 (iii) Except for a felony described in 49 CFR 383.51(b)(9), a
10 felony in which a commercial or noncommercial motor vehicle was
11 used.

12 (iv) A refusal of a peace officer's request to submit to a
13 chemical test of his or her blood, breath, or urine to determine
14 the amount of alcohol or presence of a controlled substance or
15 both in his or her blood, breath, or urine while he or she was
16 operating a commercial or noncommercial motor vehicle as required
17 by a law or local ordinance of this state or another state.

18 (v) Operating a commercial motor vehicle in violation of a
19 suspension, revocation, denial, or cancellation that was imposed
20 for previous violations committed while operating a commercial
21 motor vehicle.

22 (vi) Causing a fatality through the negligent or criminal
23 operation of a commercial motor vehicle, including, but not
24 limited to, the crimes of motor vehicle manslaughter, motor
25 vehicle homicide, and negligent homicide.

26 (vii) A violation of commercial motor vehicle fraudulent
27 testing law.

1 (viii) Any combination of 3 violations described in
2 subdivision (a) (ii) arising from separate incidents within 36
3 months while operating a commercial motor vehicle.

4 (d) Suspension for 3 years, to run consecutively with any
5 commercial driver license action imposed under this section, if
6 the person is convicted of or found responsible for an offense
7 enumerated in subdivision (c) (i) to (vii) in which a commercial
8 motor vehicle was used if the vehicle was carrying hazardous
9 material required to have a placard under 49 CFR parts 100 to
10 199.

11 (e) Revocation for life, to run consecutively with any
12 commercial driver license action imposed under this section, but
13 with eligibility for reissue of a group vehicle designation after
14 not less than 10 years and after approval by the secretary of
15 state, if the person is convicted of or found responsible for 2
16 violations or a combination of any 2 violations arising from 2 or
17 more separate incidents involving any of the following:

18 (i) Section 625(1), (3), (4), (5), (6), (7), or (8), section
19 625m, or former section 625(1) or (2), or former section 625b,
20 while operating a commercial or noncommercial motor vehicle.

21 (ii) Leaving the scene of an accident involving a commercial
22 or noncommercial motor vehicle operated by the licensee.

23 (iii) Except for a felony described in 49 CFR 383.51(b) (9), a
24 felony in which a commercial or noncommercial motor vehicle was
25 used.

26 (iv) A refusal of a request of a police officer to submit to
27 a chemical test of his or her blood, breath, or urine for the

1 purpose of determining the amount of alcohol or presence of a
2 controlled substance or both in his or her blood while he or she
3 was operating a commercial or noncommercial motor vehicle in this
4 state or another state.

5 (v) Operating a commercial motor vehicle in violation of a
6 suspension, revocation, denial, or cancellation that was imposed
7 for previous violations committed while operating a commercial
8 motor vehicle.

9 (vi) Causing a fatality through the negligent or criminal
10 operation of a commercial motor vehicle, including, but not
11 limited to, the crimes of motor vehicle manslaughter, motor
12 vehicle homicide, and negligent homicide.

13 (f) Revocation for life if a person is convicted of or found
14 responsible for any of the following:

15 (i) One violation of a felony in which a commercial motor
16 vehicle was used and that involved the manufacture, distribution,
17 or dispensing of a controlled substance or possession with intent
18 to manufacture, distribute, or dispense a controlled substance.

19 (ii) A conviction of any offense described in subdivision (c)
20 or (d) after having been approved for the reissuance of a vehicle
21 group designation under subdivision (e).

22 (iii) A conviction of a violation of chapter LXXXIII-A of the
23 Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z.

24 (2) The secretary of state shall immediately deny, cancel,
25 or revoke a hazardous material indorsement on the operator's or
26 chauffeur's license of a person with a vehicle group designation
27 upon receiving notice from a federal government agency that the

1 person poses a security risk warranting denial, cancellation, or
2 revocation under the uniting and strengthening America by
3 providing appropriate tools required to intercept and obstruct
4 terrorism (USA PATRIOT ACT) act of 2001, Public Law 107-56. The
5 denial, cancellation, or revocation cannot be appealed under
6 section 322 or 323 and remains in effect until the secretary of
7 state receives a federal government notice that the person does
8 not pose a security risk in the transportation of hazardous
9 materials.

10 (3) The secretary of state shall immediately suspend or
11 revoke, as applicable, all commercial learners permits or vehicle
12 group designations on a person's operator's or chauffeur's
13 license upon receiving notice of a conviction, bond forfeiture,
14 or civil infraction determination of the person, or notice that a
15 court or administrative tribunal has found the person
16 responsible, for a violation of section 319d(4) or 319f, a local
17 ordinance substantially corresponding to section 319d(4) or 319f,
18 or a law or local ordinance of another state, the United States,
19 Canada, the United Mexican States, or a local jurisdiction of
20 either of these countries substantially corresponding to section
21 319d(4) or 319f, while operating a commercial motor vehicle. The
22 period of suspension or revocation, which shall run consecutively
23 with any commercial driver license action imposed under this
24 section, is as follows:

25 (a) Suspension for 180 days if the person is convicted of or
26 found responsible for a violation of section 319d(4) or 319f
27 while operating a commercial motor vehicle.

1 (b) Suspension for 180 days if the person is convicted of or
2 found responsible for a violation of section 319d(4) or 319f
3 while operating a commercial motor vehicle that is either
4 carrying hazardous material required to have a placard under 49
5 CFR parts 100 to 199 or designed to carry 16 or more passengers,
6 including the driver.

7 (c) Suspension for 2 years if the person is convicted of or
8 found responsible for 2 violations, in any combination, of
9 section 319d(4) or 319f while operating a commercial motor
10 vehicle arising from 2 or more separate incidents during a 10-
11 year period.

12 (d) Suspension for 3 years if the person is convicted of or
13 found responsible for 3 or more violations, in any combination,
14 of section 319d(4) or 319f while operating a commercial motor
15 vehicle arising from 3 or more separate incidents during a 10-
16 year period.

17 (e) Suspension for 3 years if the person is convicted of or
18 found responsible for 2 or more violations, in any combination,
19 of section 319d(4) or 319f while operating a commercial motor
20 vehicle carrying hazardous material required to have a placard
21 under 49 CFR parts 100 to 199, or designed to carry 16 or more
22 passengers, including the driver, arising from 2 or more separate
23 incidents during a 10-year period.

24 (4) The secretary of state shall suspend or revoke, as
25 applicable, any privilege to operate a commercial motor vehicle
26 as directed by the federal government or its designee.

27 (5) For the purpose of this section only, a bond forfeiture

1 or a determination by a court of original jurisdiction or an
2 authorized administrative tribunal that a person has violated the
3 law is considered a conviction.

4 (6) The secretary of state shall suspend or revoke a vehicle
5 group designation under subsection (1) or deny, cancel, or revoke
6 a hazardous material indorsement under subsection (2)
7 notwithstanding a suspension, restriction, revocation, or denial
8 of an operator's or chauffeur's license or vehicle group
9 designation under another section of this act or a court order
10 issued under another section of this act or a local ordinance
11 substantially corresponding to another section of this act.

12 (7) A conviction, bond forfeiture, or civil infraction
13 determination, or notice that a court or administrative tribunal
14 has found a person responsible for a violation described in this
15 subsection while the person was operating a noncommercial motor
16 vehicle counts against the person who holds a license to operate
17 a commercial motor vehicle the same as if the person had been
18 operating a commercial motor vehicle at the time of the
19 violation. For the purpose of this subsection, a noncommercial
20 motor vehicle does not include a recreational vehicle used off-
21 road. This subsection applies to the following state law
22 violations or a local ordinance substantially corresponding to
23 any of those violations or a law of another state or out-of-state
24 jurisdiction substantially corresponding to any of those
25 violations:

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

27 (b) Refusing to submit to a chemical test of his or her

1 blood, breath, or urine for the purpose of determining the amount
2 of alcohol or the presence of a controlled substance or both in
3 the person's blood, breath, or urine as required by a law or
4 local ordinance of this or another state.

5 (c) Leaving the scene of an accident.

6 (d) Using a vehicle to commit a felony.

7 (8) When determining the applicability of conditions listed
8 in this section, the secretary of state shall consider only
9 violations that occurred after January 1, 1990.

10 (9) When determining the applicability of conditions listed
11 in subsection (1)(a) or (b), the secretary of state shall count
12 only from incident date to incident date.

13 (10) As used in this section:

14 (a) "Felony in which a commercial motor vehicle was used"
15 means a felony during the commission of which the person
16 convicted operated a commercial motor vehicle and while the
17 person was operating the vehicle 1 or more of the following
18 circumstances existed:

19 (i) The vehicle was used as an instrument of the felony.

20 (ii) The vehicle was used to transport a victim of the
21 felony.

22 (iii) The vehicle was used to flee the scene of the felony.

23 (iv) The vehicle was necessary for the commission of the
24 felony.

25 (b) "Serious traffic violation" means any of the following:

26 (i) A traffic violation that occurs in connection with an
27 accident in which a person died.

- 1 (ii) Reckless driving.
- 2 (iii) Excessive speeding as defined in regulations promulgated
3 under 49 USC 31301 to 31317.
- 4 (iv) Improper lane use.
- 5 (v) Following too closely.
- 6 (vi) Operating a commercial motor vehicle without obtaining
7 any vehicle group designation on the person's license.
- 8 (vii) Operating a commercial motor vehicle without either
9 having an operator's or chauffeur's license in the person's
10 possession or providing proof to the court, not later than the
11 date by which the person must appear in court or pay a fine for
12 the violation, that the person held a valid vehicle group
13 designation and indorsement on the date that the citation was
14 issued.
- 15 (viii) Operating a commercial motor vehicle while in
16 possession of an operator's or chauffeur's license that has a
17 vehicle group designation but does not have the appropriate
18 vehicle group designation or indorsement required for the
19 specific vehicle group being operated or the passengers or type
20 of cargo being transported.
- 21 (ix) Beginning October 28, 2013, a violation of section
22 602b(2) **OR (3)**.
- 23 (x) Any other serious traffic violation as defined in 49 CFR
24 383.5 or as prescribed under this act.
- 25 Sec. 320d. (1) Notwithstanding section 320a, the secretary
26 of state shall not enter the points corresponding to a moving
27 violation committed **IN THIS STATE** by an individual the secretary

1 of state determines to be eligible under this section on the
2 individual's driving record or make information concerning that
3 violation available to any insurance company if the individual
4 attends and successfully completes a basic driver improvement
5 course under this section and an approved sponsor provides a
6 certificate of successful completion of that course to the
7 secretary of state ~~within~~ **NOT MORE THAN** 60 days ~~of~~ **AFTER** the date
8 on which the secretary of state notified the individual that he
9 or she was eligible to take a basic driver improvement course.

