

SUBSTITUTE FOR
HOUSE BILL NO. 4193

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 328 (MCL 257.328), as amended by 2004 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle upon the highways of
3 this state or the operator of the motor vehicle shall produce,
4 ~~pursuant to~~ **UNDER** subsection (2), upon the request of a police
5 officer, evidence that the motor vehicle is insured under chapter
6 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to
7 500.3179. Subject to section ~~907(16)~~, **907(15)**, an owner or operator
8 of a motor vehicle who fails to produce evidence of insurance **UPON**
9 **REQUEST** under this subsection ~~when requested to produce that~~
10 ~~evidence~~ or who fails to have motor vehicle insurance for the
11 vehicle as required under chapter 31 of the insurance code of 1956,

1 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil
2 infraction. IF A PERSON DISPLAYS AN ELECTRONIC COPY OF HIS OR HER
3 CERTIFICATE OF INSURANCE USING AN ELECTRONIC DEVICE, THE POLICE
4 OFFICER SHALL ONLY VIEW THE ELECTRONIC COPY OF THE CERTIFICATE OF
5 INSURANCE AND SHALL NOT MANIPULATE THE ELECTRONIC DEVICE TO VIEW
6 ANY OTHER INFORMATION ON THE ELECTRONIC DEVICE. A PERSON WHO
7 DISPLAYS AN ELECTRONIC COPY OF HIS OR HER CERTIFICATE OF INSURANCE
8 USING AN ELECTRONIC DEVICE AS PROVIDED IN THIS SUBSECTION SHALL NOT
9 BE PRESUMED TO HAVE CONSENTED TO A SEARCH OF THE ELECTRONIC DEVICE.
10 A POLICE OFFICER MAY REQUIRE THE PERSON TO ELECTRONICALLY FORWARD
11 THE ELECTRONIC COPY OF THE CERTIFICATE OF INSURANCE TO A SPECIFIED
12 LOCATION PROVIDED BY THE POLICE OFFICER. THE POLICE OFFICER MAY
13 THEN VIEW THE ELECTRONIC COPY OF THE CERTIFICATE OF INSURANCE IN A
14 SETTING IN WHICH IT IS SAFE FOR THE OFFICER TO VERIFY THAT THE
15 INFORMATION CONTAINED IN THE ELECTRONIC COPY OF THE CERTIFICATE OF
16 INSURANCE IS VALID AND ACCURATE. THIS STATE, A LAW ENFORCEMENT
17 AGENCY, OR AN EMPLOYEE OF THIS STATE OR A LAW ENFORCEMENT AGENCY IS
18 NOT LIABLE FOR DAMAGE TO OR LOSS OF AN ELECTRONIC DEVICE THAT
19 OCCURS AS A RESULT OF A POLICE OFFICER'S VIEWING AN ELECTRONIC COPY
20 OF A CERTIFICATE OF INSURANCE IN THE MANNER PROVIDED IN THIS
21 SECTION, REGARDLESS OF WHETHER THE POLICE OFFICER OR THE OWNER OR
22 OPERATOR OF THE VEHICLE WAS IN POSSESSION OF THE ELECTRONIC DEVICE
23 AT THE TIME THE DAMAGE OR LOSS OCCURRED.

24 (2) A certificate of insurance, IN PAPER OR ELECTRONIC FORM
25 AND issued by an insurance company, that certifies that the
26 security that meets the requirements of sections 3101 and 3102 of
27 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,

1 is in force ~~shall be accepted as~~ **IS** prima facie evidence that
2 insurance is in force for the motor vehicle described in the
3 certificate of insurance until the expiration date shown on the
4 certificate. The certificate, in addition to describing the motor
5 vehicles for which insurance is in effect, ~~shall~~ **MUST, IF**
6 **APPLICABLE**, state the name of each person named on the policy,
7 policy declaration, or a declaration certificate whose operation of
8 the vehicle would cause the liability coverage of that insurance to
9 become void.

10 (3) If, before the appearance date on ~~the~~ **A citation ISSUED**
11 **UNDER SUBSECTION (1)**, the ~~person~~ **DEFENDANT** submits proof to the
12 court that the motor vehicle had insurance meeting the requirements
13 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA
14 218, MCL 500.3101 and 500.3102, at the time the violation of
15 subsection (1) occurred, all of the following apply:

16 (a) The court shall not assess a fine or costs.

17 (b) The court shall not ~~cause~~ **FORWARD** an abstract of the court
18 record ~~to be forwarded~~ to the secretary of state.

19 (c) The court may assess a fee of not more than \$25.00, which
20 shall be paid to the court funding unit.

21 (4) If an owner or operator of a motor vehicle is determined
22 to be responsible for a violation of subsection (1), the court in
23 which the civil infraction determination is entered may require the
24 person to surrender his or her operator's or chauffeur's license
25 unless proof that the vehicle has insurance meeting the
26 requirements of sections 3101 and 3102 of the insurance code of
27 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the

1 court. If the court requires the license to be surrendered, the
2 court shall order the secretary of state to suspend the person's
3 license. The court shall immediately destroy the license and shall
4 forward **AN ABSTRACT OF THE COURT RECORD** to the secretary of state
5 ~~an abstract of the court record~~ as required by section 732. Upon
6 receipt of the abstract, the secretary of state shall suspend the
7 person's license beginning with the date on which a ~~THE~~ person is
8 determined to be responsible for the civil infraction for a period
9 of 30 days or until proof of insurance meeting the requirements of
10 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
11 MCL 500.3101 and 500.3102, is submitted to the secretary of state,
12 whichever occurs later. A person who submits proof of insurance to
13 the secretary of state under this subsection shall pay a service
14 fee of \$25.00 to the secretary of state. The person shall not be
15 required to be examined ~~as set forth in~~ **UNDER** section 320c and
16 shall not be required to pay a replacement license fee.

17 (5) If an owner or operator of a motor vehicle is determined
18 to be responsible for a violation of subsection (1), the court in
19 which the civil infraction determination is entered shall notify
20 the secretary of state of the vehicle registration number and the
21 year and make of the motor vehicle being operated at the time of
22 the violation. ~~This~~ **A notification UNDER THIS SUBSECTION** shall be
23 made on the abstract or on a form approved by the supreme court
24 administrator. Upon receipt, the secretary of state shall
25 immediately enter this information in the records of the
26 department. The secretary of state shall not renew, transfer, or
27 replace the registration plate of the vehicle involved in the

1 violation or allow the purchase of a new registration plate for the
2 vehicle involved in the violation until the owner meets the
3 requirements of section 227a or unless the vehicle involved in the
4 violation is transferred or sold to a person other than the owner's
5 spouse, mother, father, sister, brother, or child.

6 (6) An owner or operator of a motor vehicle who knowingly
7 produces false evidence under this section is guilty of a
8 misdemeanor, punishable by imprisonment for not more than 1 year,
9 or a fine of not more than \$1,000.00, or both.

10 (7) Points shall not be entered on a driver's record pursuant
11 ~~to~~ **UNDER** section 320a for a violation of this section.

12 (8) This section does not apply to the owner or operator of a
13 motor vehicle that is registered in a state other than this state
14 or a foreign country or province.

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