10 (2) The secretary of state shall determine if an individual
11 is eligible under subsection (3) to attend a basic driver
12 improvement course upon receipt of an abstract of a moving
13 violation. If the secretary of state determines that an
14 individual is eligible to attend a basic driver improvement
15 course, the secretary of state shall do all of the following:

16 (a) Notify the individual of his or her eligibility by
17 first-class mail at the individual's last known address as
18 indicated on the individual's operator's or chauffeur's license
19 ~~and inform the individual of the location of basic driver~~
20 ~~improvement courses,~~ and inform the individual of the manner and
21 time within which the individual is required to attend and
22 complete a basic driver improvement course.

23 **(B) PROVIDE ALL ELIGIBLE PARTICIPANTS WITH INFORMATION ON**
24 **HOW TO ACCESS A LIST OF APPROVED SPONSORS AND BASIC DRIVER**
25 **IMPROVEMENT COURSE LOCATIONS, INCLUDING THE SECRETARY OF STATE'S**
26 **WEBSITE ADDRESS AND TELEPHONE NUMBER TO CALL FOR MORE**
27 **INFORMATION.**

1 (C) ~~(b)~~—If an approved sponsor does not provide notice of
2 successful completion of the course by the individual within the
3 ~~60 days, TIME PRESCRIBED IN SUBSECTION (1)~~, the secretary of
4 state shall enter the points required under section 320a.

5 (3) An individual is ineligible to take a basic driver
6 improvement course if any of the following apply:

7 (a) The violation occurred while the individual was
8 operating a commercial motor vehicle or was licensed as a
9 commercial driver while operating a noncommercial motor vehicle.
10 ~~at the time of the offense.~~

11 (b) The violation is a criminal offense.

12 (c) The violation is a violation for which 4 or more points
13 may be assessed under section 320a.

14 (d) The violation is a violation of section 626b, 627(9),
15 627a, or 682.

16 (e) The individual was cited for more than 1 moving
17 violation arising from the same incident.

18 (f) The individual's license was suspended under section
19 321a(2) in connection with the violation.

20 (g) The individual previously successfully completed a basic
21 driver improvement course.

22 (h) The individual has 3 or more points on his or her
23 driving record.

24 (i) The individual's operator's or chauffeur's license is
25 restricted, suspended, or revoked, or the individual was not
26 issued an operator's or chauffeur's license.

27 (4) The individual is not eligible to take a driver

1 improvement course for a second or subsequent violation an
2 individual receives within the ~~60 day period~~**TIME** allowed under
3 ~~subsections (1) and (2)~~**SUBSECTION (1)**.

4 (5) The secretary of state shall maintain a computerized
5 database of the following:

6 (a) Individuals who have attended a basic driver improvement
7 course.

8 (b) Individuals who have successfully completed a basic
9 driver improvement course.

10 (6) The database maintained under subsection (5) shall only
11 be used for determining eligibility under subsections (3) and
12 (4). The secretary of state shall only make the information
13 contained in the database available to approved sponsors under
14 subsection (10). Information in this database concerning an
15 individual shall be maintained for the life of that individual.

16 (7) An individual shall be charged a fee of not more than
17 \$100.00 by an approved sponsor to participate in a basic driver
18 improvement course and, if applicable, to obtain a certificate in
19 a form as approved by the secretary of state demonstrating that
20 he or she successfully completed the course. An approved sponsor
21 shall remit a portion of the fee, as determined annually by the
22 secretary of state, to cover the costs of implementing and
23 administering this course program.

24 (8) Fees remitted to the department under subsection (7) by
25 an approved sponsor shall be credited to the basic driver
26 improvement course fund created under subsection (9).

27 (9) The basic driver improvement course fund is created

1 within the state treasury. The state treasurer may receive money
2 or other assets from any source for deposit into the fund. The
3 state treasurer shall direct the investment of the fund. Money in
4 the fund at the close of the fiscal year shall remain in the fund
5 and shall not lapse to the general fund. The secretary of state
6 shall be the administrator of the fund for auditing purposes. The
7 secretary of state shall expend money from the fund, upon
8 appropriation, only to pay the costs of administering this
9 section.

10 (10) An approved sponsor shall conduct a study of the
11 effect, if any, that the successful completion of its basic
12 driver improvement course has on reducing collisions, moving
13 violations, or both for students completing its course in this
14 state. An approved sponsor shall conduct this study every 5 years
15 on each of the course delivery modalities employed by the
16 approved sponsor. The secretary of state shall make all of the
17 following information available to the approved ~~course~~-sponsor
18 for that purpose, subject to applicable state and federal laws
19 governing the release of information:

20 (a) The number of individuals who successfully complete a
21 basic driver improvement course under this section.

22 (b) The number of individuals who are eligible to take a
23 basic driver improvement course under this section but who do not
24 successfully complete that course.

25 (c) The number and type of moving violations committed by
26 individuals after successfully completing a basic driver
27 improvement course under this section in comparison to the number

1 and type of moving violations committed by individuals who have
2 not taken a basic driver improvement course.

3 (11) The secretary of state shall report on the findings of
4 all studies conducted under subsection (10) to the standing
5 committees of the house of representatives and senate on
6 transportation issues.

7 (12) The secretary of state shall approve basic driver
8 improvement course sponsors, **AND ENTER INTO AN AGREEMENT WITH**
9 **APPROVED SPONSORS**, if the basic driver improvement course offered
10 by that sponsor satisfies the requirements listed in section 3a.

11 (13) **A SPONSOR SEEKING TO BE AN APPROVED SPONSOR SHALL**
12 **SUBMIT TO THE SECRETARY OF STATE AN APPLICATION ON A FORM**
13 **PRESCRIBED BY THE SECRETARY OF STATE ALONG WITH A PROPERLY**
14 **EXECUTED SECURITY BOND IN THE PRINCIPAL SUM OF \$20,000.00 WITH**
15 **GOOD AND SUFFICIENT SURETY. EVERY SPONSOR THAT IS AN APPROVED**
16 **SPONSOR ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
17 **THIS SUBSECTION ALSO SHALL SUBMIT TO THE SECRETARY OF STATE A**
18 **SECURITY BOND DESCRIBED IN THIS SUBSECTION. THE BOND SHALL**
19 **INDEMNIFY OR REIMBURSE THE SECRETARY OF STATE OR AN INDIVIDUAL**
20 **TAKING THE SPONSOR'S BASIC DRIVER IMPROVEMENT COURSE FOR MONETARY**
21 **LOSS CAUSED THROUGH FRAUD, CHEATING, OR MISREPRESENTATION IN THE**
22 **CONDUCT OF THE SPONSOR'S BUSINESS WHERE THE FRAUD, CHEATING, OR**
23 **MISREPRESENTATION WAS MADE BY THE SPONSOR OR BY AN EMPLOYEE,**
24 **AGENT, INSTRUCTOR, OR SALESPERSON OF THE SPONSOR. THE SURETY**
25 **SHALL MAKE INDEMNIFICATION OR REIMBURSEMENT FOR A MONETARY LOSS**
26 **ONLY AFTER JUDGMENT BASED ON FRAUD, CHEATING, OR**
27 **MISREPRESENTATION HAS BEEN ENTERED IN A COURT OF RECORD AGAINST**

1 THE SPONSOR. THE AGGREGATE LIABILITY OF THE SURETY SHALL NOT
2 EXCEED THE SUM OF THE BOND. THE SURETY ON THE BOND MAY CANCEL THE
3 BOND BY GIVING 30 DAYS' WRITTEN OR ELECTRONIC NOTICE TO THE
4 SECRETARY OF STATE AND AFTER GIVING NOTICE IS NOT LIABLE FOR A
5 BREACH OF CONDITION OCCURRING AFTER THE EFFECTIVE DATE OF THE
6 CANCELLATION.

7 (14) AN APPROVED SPONSOR SHALL NOT ENGAGE IN A DECEPTIVE OR
8 UNCONSCIONABLE METHOD, ACT, OR PRACTICE, INCLUDING, BUT NOT
9 LIMITED TO, ALL OF THE FOLLOWING:

10 (A) USING, ADOPTING, OR CONDUCTING BUSINESS UNDER A NAME
11 THAT IS THE SAME AS, LIKE, OR DECEPTIVELY SIMILAR TO THE NAME OF
12 ANOTHER APPROVED SPONSOR.

13 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, USING
14 THE WORDS "STATE", "GOVERNMENT", "MUNICIPAL", "CITY", OR "COUNTY"
15 AS PART OF THE NAME OF THE APPROVED SPONSOR.

16 (C) ADVERTISING, REPRESENTING, OR IMPLYING THAT AN APPROVED
17 SPONSOR IS SUPERVISED, RECOMMENDED, OR ENDORSED BY, OR AFFILIATED
18 OR ASSOCIATED WITH, OR EMPLOYED BY, OR AN AGENT OR REPRESENTATIVE
19 OF THIS STATE, THE SECRETARY OF STATE, OR A BUREAU OF THE
20 SECRETARY OF STATE.

21 (D) ADVERTISING OR PUBLICIZING UNDER A NAME OTHER THAN THE
22 APPROVED SPONSOR'S FULL BUSINESS NAME AS IDENTIFIED ON THE
23 SPONSOR'S APPLICATION TO BE AN APPROVED SPONSOR.

24 (E) ADVERTISING THAT THE SPONSOR IS OPEN FOR BUSINESS BEFORE
25 THE SPONSOR BECOMES AN APPROVED SPONSOR.

26 (F) SOLICITING BUSINESS ON THE PREMISES OF ANY FACILITY
27 RENTED, LEASED, OWNED, OR USED BY THE SECRETARY OF STATE.

1 (G) MISREPRESENTING THE QUANTITY OR QUALITY OF THE
2 INSTRUCTION PROVIDED BY, OR THE REQUIREMENTS FOR, A BASIC DRIVER
3 IMPROVEMENT COURSE.

4 (H) FAILING TO PROMPTLY RESTORE ANY DEPOSIT, DOWN PAYMENT,
5 OR OTHER PAYMENT THAT A PERSON IS ENTITLED TO AFTER AN AGREEMENT
6 IS RESCINDED, CANCELED, OR OTHERWISE TERMINATED AS REQUIRED UNDER
7 THE AGREEMENT OR APPLICABLE LAW.

8 (I) TAKING ADVANTAGE OF A STUDENT'S OR POTENTIAL STUDENT'S
9 INABILITY TO REASONABLY PROTECT HIS OR HER INTEREST BECAUSE OF A
10 DISABILITY, ILLITERACY, OR INABILITY TO UNDERSTAND THE LANGUAGE
11 OF AN AGREEMENT, IF THE SPONSOR KNOWS OR REASONABLY SHOULD HAVE
12 KNOWN OF THE STUDENT'S OR POTENTIAL STUDENT'S INABILITY.

13 (J) FAILING TO HONOR A TERM OF AN AGREEMENT.

14 (K) FALSIFYING A DOCUMENT, AGREEMENT, RECORD, REPORT, OR
15 CERTIFICATE ASSOCIATED WITH A BASIC DRIVER IMPROVEMENT COURSE.

16 (15) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE SECRETARY
17 OF STATE MAY IMPOSE 1 OR MORE OF THE SANCTIONS LISTED UNDER
18 SUBSECTION (16) IF THE SECRETARY OF STATE DETERMINES THAT AN
19 APPROVED SPONSOR DID 1 OR MORE OF THE FOLLOWING:

20 (A) FAILED TO MEET A REQUIREMENT UNDER THIS ACT OR AN
21 AGREEMENT ESTABLISHED UNDER THIS ACT.

22 (B) VIOLATED THIS ACT OR AN AGREEMENT ESTABLISHED UNDER THIS
23 ACT.

24 (C) MADE AN UNTRUE OR MISLEADING STATEMENT OF A MATERIAL
25 FACT TO THE SECRETARY OF STATE OR CONCEALED A MATERIAL FACT IN
26 CONNECTION WITH AN APPLICATION OR RECORD UNDER THIS ACT.

27 (D) PERMITTED FRAUD OR ENGAGED IN A FRAUDULENT METHOD, ACT,

1 OR PRACTICE IN CONNECTION WITH A BASIC DRIVER IMPROVEMENT COURSE,
2 OR INDUCED OR COUNTENANCED FRAUD OR A FRAUDULENT METHOD, ACT, OR
3 PRACTICE IN CONNECTION WITH A BASIC DRIVER IMPROVEMENT COURSE.

4 (E) ENGAGED IN AN UNFAIR OR DECEPTIVE METHOD, ACT, OR
5 PRACTICE OR MADE AN UNTRUE STATEMENT OF A MATERIAL FACT.

6 (F) VIOLATED A SUSPENSION OR AN ORDER ISSUED UNDER THIS ACT.

7 (G) FAILED TO MAINTAIN GOOD MORAL CHARACTER AS DEFINED AND
8 DETERMINED UNDER 1974 PA 381, MCL 338.41 TO 338.47, IN CONNECTION
9 WITH ITS BUSINESS OPERATIONS.

10 (16) AFTER THE SECRETARY OF STATE DETERMINES THAT AN
11 APPROVED SPONSOR COMMITTED A VIOLATION LISTED IN SUBSECTION (15),
12 THE SECRETARY OF STATE MAY IMPOSE UPON THE APPROVED SPONSOR 1 OR
13 MORE OF THE FOLLOWING SANCTIONS:

14 (A) DENIAL OF AN APPLICATION FOR APPROVAL AS A BASIC DRIVER
15 IMPROVEMENT COURSE SPONSOR.

16 (B) SUSPENSION OR REVOCATION OF THE APPROVAL OF AN APPROVED
17 SPONSOR.

18 (C) A REQUIREMENT TO TAKE THE AFFIRMATIVE ACTION DETERMINED
19 NECESSARY BY THE SECRETARY OF STATE, INCLUDING, BUT NOT LIMITED
20 TO, PAYMENT OF RESTITUTION TO A STUDENT OR TO AN INJURED PERSON.

21 (17) ~~(13)~~—As used in this section, "approved sponsor" means
22 a sponsor of a basic driver improvement course that is approved
23 by the secretary of state under subsection (12) AND WHOSE
24 APPROVED STATUS IS NOT SUSPENDED OR REVOKED UNDER SUBSECTION
25 (16).

26 Sec. 602b. (1) Except as otherwise provided in this section,
27 a person shall not read, manually type, or send a text message on

1 a wireless 2-way communication device that is located in the
2 person's hand or in the person's lap, including a wireless
3 telephone used in cellular telephone service or personal
4 communication service, while operating a motor vehicle that is
5 moving on a highway or street in this state. As used in this
6 subsection, a wireless 2-way communication device does not
7 include a global positioning or navigation system that is affixed
8 to the motor vehicle. Beginning October 28, 2013, this subsection
9 does not apply to a person operating a commercial vehicle.

10 (2) Except as otherwise provided in this section, a person
11 shall not read, manually type, or send a text message on a
12 wireless 2-way communication device that is located in the
13 person's hand or in the person's lap, including a wireless
14 telephone used in cellular telephone service or personal
15 communication service, while operating a commercial motor vehicle
16 on a highway or street in this state. As used in this subsection,
17 a wireless 2-way communication device does not include a global
18 positioning or navigation system that is affixed to the
19 commercial motor vehicle. This subsection applies beginning
20 October 28, 2013.

21 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
22 SHALL NOT USE A HAND-HELD MOBILE TELEPHONE TO CONDUCT A VOICE
23 COMMUNICATION OR TO REACH FOR OR DIAL A MOBILE TELEPHONE WHILE
24 OPERATING A COMMERCIAL MOTOR VEHICLE ON A HIGHWAY, INCLUDING
25 WHILE TEMPORARILY STATIONARY DUE TO TRAFFIC, A TRAFFIC CONTROL
26 DEVICE, OR OTHER MOMENTARY DELAYS. THIS SUBSECTION DOES NOT APPLY
27 IF THE OPERATOR OF THE COMMERCIAL VEHICLE HAS MOVED THE VEHICLE

1 TO THE SIDE OF, OR OFF, A HIGHWAY AND HAS STOPPED IN A LOCATION
2 WHERE THE VEHICLE CAN SAFELY REMAIN STATIONARY. AS USED IN THIS
3 SUBSECTION, "MOBILE TELEPHONE" DOES NOT INCLUDE A 2-WAY RADIO
4 SERVICE OR CITIZENS BAND RADIO SERVICE. THIS SUBSECTION APPLIES
5 BEGINNING OCTOBER 28, 2013.

6 (4) ~~(3)~~—Subsections (1), ~~and~~ (2), AND (3) do not apply to an
7 individual who is using a device described in subsection (1) OR
8 (3) to do any of the following:

9 (a) Report a traffic accident, medical emergency, or serious
10 road hazard.

11 (b) Report a situation in which the person believes his or
12 her personal safety is in jeopardy.

13 (c) Report or avert the perpetration or potential
14 perpetration of a criminal act against the individual or another
15 person.

16 (d) Carry out official duties as a police officer, law
17 enforcement official, member of a paid or volunteer fire
18 department, or operator of an emergency vehicle.

19 (5) ~~(4)~~—An individual who violates this section is
20 responsible for a civil infraction and shall be ordered to pay a
21 civil fine as follows:

22 (a) For a first violation, \$100.00.

23 (b) For a second or subsequent violation, \$200.00.

24 (6) ~~(5)~~—This section supersedes all local ordinances
25 regulating the use of a communications device while operating a
26 motor vehicle in motion on a highway or street, except that a
27 unit of local government may adopt an ordinance or enforce an

1 existing ordinance substantially corresponding to this section.

2 Sec. 642. (1) When a roadway has been divided into 2 or more
3 clearly marked lanes for traffic, the following rules in addition
4 to all others consistent with this act ~~shall~~ apply:

5 (a) A vehicle shall be driven as nearly as practicable
6 entirely within a single lane and shall not be moved from the
7 lane until the ~~driver~~**OPERATOR** has first ascertained that the
8 movement can be made with safety. Upon a roadway with 4 or more
9 lanes ~~which~~**THAT** provides for 2-way movement of traffic, a
10 vehicle shall be ~~driven~~**OPERATED** within the extreme right-hand
11 lane except when overtaking and passing, but shall not cross the
12 center line of the roadway except where making a left turn.

13 (b) Upon a roadway ~~which~~**THAT** is divided into 3 lanes and
14 provides for 2-way movement of traffic, a vehicle shall not be
15 ~~driven~~**OPERATED** in the center lane except when overtaking and
16 passing another vehicle traveling in the same direction, when the
17 center lane is clear of traffic within a safe distance, or in
18 preparation for a left turn, or where the center lane is at the
19 time allocated exclusively to traffic moving in the same
20 direction the vehicle is proceeding and the allocation is
21 designated by official traffic control devices.

22 (c) Official traffic control devices may be erected
23 directing specified traffic to use a designated lane or
24 designating those lanes to be used by traffic moving in a
25 particular direction regardless of the center of the roadway and
26 ~~drivers~~**OPERATORS** of vehicles shall obey the directions of the
27 traffic-control device.

1 (d) Official traffic-control devices may be installed
 2 prohibiting the changing of lanes on sections of roadway, and
 3 ~~drivers~~**OPERATORS** of vehicles shall obey the directions of the
 4 traffic-control devices.

5 (2) When any lane has been designated as an HOV lane under
 6 section 1 of 1951 PA 51, MCL 247.651, and has been appropriately
 7 marked with signs and pavement markings, the lane shall be
 8 reserved during the periods indicated for the exclusive use of
 9 buses and HOVs. The restrictions imposed on HOV lanes do not
 10 apply to any of the following:

11 (a) Authorized emergency vehicles.

12 (b) Law enforcement vehicles.

13 ~~—— (c) Motorcycles.~~

14 ~~—— (d) Transit and commuter buses designed to transport
 15 persons, including the driver.~~

16 ~~—— (e) Vehicles of public utility companies that are responding
 17 to an emergency call.~~

18 ~~—— (f) Vehicles that are using an HOV lane to make a turn
 19 permitted by law for a reasonable distance in advance of the turn
 20 or for purposes of entering or exiting a limited access highway.~~

21 ~~—— (g) Taxicabs having 2 or more occupants, including the
 22 driver.~~

23 ~~—— (h) Bicycles, if the HOV lane is the right hand lane of a
 24 highway open to bicycles.~~

25 **(C) TRANSIT BUSES OPERATED BY A REGIONAL TRANSIT AUTHORITY**
 26 **CREATED UNDER THE REGIONAL TRANSIT AUTHORITY ACT.**

27 (3) A person who violates this section is responsible for a

1 civil infraction.

2 Sec. 722. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
3 **SECTION, THE** maximum axle load shall not exceed the number of
4 pounds designated in the following provisions that prescribe the
5 distance between axles:

6 (a) If the axle spacing is 9 feet or more between axles, the
7 maximum axle load shall not exceed 18,000 pounds for vehicles
8 equipped with high pressure pneumatic or balloon tires.

9 (b) If the axle spacing is less than 9 feet between 2 axles
10 but more than 3-1/2 feet, the maximum axle load shall not exceed
11 13,000 pounds for high pressure pneumatic or balloon tires.

12 (c) If the axles are spaced less than 3-1/2 feet apart, the
13 maximum axle load shall not exceed 9,000 pounds per axle.

14 (d) Subdivisions (a), (b), and (c) shall be known as the
15 normal loading maximum.

16 (2) When normal loading is in effect, the state
17 transportation department, or a local authority with respect to
18 highways under its jurisdiction, may designate certain highways,
19 or sections of those highways, where bridges and road surfaces
20 are adequate for heavier loading, and revise a designation as
21 needed, on which the maximum tandem axle assembly loading shall
22 not exceed 16,000 pounds for any axle of the assembly, if there
23 is no other axle within 9 feet of any axle of the assembly.

24 (3) On a legal combination of vehicles, only 1 tandem axle
25 assembly is permitted on the designated highways at the gross
26 permissible weight of 16,000 pounds per axle, if there is no
27 other axle within 9 feet of any axle of the assembly, and if no

1 other tandem axle assembly in the combination of vehicles exceeds
2 a gross weight of 13,000 pounds per axle. On a combination of
3 truck tractor and semitrailer having not more than 5 axles, 2
4 consecutive tandem axle assemblies are permitted on the
5 designated highways at a gross permissible weight of 16,000
6 pounds per axle, if there is no other axle within 9 feet of any
7 axle of the assembly.

8 (4) Notwithstanding subsection (3), on a combination of
9 truck tractor and semitrailer having not more than 5 axles, 2
10 consecutive sets of tandem axles may carry a gross permissible
11 weight of not to exceed 17,000 pounds on any axle of the tandem
12 axles if there is no other axle within 9 feet of any axle of the
13 tandem axles and if the first and last axles of the consecutive
14 sets of tandem axles are not less than 36 feet apart and the
15 gross vehicle weight does not exceed 80,000 pounds to pick up and
16 deliver agricultural commodities between the national truck
17 network or special designated highways and any other highway.
18 This subsection is not subject to the maximum axle loads of
19 subsections (1), (2), and (3). For purposes of this subsection, a
20 "tandem axle" means 2 axles spaced more than 40 inches but not
21 more than 96 inches apart or 2 axles spaced more than 3-1/2 feet
22 but less than 9 feet apart. This subsection does not apply during
23 that period when reduced maximum loads are in effect under
24 subsection (8).

25 (5) The seasonal reductions described under subsection (8)
26 to the loading maximums and gross vehicle weight requirement of
27 subsection (12) do not apply to a person hauling agricultural

1 commodities if the person who picks up or delivers the
2 agricultural commodity either from a farm or to a farm notifies
3 the county road commission for roads under its authority not less
4 than 48 hours before the pickup or delivery of the time and
5 location of the pickup or delivery. The county road commission
6 shall issue a permit to the person and charge a fee that does not
7 exceed the administrative costs incurred. The permit shall
8 contain all of the following:

9 (a) The designated route or routes of travel for the load.

10 (b) The date and time period requested by the person who
11 picks up or delivers the agricultural commodities during which
12 the load may be delivered or picked up.

13 (c) A maximum speed limit of travel, if necessary.

14 (d) Any other specific conditions agreed to between the
15 parties.

16 (6) The seasonal reductions described under subsection (8)
17 to the loading maximums and gross vehicle weight requirements of
18 subsection (12) do not apply to public utility vehicles under the
19 following circumstances:

20 (a) For emergency public utility work on restricted roads,
21 as follows:

22 (i) If required by the county road commission, the public
23 utility or its subcontractor shall notify the county road
24 commission, as soon as practical, of the location of the
25 emergency public utility work and provide a statement that the
26 vehicles that were used to perform the emergency utility work may
27 have exceeded the loading maximums and gross vehicle weight

1 requirements of subsection (12) as reduced under subsection (8).
2 The notification may be made via facsimile or electronically.

3 (ii) The public utility vehicle travels to and from the site
4 of the emergency public utility work while on a restricted road
5 at a speed not greater than 35 miles per hour.

6 (b) For nonemergency public utility work on restricted
7 roads, as follows:

8 (i) If the county road commission requires, the public
9 utility or its subcontractor shall apply to the county road
10 commission annually for a seasonal truck permit for roads under
11 its authority before seasonal weight restrictions are effective.
12 The county road commission shall issue a seasonal truck permit
13 for each public utility vehicle or vehicle configuration the
14 public utility or subcontractor anticipates will be utilized for
15 nonemergency public utility work. The county road commission may
16 charge a fee for a seasonal truck permit that does not exceed the
17 administrative costs incurred for the permit. The seasonal truck
18 permit shall contain all of the following:

19 (A) The seasonal period requested by the public utility or
20 subcontractor during which the permit is valid.

21 (B) A unique identification number for the vehicle and any
22 vehicle configuration to be covered on the seasonal truck permit
23 requested by the public utility or subcontractor.

24 (C) A requirement that travel on restricted roads during
25 weight restrictions will be minimized and only utilized when
26 necessary to perform public utility work using the public utility
27 vehicle or vehicle configuration and that nonrestricted roads

1 shall be used for travel when available and for routine travel.

2 (D) A requirement that in the case of a subcontractor the
3 permit is only valid while the subcontractor vehicle is being
4 operated in the performance of public utility work.

5 (E) A requirement that a subcontractor vehicle or vehicle
6 configuration shall display signage on the outside of the vehicle
7 to identify the vehicle as operating on behalf of the public
8 utility.

9 (ii) If the county road commission requires notification, the
10 county road commission shall provide a notification application
11 for the public utility or its subcontractor to use when
12 requesting access to operate on restricted roads and the public
13 utility or its subcontractor shall provide notification to the
14 county road commission, via facsimile or electronically, not
15 later than 24 hours before the time of the intended travel. A
16 subcontractor using a vehicle on a restricted road shall have a
17 copy of any notification provided to a county road commission in
18 the subcontractor's possession while performing the relevant
19 nonemergency work. Notwithstanding this subsection or an
20 agreement under this subsection, if the county road commission
21 determines that the condition of a particular road under its
22 jurisdiction makes it unusable, the county road commission may
23 deny access to all or any part of that road. The denial shall be
24 made and communicated via facsimile or electronically to the
25 public utility or its subcontractor within 24 hours after
26 receiving notification that the public utility or subcontractors
27 intends to perform nonemergency work that requires use of that

1 road. Any notification that is not disapproved within 24 hours
2 after the notice is received by the county road commission is
3 considered approved. The notification application required under
4 this subparagraph may include all of the following information:

5 (A) The address or location of the nonemergency work.

6 (B) The date or dates of the nonemergency work.

7 (C) The route to be taken to the nonemergency work site.

8 (D) The restricted road or roads intended to be traveled
9 upon to the nonemergency work site or sites.

10 (E) In the case of a subcontractor, the utility on whose
11 behalf the subcontractor is performing services.

12 (7) The normal size of tires shall be the rated size as
13 published by the manufacturers, and the maximum wheel load
14 permissible for any wheel shall not exceed 700 pounds per inch of
15 width of tire.

16 (8) Except as provided in this subsection and subsection
17 (9), during the months of March, April, and May in each year, the
18 maximum axle load allowable on concrete pavements or pavements
19 with a concrete base is reduced by 25% from the maximum axle load
20 as specified in this chapter, and the maximum axle loads
21 allowable on all other types of roads during these months are
22 reduced by 35% from the maximum axle loads as specified. The
23 maximum wheel load shall not exceed 525 pounds per inch of tire
24 width on concrete and concrete base or 450 pounds per inch of
25 tire width on all other roads during the period the seasonal road
26 restrictions are in effect. Subject to subsection (5), this
27 subsection does not apply to vehicles transporting agricultural

House Bill No. 5668 as amended December 13, 2012

1 commodities or, subject to subsection (6), public utility
2 vehicles on a highway, road, or street under the jurisdiction of
3 a local road agency. <<IN ADDITION, THIS SUBSECTION DOES NOT APPLY
TO A VEHICLE DELIVERING PROPANE FUEL TO A RESIDENCE IF THE VEHICLE'S
PROPANE TANK IS FILLED TO NOT MORE THAN 50% OF ITS CAPACITY AND THE
VEHICLE IS TRAVELING AT NOT MORE THAN 35 MILES PER HOUR.>> The state
transportation department and each
4 local authority with highways and streets under its jurisdiction
5 to which the seasonal restrictions prescribed under this
6 subsection apply shall post all of the following information on
7 the homepage of its website or, if a local authority does not
8 have a website, then on the website of a statewide road
9 association of which it is a member:

10 (a) The dates when the seasonal restrictions are in effect.
11 (b) The names of the highways and streets and portions of
12 highways and streets to which the seasonal restrictions apply.

13 (9) The state transportation department for roads under its
14 jurisdiction and a county road commission for roads under its
15 jurisdiction may grant exemptions from seasonal weight
16 restrictions for milk on specified routes when requested in
17 writing. Approval or denial of a request for an exemption shall
18 be given by written notice to the applicant within 30 days after
19 the date of submission of the application. If a request is
20 denied, the written notice shall state the reason for denial and
21 alternate routes for which the permit may be issued. The
22 applicant may appeal to the state transportation commission or
23 the county road commission. These exemptions do not apply on
24 county roads in counties that have negotiated agreements with
25 milk haulers or haulers of other commodities during periods of
26 seasonal load limits before April 14, 1993. This subsection does
27 not limit the ability of these counties to continue to negotiate

1 such agreements.

2 (10) The state transportation department, or a local
3 authority with respect to highways under its jurisdiction, may
4 suspend the restrictions imposed by this section when and where
5 conditions of the highways or the public health, safety, and
6 welfare warrant suspension, and impose the restricted loading
7 requirements of this section on designated highways at any other
8 time that the conditions of the highway require.

9 (11) For the purpose of enforcing this act, the gross
10 vehicle weight of a single vehicle and load or a combination of
11 vehicles and loads shall be determined by weighing individual
12 axles or groups of axles, and the total weight on all the axles
13 shall be the gross vehicle weight. In addition, the gross axle
14 weight shall be determined by weighing individual axles or by
15 weighing a group of axles and dividing the gross weight of the
16 group of axles by the number of axles in the group. For purposes
17 of subsection (12), the overall gross weight on a group of 2 or
18 more axles shall be determined by weighing individual axles or
19 several axles, and the total weight of all the axles in the group
20 shall be the overall gross weight of the group.

21 (12) The loading maximum in this subsection applies to
22 interstate highways, and the state transportation department, or
23 a local authority with respect to highways under its
24 jurisdiction, may designate a highway, or a section of a highway,
25 for the operation of vehicles having a gross vehicle weight of
26 not more than 80,000 pounds that are subject to the following
27 load maximums:

1 (a) Twenty thousand pounds on any 1 axle, including all
2 enforcement tolerances.

3 (b) A tandem axle weight of 34,000 pounds, including all
4 enforcement tolerances.

5 (c) An overall gross weight on a group of 2 or more
6 consecutive axles equaling:

$$7 \quad W=500[(LN)/(N-1)+12N+36]$$

8 where W = overall gross weight on a group of 2 or more
9 consecutive axles to the nearest 500 pounds, L = distance in feet
10 between the extreme of a group of 2 or more consecutive axles,
11 and N = number of axles in the group under consideration; except
12 that 2 consecutive sets of tandem axles may carry a gross load of
13 34,000 pounds each if the first and last axles of the consecutive
14 sets of tandem axles are not less than 36 feet apart. The gross
15 vehicle weight shall not exceed 80,000 pounds including all
16 enforcement tolerances. Except for 5 axle truck tractor,
17 semitrailer combinations having 2 consecutive sets of tandem
18 axles, vehicles having a gross weight in excess of 80,000 pounds
19 or in excess of the vehicle gross weight determined by
20 application of the formula in this subsection are subject to the
21 maximum axle loads of subsections (1), (2), and (3). As used in
22 this subsection, "tandem axle weight" means the total weight
23 transmitted to the road by 2 or more consecutive axles, the
24 centers of which may be included between parallel transverse
25 vertical planes spaced more than 40 inches but not more than 96
26 inches apart, extending across the full width of the vehicle.

1 Except as otherwise provided in this section, vehicles
2 transporting agricultural commodities shall have weight load
3 maximums as set forth in this subsection.

4 (13) The axle loading maximums under subsections (1), (2),
5 (3), and (4) are increased by 10% for vehicles transporting a
6 ~~farm product as defined in section 2 of the Michigan right to~~
7 ~~farm act, 1981 PA 93, MCL 286.472, **AGRICULTURAL COMMODITIES OR**~~
8 **RAW TIMBER, EXCLUDING FARM EQUIPMENT AND FUEL**, from the place of
9 harvest or **FARM** storage to the first point of delivery on a road
10 in this state. However, the axle loading maximums as increased
11 under this subsection do not alter the gross vehicle weight
12 restrictions set forth in this act. This subsection does not
13 apply to either of the following:

14 (a) A vehicle utilizing an interstate highway.

15 (b) A vehicle utilizing a road that is subject to seasonal
16 weight restrictions under subsection (8) during the time that the
17 seasonal weight restrictions are in effect.

18 (14) As used in this section:

19 (a) "Agricultural commodities" means those plants and
20 animals useful to human beings produced by agriculture and
21 includes, but is not limited to, forages and sod crops, grains
22 and feed crops, field crops, dairy and dairy products, poultry
23 and poultry products, cervidae, livestock, including breeding and
24 grazing, equine, fish, and other aquacultural products, bees and
25 bee products, berries, herbs, fruits, vegetables, flowers, seeds,
26 grasses, nursery stock, mushrooms, fertilizer, livestock bedding,
27 farming equipment, and fuel for agricultural use. The term does

1 not include trees or lumber.

2 (b) "Emergency public utility work" means work performed to
3 restore public utility service or to eliminate a danger to the
4 public due to a natural disaster, an act of God, or an emergency
5 situation, whether or not a public official has declared an
6 emergency.

7 (C) "FARM STORAGE" MEANS ANY OF THE FOLLOWING:

8 (i) AN EDIFICE, SILO, TANK, BIN, CRIB, INTERSTICE, OR
9 PROTECTED ENCLOSED STRUCTURE, OR MORE THAN 1 EDIFICE, SILO, TANK,
10 BIN, CRIB, INTERSTICE, OR PROTECTED ENCLOSED STRUCTURE LOCATED
11 CONTIGUOUS TO EACH OTHER.

12 (ii) AN OPEN ENVIRONMENT USED FOR THE PURPOSE OF TEMPORARILY
13 STORING A CROP.

14 (D) ~~(e)~~—"Public utility" means a public utility under the
15 jurisdiction of the public service commission or a transmission
16 company.

17 (E) ~~(d)~~—"Public utility vehicle" means a vehicle owned or
18 operated by a public utility or operated by a subcontractor on
19 behalf of a public utility.

20 (F) ~~(e)~~—"Transmission company" means either an affiliated
21 transmission company or an independent transmission company as
22 those terms are defined in section 2 of the electric transmission
23 line certification act, 1995 PA 30, MCL 460.562.

24 Sec. 724. (1) A police officer, a peace officer, or an
25 authorized agent of the state transportation department or a
26 county road commission having reason to believe that the weight
27 of a vehicle and load is unlawful may require the driver to stop

1 and submit to a weighing of the vehicle by either portable or
2 stationary scales approved and sealed as a legal weighing device
3 by a qualified person using testing equipment certified or
4 approved by the department of agriculture and rural development
5 as a legal weighing device and may require that the vehicle be
6 driven to the nearest weigh station of the state transportation
7 department for the purpose of allowing a police officer, peace
8 officer, or agent of the state transportation department or
9 county road commission to determine whether the vehicle is loaded
10 in conformity with this chapter.

11 (2) When the officer or agent, upon weighing a vehicle and
12 load, determines that the weight is unlawful, the officer or
13 agent may require the driver to stop the vehicle in a suitable
14 place and remain standing until that portion of the load is
15 shifted or removed as necessary to reduce the gross axle load
16 weight of the vehicle to the limit permitted under this chapter.
17 All material unloaded as provided under this subsection shall be
18 cared for by the owner or operator of the vehicle at the risk of
19 the owner or operator. A judge or magistrate imposing a civil
20 fine and costs under this section that are not paid in full
21 immediately or for which a bond is not immediately posted in the
22 amount of the civil fine and costs shall order the driver or
23 owner to move the vehicle at the driver's own risk to a place of
24 safekeeping within the jurisdiction of the judge or magistrate,
25 inform the judge or magistrate in writing of the place of
26 safekeeping, and keep the vehicle until the fine and costs are
27 paid or sufficient bond is furnished or until the judge or

1 magistrate is satisfied that the fine and costs will be paid. The
2 officer or agent who has determined, after weighing a vehicle and
3 load, that the weight is unlawful, may require the driver to
4 proceed to a judge or magistrate within the county. If the judge
5 or magistrate is satisfied that the probable civil fine and costs
6 will be paid by the owner or lessee, the judge or magistrate may
7 allow the driver to proceed, after the load is made legal. If the
8 judge or magistrate is not satisfied that the owner or lessee,
9 after a notice and a right to be heard on the merits is given,
10 will pay the amount of the probable civil fine and costs, the
11 judge or magistrate may order the vehicle to be impounded until
12 trial on the merits is completed under conditions set forth in
13 this section for the impounding of vehicles after the civil fine
14 and costs have been imposed. Removal of the vehicle, and
15 forwarding, care, or preservation of the load shall be under the
16 control of and at the risk of the owner or driver. Vehicles
17 impounded shall be subject to a lien, subject to a prior valid
18 bona fide lien of prior record, in the amount of the civil fine
19 and costs and if the civil fine and costs are not paid within 90
20 days after the seizure, the judge or magistrate shall certify the
21 unpaid judgment to the prosecuting attorney of the county in
22 which the violation occurred, who shall proceed to enforce the
23 lien by foreclosure sale in accordance with procedure authorized
24 in the case of chattel mortgage foreclosures. When the duly
25 authorized agent of the state transportation department or county
26 road commission is performing duties under this chapter, the
27 agent has all the powers conferred upon peace officers by the

1 general laws of this state.

2 (3) Subject to subsection (4), an owner of a vehicle or a
3 lessee of the vehicle of an owner-operator, or other person, who
4 causes or allows a vehicle to be loaded and driven or moved on a
5 highway when the weight of that vehicle violates section 722 is
6 responsible for a civil infraction and shall pay a civil fine in
7 an amount equal to 3 cents per pound for each pound of excess
8 load over 1,000 pounds when the excess is 2,000 pounds or less; 6
9 cents per pound of excess load when the excess is over 2,000
10 pounds but not over 3,000 pounds; 9 cents per pound for each
11 pound of excess load when the excess is over 3,000 pounds but not
12 over 4,000 pounds; 12 cents per pound for each pound of excess
13 load when the excess is over 4,000 pounds but not over 5,000
14 pounds; 15 cents per pound for each pound of excess load when the
15 excess is over 5,000 pounds but not over 10,000 pounds; and 20
16 cents per pound for each pound of excess load when the excess is
17 over 10,000 pounds. If a person operates a vehicle in violation
18 of increased axle loading maximums provided for under section
19 722(13), the owner or lessee of the vehicle is responsible for a
20 civil infraction and shall pay the civil fine under this
21 subsection that applies to the amount of weight by which the
22 vehicle exceeds the original loading maximum.

23 (4) Beginning January 1, 2006, if the court determines that
24 the motor vehicle or the combination of vehicles was operated in
25 violation of this section, the court shall impose a fine as
26 follows:

27 (a) If the court determines that the motor vehicle or the

House Bill No. 5668 as amended December 13, 2012

1 combination of vehicles was operated in such a manner that the
2 gross weight of the vehicle or the combination of vehicles would
3 not be lawful by a proper distribution of the load upon all the
4 axles of the vehicle or the combination of vehicles, the court
5 shall impose a fine for the violation according to the schedule
6 provided for in subsection (3).

7 (b) If the court determines that the motor vehicle or the
8 combination of vehicles would be lawful by a proper distribution
9 of the load upon all of the axles of the vehicle or the
10 combination of vehicles, but that 1 or more axles of the vehicle
11 exceeded the <<maximum allowable>> axle weight by **MORE THAN**
12 **1,000 POUNDS BUT LESS THAN 4,000 pounds, ~~or less,~~ the court shall**
13 **MAY** impose a misload fine of \$200.00 per axle. Not more than 3
14 axles shall be used in calculating the fine to be imposed under
15 this subdivision. This subdivision does not apply to a vehicle
16 subject to the maximum loading provisions of section 722(12) ~~or~~
17 ~~to a vehicle found to be in violation of a special permit issued~~
18 ~~under section 725.~~ **OR TO A VEHICLE FOR WHICH A FINE AS CALCULATED**
19 **UNDER THE SCHEDULE IN SUBSECTION (3) WOULD BE LESS THAN THE FINE**
20 **AS CALCULATED UNDER THIS SUBSECTION.**

21 (c) **IF THE COURT DETERMINES THAT THE MOTOR VEHICLE OR THE**
22 **COMBINATION OF VEHICLES WOULD MEET THE LOADING CONDITIONS**
23 **SPECIFIED IN A SPECIAL PERMIT THAT WAS ISSUED UNDER SECTION 725**
24 **BY A PROPER DISTRIBUTION OF THE LOAD UPON ALL OF THE AXLES OF THE**
25 **VEHICLE OR THE COMBINATION OF VEHICLES, BUT THAT 1 OR MORE AXLES**
26 **OF THE VEHICLE EXCEEDED THE PERMITTED AXLE WEIGHT BY 1,000 POUNDS**
27 **OR LESS, THE COURT SHALL IMPOSE A MISLOAD FINE OF \$200.00 PER**

1 AXLE. NOT MORE THAN 3 AXLES SHALL BE USED IN CALCULATING THE FINE
2 TO BE IMPOSED UNDER THIS SUBDIVISION. IF THE COURT DETERMINES
3 THAT THE LOAD WAS MISLOADED, THE CONDITIONS OF THE SPECIAL PERMIT
4 REMAIN VALID. THE IMPOSITION OF A FINE DOES NOT VOID THE SPECIAL
5 PERMIT.

6 (D) ~~(e)~~—If the court determines that the motor vehicle or
7 the combination of vehicles would be lawful by a proper
8 distribution of the load upon all of the axles of the vehicle or
9 the combination of vehicles, but that 1 or more axles of the
10 vehicle exceeded the ~~maximum allowable~~ **PERMITTED** axle weight by
11 more than 4,000 pounds, the court shall impose a fine for the
12 violation according to the schedule provided in subsection (3).

13 (5) A driver or owner of a commercial vehicle with other
14 vehicles or trailers in combination, a truck or truck tractor, a
15 truck or truck tractor with other vehicles in combination, or any
16 special mobile equipment who fails to stop at or bypasses any
17 scales or weighing station is guilty of a misdemeanor.

18 (6) An agent or authorized representative of the state
19 transportation department or a county road commission shall not
20 stop a truck or vehicle in movement upon a road or highway within
21 the state for any purpose, unless the agent or authorized
22 representative is driving a duly marked vehicle, clearly showing
23 and denoting the branch of government represented.

24 (7) A driver or owner of a vehicle who knowingly fails to
25 stop when requested or ordered to do so and submit to a weighing
26 by a police officer, a peace officer, or an authorized agent of
27 the state transportation department, or a representative or agent

1 of a county road commission, authorized to require the driver to
2 stop and submit to a weighing of the vehicle and load by means of
3 a portable scale, is guilty of a misdemeanor punishable by
4 imprisonment for not more than 90 days or a fine of not more than
5 \$100.00, or both. A driver or person who dumps his or her load
6 when ordered to submit to a weigh or who otherwise attempts to
7 commit or commits an act to avoid a vehicle weigh is in violation
8 of this section.

9 Sec. 801. (1) The secretary of state shall collect the
10 following taxes at the time of registering a vehicle, which shall
11 exempt the vehicle from all other state and local taxation,
12 except the fees and taxes provided by law to be paid by certain
13 carriers operating motor vehicles and trailers under the motor
14 carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed
15 by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to
16 207.234; and except as otherwise provided by this act:

17 (a) For a motor vehicle, including a motor home, except as
18 otherwise provided, and a pickup truck or van that weighs not
19 more than 8,000 pounds, except as otherwise provided, according
20 to the following schedule of empty weights:

21	Empty weights	Tax
22	0 to 3,000 pounds.....\$	29.00
23	3,001 to 3,500 pounds.....	32.00
24	3,501 to 4,000 pounds.....	37.00
25	4,001 to 4,500 pounds.....	43.00
26	4,501 to 5,000 pounds.....	47.00
27	5,001 to 5,500 pounds.....	52.00

1	5,501 to 6,000 pounds.....	57.00
2	6,001 to 6,500 pounds.....	62.00
3	6,501 to 7,000 pounds.....	67.00
4	7,001 to 7,500 pounds.....	71.00
5	7,501 to 8,000 pounds.....	77.00
6	8,001 to 8,500 pounds.....	81.00
7	8,501 to 9,000 pounds.....	86.00
8	9,001 to 9,500 pounds.....	91.00
9	9,501 to 10,000 pounds.....	95.00
10	over 10,000 pounds.....\$ 0.90 per 100 pounds	
11		of empty weight

12 On October 1, 1983, and October 1, 1984, the tax assessed
13 under this subdivision shall be annually revised for the
14 registrations expiring on the appropriate October 1 or after that
15 date by multiplying the tax assessed in the preceding fiscal year
16 times the personal income of Michigan for the preceding calendar
17 year divided by the personal income of Michigan for the calendar
18 year that preceded that calendar year. In performing the
19 calculations under this subdivision, the secretary of state shall
20 use the spring preliminary report of the United States department
21 of commerce or its successor agency. A van that is owned by an
22 individual who uses a wheelchair or by an individual who
23 transports a member of his or her household who uses a wheelchair
24 and for which registration plates are issued under section 803d
25 shall be assessed at the rate of 50% of the tax provided for in
26 this subdivision.

27 (b) For a trailer coach attached to a motor vehicle, the tax
28 shall be assessed as provided in subdivision (1). A trailer coach

1 not under 1959 PA 243, MCL 125.1035 to 125.1043, and while
2 located on land otherwise assessable as real property under the
3 general property tax act, 1893 PA 206, MCL 211.1 to 211.155, if
4 the trailer coach is used as a place of habitation, and whether
5 or not permanently affixed to the soil, is not exempt from real
6 property taxes.

7 (c) For a road tractor, **MODIFIED AGRICULTURAL VEHICLE**,
8 truck, or truck tractor owned by a farmer and used exclusively in
9 connection with a farming operation, including a farmer hauling
10 livestock or farm equipment for other farmers for remuneration in
11 kind or in labor, but not for money, or used for the
12 transportation of the farmer and the farmer's family, and not
13 used for hire, 74 cents per 100 pounds of empty weight of the
14 road tractor, truck, or truck tractor. If the road tractor,
15 **MODIFIED AGRICULTURAL VEHICLE**, truck, or truck tractor owned by a
16 farmer is also used for a nonfarming operation, the farmer is
17 subject to the highest registration tax applicable to the nonfarm
18 use of the vehicle but is not subject to more than 1 tax rate
19 under this act.

20 (d) For a road tractor, truck, or truck tractor owned by a
21 wood harvester and used exclusively in connection with the wood
22 harvesting operations or a truck used exclusively to haul milk
23 from the farm to the first point of delivery, 74 cents per 100
24 pounds of empty weight of the road tractor, truck, or truck
25 tractor. A registration secured by payment of the tax prescribed
26 in this subdivision continues in full force and effect until the
27 regular expiration date of the registration. As used in this

1 subdivision:

2 (i) "Wood harvester" includes the person or persons hauling
3 and transporting raw materials in the form produced at the
4 harvest site or hauling and transporting wood harvesting
5 equipment. Wood harvester does not include a person or persons
6 whose primary activity is tree-trimming or landscaping.

7 (ii) "Wood harvesting equipment" includes all of the
8 following:

9 (A) A vehicle that directly harvests logs or timber,
10 including, but not limited to, a processor or a feller buncher.

11 (B) A vehicle that directly processes harvested logs or
12 timber, including, but not limited to, a slasher, delimeter,
13 processor, chipper, or saw table.

14 (C) A vehicle that directly processes harvested logs or
15 timber, including, but not limited to, a forwarder, grapple
16 skidder, or cable skidder.

17 (D) A vehicle that directly loads harvested logs or timber,
18 including, but not limited to, a knuckle-boom loader, front-end
19 loader, or forklift.

20 (E) A bulldozer or road grader being transported to a wood
21 harvesting site specifically for the purpose of building or
22 maintaining harvest site roads.

23 (iii) "Wood harvesting operations" does not include the
24 transportation of processed lumber, Christmas trees, or processed
25 firewood for a profit making venture.

26 (e) For a hearse or ambulance used exclusively by a licensed
27 funeral director in the general conduct of the licensee's funeral

1 business, including a hearse or ambulance whose owner is engaged
2 in the business of leasing or renting the hearse or ambulance to
3 others, \$1.17 per 100 pounds of the empty weight of the hearse or
4 ambulance.

5 (f) For a vehicle owned and operated by this state, a state
6 institution, a municipality, a privately incorporated, nonprofit
7 volunteer fire department, or a nonpublic, nonprofit college or
8 university, \$5.00 per plate. A registration plate issued under
9 this subdivision expires on June 30 of the year in which new
10 registration plates are reissued for all vehicles by the
11 secretary of state.

12 (g) For a bus including a station wagon, carryall, or
13 similarly constructed vehicle owned and operated by a nonprofit
14 parents' transportation corporation used for school purposes,
15 parochial school or society, church Sunday school, or any other
16 grammar school, or by a nonprofit youth organization or nonprofit
17 rehabilitation facility; or a motor vehicle owned and operated by
18 a senior citizen center, \$10.00, if the bus, station wagon,
19 carryall, or similarly constructed vehicle or motor vehicle is
20 designated by proper signs showing the organization operating the
21 vehicle.

22 (h) For a vehicle owned by a nonprofit organization and used
23 to transport equipment for providing dialysis treatment to
24 children at camp; for a vehicle owned by the civil air patrol, as
25 organized under 36 USC 40301 to 40307, \$10.00 per plate, if the
26 vehicle is designated by a proper sign showing the civil air
27 patrol's name; for a vehicle owned and operated by a nonprofit

1 veterans center; for a vehicle owned and operated by a nonprofit
 2 recycling center or a federally recognized nonprofit conservation
 3 organization; for a motor vehicle having a truck chassis and a
 4 locomotive or ship's body that is owned by a nonprofit veterans
 5 organization and used exclusively in parades and civic events; or
 6 for an emergency support vehicle used exclusively for emergencies
 7 and owned and operated by a federally recognized nonprofit
 8 charitable organization, \$10.00 per plate.

9 (i) For each truck owned and operated free of charge by a
 10 bona fide ecclesiastical or charitable corporation, or red cross,
 11 girl scout, or boy scout organization, 65 cents per 100 pounds of
 12 the empty weight of the truck.

13 (j) For each truck, weighing 8,000 pounds or less, and not
 14 used to tow a vehicle, for each privately owned truck used to tow
 15 a trailer for recreational purposes only and not involved in a
 16 profit making venture, and for each vehicle designed and used to
 17 tow a mobile home or a trailer coach, except as provided in
 18 subdivision (b), \$38.00 or an amount computed according to the
 19 following schedule of empty weights, whichever is greater:

20 Empty weights	Per 100 pounds
21 0 to 2,500 pounds.....	\$ 1.40
22 2,501 to 4,000 pounds.....	1.76
23 4,001 to 6,000 pounds.....	2.20
24 6,001 to 8,000 pounds.....	2.72
25 8,001 to 10,000 pounds.....	3.25
26 10,001 to 15,000 pounds.....	3.77
27 15,001 pounds and over.....	4.39

1 If the tax required under subdivision (p) for a vehicle of
 2 the same model year with the same list price as the vehicle for
 3 which registration is sought under this subdivision is more than
 4 the tax provided under the preceding provisions of this
 5 subdivision for an identical vehicle, the tax required under this
 6 subdivision is not less than the tax required under subdivision
 7 (p) for a vehicle of the same model year with the same list
 8 price.

9 (k) For each truck weighing 8,000 pounds or less towing a
 10 trailer or any other combination of vehicles and for each truck
 11 weighing 8,001 pounds or more, road tractor or truck tractor,
 12 except as provided in subdivision (j) according to the following
 13 schedule of elected gross weights:

14 Elected gross weight	Tax
15 0 to 24,000 pounds.....	\$ 491.00
16 24,001 to 26,000 pounds.....	558.00
17 26,001 to 28,000 pounds.....	558.00
18 28,001 to 32,000 pounds.....	649.00
19 32,001 to 36,000 pounds.....	744.00
20 36,001 to 42,000 pounds.....	874.00
21 42,001 to 48,000 pounds.....	1,005.00
22 48,001 to 54,000 pounds.....	1,135.00
23 54,001 to 60,000 pounds.....	1,268.00
24 60,001 to 66,000 pounds.....	1,398.00
25 66,001 to 72,000 pounds.....	1,529.00
26 72,001 to 80,000 pounds.....	1,660.00
27 80,001 to 90,000 pounds.....	1,793.00

1	90,001 to 100,000 pounds.....	2,002.00
2	100,001 to 115,000 pounds.....	2,223.00
3	115,001 to 130,000 pounds.....	2,448.00
4	130,001 to 145,000 pounds.....	2,670.00
5	145,001 to 160,000 pounds.....	2,894.00
6	over 160,000 pounds.....	3,117.00

7 For each commercial vehicle registered under this
8 subdivision, \$15.00 shall be deposited in a truck safety fund to
9 be expended for the purposes prescribed in section 25 of 1951 PA
10 51, MCL 247.675.

11 If a truck or road tractor without trailer is leased from an
12 individual owner-operator, the lessee, whether a person, firm, or
13 corporation, shall pay to the owner-operator 60% of the tax
14 prescribed in this subdivision for the truck tractor or road
15 tractor at the rate of 1/12 for each month of the lease or
16 arrangement in addition to the compensation the owner-operator is
17 entitled to for the rental of his or her equipment.

18 (l) For each pole trailer, semitrailer, trailer coach, or
19 trailer, the tax shall be assessed according to the following
20 schedule of empty weights:

21	Empty weights	Tax
22	0 to 2,499 pounds.....	\$ 75.00
23	2,500 to 9,999 pounds.....	200.00
24	10,000 pounds and over.....	300.00

25 The registration plate issued under this subdivision expires
26 only when the secretary of state reissues a new registration

1 plate for all trailers. Beginning October 1, 2005, if the
2 secretary of state reissues a new registration plate for all
3 trailers, a person who has once paid the tax as increased by 2003
4 PA 152 for a vehicle under this subdivision is not required to
5 pay the tax for that vehicle a second time, but is required to
6 pay only the cost of the reissued plate at the rate provided in
7 section 804(2) for a standard plate. A registration plate issued
8 under this subdivision is nontransferable.

9 (m) For each commercial vehicle used for the transportation
10 of passengers for hire except for a vehicle for which a payment
11 is made under 1960 PA 2, MCL 257.971 to 257.972, according to the
12 following schedule of empty weights:

13	Empty weights	Per 100 pounds
14	0 to 4,000 pounds.....	\$ 1.76
15	4,001 to 6,000 pounds.....	2.20
16	6,001 to 10,000 pounds.....	2.72
17	10,001 pounds and over.....	3.25
18	(n) For each motorcycle.....	23.00

19 (N) FOR EACH MOTORCYCLE, \$23.00.

20 On October 1, 1983, and October 1, 1984, the tax assessed
21 under this subdivision shall be annually revised for the
22 registrations expiring on the appropriate October 1 or after that
23 date by multiplying the tax assessed in the preceding fiscal year
24 times the personal income of Michigan for the preceding calendar
25 year divided by the personal income of Michigan for the calendar
26 year that preceded that calendar year. In performing the

1 calculations under this subdivision, the secretary of state shall
2 use the spring preliminary report of the United States department
3 of commerce or its successor agency.

4 Beginning January 1, 1984, the registration tax for each
5 motorcycle is increased by \$3.00. The \$3.00 increase is not part
6 of the tax assessed under this subdivision for the purpose of the
7 annual October 1 revisions but is in addition to the tax assessed
8 as a result of the annual October 1 revisions. Beginning January
9 1, 1984, \$3.00 of each motorcycle fee shall be placed in a
10 motorcycle safety fund in the state treasury and shall be used
11 only for funding the motorcycle safety education program as
12 provided for under sections 312b and 811a.

13 (o) For each truck weighing 8,001 pounds or more, road
14 tractor, or truck tractor used exclusively as a moving van or
15 part of a moving van in transporting household furniture and
16 household effects or the equipment or those engaged in conducting
17 carnivals, at the rate of 80% of the schedule of elected gross
18 weights in subdivision (k) as modified by the operation of that
19 subdivision.

20 (p) After September 30, 1983, each motor vehicle of the 1984
21 or a subsequent model year as shown on the application required
22 under section 217 that has not been previously subject to the tax
23 rates of this section and that is of the motor vehicle category
24 otherwise subject to the tax schedule described in subdivision
25 (a), and each low-speed vehicle according to the following
26 schedule based upon registration periods of 12 months:

27 (i) Except as otherwise provided in this subdivision, for the

1 first registration that is not a transfer registration under
2 section 809 and for the first registration after a transfer
3 registration under section 809, according to the following
4 schedule based on the vehicle's list price:

5	List Price		Tax
6	\$ 0 - \$ 6,000.00.....	\$	30.00
7	More than \$ 6,000.00 - \$ 7,000.00.....	\$	33.00
8	More than \$ 7,000.00 - \$ 8,000.00.....	\$	38.00
9	More than \$ 8,000.00 - \$ 9,000.00.....	\$	43.00
10	More than \$ 9,000.00 - \$ 10,000.00.....	\$	48.00
11	More than \$ 10,000.00 - \$ 11,000.00.....	\$	53.00
12	More than \$ 11,000.00 - \$ 12,000.00.....	\$	58.00
13	More than \$ 12,000.00 - \$ 13,000.00.....	\$	63.00
14	More than \$ 13,000.00 - \$ 14,000.00.....	\$	68.00
15	More than \$ 14,000.00 - \$ 15,000.00.....	\$	73.00
16	More than \$ 15,000.00 - \$ 16,000.00.....	\$	78.00
17	More than \$ 16,000.00 - \$ 17,000.00.....	\$	83.00
18	More than \$ 17,000.00 - \$ 18,000.00.....	\$	88.00
19	More than \$ 18,000.00 - \$ 19,000.00.....	\$	93.00
20	More than \$ 19,000.00 - \$ 20,000.00.....	\$	98.00
21	More than \$ 20,000.00 - \$ 21,000.00.....	\$	103.00
22	More than \$ 21,000.00 - \$ 22,000.00.....	\$	108.00
23	More than \$ 22,000.00 - \$ 23,000.00.....	\$	113.00
24	More than \$ 23,000.00 - \$ 24,000.00.....	\$	118.00
25	More than \$ 24,000.00 - \$ 25,000.00.....	\$	123.00
26	More than \$ 25,000.00 - \$ 26,000.00.....	\$	128.00
27	More than \$ 26,000.00 - \$ 27,000.00.....	\$	133.00
28	More than \$ 27,000.00 - \$ 28,000.00.....	\$	138.00
29	More than \$ 28,000.00 - \$ 29,000.00.....	\$	143.00
30	More than \$ 29,000.00 - \$ 30,000.00.....	\$	148.00

1 More than \$30,000.00, the tax of \$148.00 is increased by
2 \$5.00 for each \$1,000.00 increment or fraction of a \$1,000.00
3 increment over \$30,000.00. If a current tax increases or
4 decreases as a result of 1998 PA 384, only a vehicle purchased or
5 transferred after January 1, 1999 shall be assessed the increased
6 or decreased tax.

7 (ii) For the second registration, 90% of the tax assessed
8 under subparagraph (i).

9 (iii) For the third registration, 90% of the tax assessed
10 under subparagraph (ii).

11 (iv) For the fourth and subsequent registrations, 90% of the
12 tax assessed under subparagraph (iii).

13 For a vehicle of the 1984 or a subsequent model year that
14 has been previously registered by a person other than the person
15 applying for registration or for a vehicle of the 1984 or a
16 subsequent model year that has been previously registered in
17 another state or country and is registered for the first time in
18 this state, the tax under this subdivision shall be determined by
19 subtracting the model year of the vehicle from the calendar year
20 for which the registration is sought. If the result is zero or a
21 negative figure, the first registration tax shall be paid. If the
22 result is 1, 2, or 3 or more, then, respectively, the second,
23 third, or subsequent registration tax shall be paid. A van that
24 is owned by an individual who uses a wheelchair or by an
25 individual who transports a member of his or her household who
26 uses a wheelchair and for which registration plates are issued

1 under section 803d shall be assessed at the rate of 50% of the
2 tax provided for in this subdivision.

3 (q) For a wrecker, \$200.00.

4 (r) When the secretary of state computes a tax under this
5 ~~section, ACT~~, a computation that does not result in a whole
6 dollar figure shall be rounded to the next lower whole dollar
7 when the computation results in a figure ending in 50 cents or
8 less and shall be rounded to the next higher whole dollar when
9 the computation results in a figure ending in 51 cents or more,
10 unless specific taxes are specified, and the secretary of state
11 may accept the manufacturer's shipping weight of the vehicle
12 fully equipped for the use for which the registration application
13 is made. If the weight is not correctly stated or is not
14 satisfactory, the secretary of state shall determine the actual
15 weight. Each application for registration of a vehicle under
16 subdivisions (j) and (m) shall have attached to the application a
17 scale weight receipt of the vehicle fully equipped as of the time
18 the application is made. The scale weight receipt is not
19 necessary if there is presented with the application a
20 registration receipt of the previous year that shows on its face
21 the weight of the motor vehicle as registered with the secretary
22 of state and that is accompanied by a statement of the applicant
23 that there has not been a structural change in the motor vehicle
24 that has increased the weight and that the previous registered
25 weight is the true weight.

26 (2) A manufacturer is not exempted under this act from
27 paying ad valorem taxes on vehicles in stock or bond, except on

1 the specified number of motor vehicles registered. A dealer is
2 exempt from paying ad valorem taxes on vehicles in stock or bond.

3 (3) Until October 1, 2015, the tax for a vehicle with an
4 empty weight over 10,000 pounds imposed under subsection (1)(a)
5 and the taxes imposed under subsection (1)(c), (d), (e), (f),
6 (i), (j), (m), (o), and (p) are each increased as follows:

7 (a) A regulatory fee of \$2.25 that shall be credited to the
8 traffic law enforcement and safety fund created in section 819a
9 and used to regulate highway safety.

10 (b) A fee of \$5.75 that shall be credited to the
11 transportation administration collection fund created in section
12 810b.

13 (4) If a tax required to be paid under this section is not
14 received by the secretary of state on or before the expiration
15 date of the registration plate, the secretary of state shall
16 collect a late fee of \$10.00 for each registration renewed after
17 the expiration date. An application for a renewal of a
18 registration using the regular mail and postmarked before the
19 expiration date of that registration shall not be assessed a late
20 fee. The late fee collected under this subsection shall be
21 deposited into the general fund.

22 (5) **IN ADDITION TO THE REGISTRATION TAXES UNDER THIS**
23 **SECTION, THE SECRETARY OF STATE SHALL COLLECT TAXES CHARGED UNDER**
24 **SECTION 801J AND CREDIT REVENUES TO A REGIONAL TRANSIT AUTHORITY**
25 **CREATED UNDER THE REGIONAL TRANSIT AUTHORITY ACT, MINUS NECESSARY**
26 **COLLECTION EXPENSES AS PROVIDED IN SECTION 9 OF ARTICLE IX OF THE**
27 **STATE CONSTITUTION OF 1963. NECESSARY COLLECTION EXPENSES**

1 INCURRED BY THE SECRETARY OF STATE UNDER THIS SUBSECTION SHALL BE
2 BASED UPON AN ESTABLISHED COST ALLOCATION METHODOLOGY.

3 (6) THIS SECTION DOES NOT APPLY TO A HISTORIC VEHICLE.

4 (7) ~~(5)~~As used in this section:

5 (a) "Gross proceeds" means that term as defined in section 1
6 of the general sales tax act, 1933 PA 167, MCL 205.51, and
7 includes the value of the motor vehicle used as part payment of
8 the purchase price as that value is agreed to by the parties to
9 the sale, as evidenced by the signed agreement executed under
10 section 251.

11 (b) "List price" means the manufacturer's suggested base
12 list price as published by the secretary of state, or the
13 manufacturer's suggested retail price as shown on the label
14 required to be affixed to the vehicle under 15 USC 1232, if the
15 secretary of state has not at the time of the sale of the vehicle
16 published a manufacturer's suggested retail price for that
17 vehicle, or the purchase price of the vehicle if the
18 manufacturer's suggested base list price is unavailable from the
19 sources described in this subdivision.

20 (c) "Purchase price" means the gross proceeds received by
21 the seller in consideration of the sale of the motor vehicle
22 being registered.

23 Sec. 801c. (1) If a check or draft in payment of a fee or
24 tax under this act is not paid on its first presentation, the fee
25 or tax is delinquent as of the date the check or draft was
26 tendered. The person tendering the check or draft remains liable
27 for the payment of each fee or tax and a penalty.

1 ~~———— (2) If a fee or tax is still delinquent 15 days after the~~
 2 ~~department gives notice to the person tendering the check or~~
 3 ~~draft, a penalty shall be assessed and collected in addition to~~
 4 ~~the fee or tax, and the penalty shall be deposited in the state~~
 5 ~~general fund. The penalty shall be assessed according to the~~
 6 following table **AND SHALL BE DEPOSITED IN THE TRANSPORTATION**
 7 **ADMINISTRATION COLLECTION FUND ESTABLISHED UNDER SECTION 801B:**

8	Amount of Check or Draft	Penalty
9	\$.01 to 15.00	\$ 5.00
10	15.01 to 50.00	10.00
11	50.01 to 100.00	20.00
12	100.01 to 300.00	60.00
13	300.01 and higher	20% of the check or draft

14 (2) ~~(3)~~—An operator's or chauffeur's license shall not be
 15 issued or renewed for a person who has had outstanding against
 16 him or her a claim resulting from nonpayment of a check or draft
 17 used to pay a fee or tax to the secretary of state.

18 (3) ~~(4)~~—The department shall suspend, until all fees, taxes,
 19 and penalties due are paid, the operator's or chauffeur's license
 20 of a person who has had outstanding against him or her for not
 21 less than 60 days a claim resulting from nonpayment of a check or
 22 draft used to pay a fee or tax to the secretary of state. A
 23 person whose operator's or chauffeur's license has been suspended
 24 under this section shall not be subject to the examination
 25 provisions of section 320c.

26 (4) ~~(5)~~—The collection of delinquent accounts remains the

1 responsibility of the office of secretary of state.

2 SEC. 801J. (1) IN ADDITION TO THE REQUIRED VEHICLE
3 REGISTRATION TAX UNDER SECTION 801(1)(P), A REGIONAL TRANSIT
4 AUTHORITY CREATED UNDER THE REGIONAL TRANSIT AUTHORITY ACT MAY
5 CHARGE AN ADDITIONAL TAX ON VEHICLE REGISTRATIONS ISSUED TO
6 RESIDENTS OF A PUBLIC TRANSIT REGION OF NOT MORE THAN \$1.20 FOR
7 EACH \$1,000.00 OR FRACTION OF \$1,000.00 OF THE VEHICLE'S LIST
8 PRICE AS USED IN CALCULATING THE TAX UNDER SECTION 801(1)(P). THE
9 AUTHORITY MAY CHARGE THE ADDITIONAL TAX ONLY UPON THE APPROVAL OF
10 A MAJORITY OF THE ELECTORS IN A PUBLIC TRANSIT REGION VOTING ON
11 THE TAX AT AN ELECTION HELD ON THE REGULAR NOVEMBER ELECTION DATE
12 AS PROVIDED IN SECTION 641(1)(D) OF THE MICHIGAN ELECTION LAW,
13 1954 PA 116, MCL 168.641.

14 (2) IN ADDITION TO ANY OTHER REQUIREMENTS IMPOSED BY LAW,
15 THE BALLOT QUESTION PROPOSING AUTHORIZATION OF THE TAX UNDER
16 SUBSECTION (1) SHALL SPECIFY HOW THE PROCEEDS OF THE TAX SHALL BE
17 EXPENDED.

18 (3) THE TAX COLLECTED UNDER THIS SECTION SHALL ONLY BE USED
19 BY THE REGIONAL TRANSIT AUTHORITY FOR COMPREHENSIVE
20 TRANSPORTATION PURPOSES AS DEFINED BY SECTION 9 OF ARTICLE IX OF
21 THE STATE CONSTITUTION OF 1963.

22 (4) A PROPOSAL FOR A TAX UNDER THIS SECTION SHALL NOT BE
23 PLACED ON THE BALLOT UNDER SUBSECTION (1) UNLESS THE PROPOSAL IS
24 ADOPTED BY A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REGIONAL
25 TRANSIT AUTHORITY AND CERTIFIED BY THE BOARD OF DIRECTORS NOT
26 LATER THAN 70 DAYS BEFORE THE ELECTION TO THE COUNTY CLERK OF
27 EACH COUNTY WITHIN THE PUBLIC TRANSIT REGION FOR INCLUSION ON THE

1 BALLOT.

2 (5) IF A MAJORITY OF VOTERS IN A PUBLIC TRANSIT REGION

3 APPROVE A TAX UNDER SUBSECTION (1), NO LATER THAN 1 YEAR AFTER

4 VOTER APPROVAL, THE SECRETARY OF STATE SHALL COLLECT THE TAX ON

5 ALL VEHICLES REGISTERED TO RESIDENTS OF THE PUBLIC TRANSIT REGION

6 UNDER SECTION 801(1)(P) AND SHALL CREDIT THE TAX COLLECTED TO THE

7 REGIONAL TRANSIT AUTHORITY, MINUS NECESSARY COLLECTION EXPENSES

8 AS PROVIDED IN SECTION 9 OF ARTICLE IX OF THE STATE CONSTITUTION

9 OF 1963. NECESSARY COLLECTION EXPENSES INCURRED BY THE SECRETARY

10 OF STATE UNDER THIS SUBSECTION SHALL BE BASED UPON AN ESTABLISHED

11 COST ALLOCATION METHODOLOGY.