

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.328 Producing evidence of motor vehicle insurance upon request of police officer; violation as civil infraction; electronic copy; certificate of insurance as prima facie evidence that insurance in force; contents; presentation of proof of insurance to court; civil infraction determination; surrendering license unless proof of insurance submitted to court; suspension of license by secretary of state; order; fee; renewal, transfer, or replacement of registration plate; producing false evidence as misdemeanor; penalty; points; section inapplicable to owner or operator of motor vehicle registered in other state or foreign country or province.

Sec. 328. (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle on the highways of this state or the operator of the motor vehicle shall produce, under subsection (2), on the request of a police officer, evidence that the motor vehicle is insured under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. Subject to section 907(14), an owner or operator of a motor vehicle who fails to produce evidence of insurance on request under this subsection or who fails to have motor vehicle insurance for the vehicle as required under chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil infraction. If an individual displays an electronic copy of his or her certificate of insurance using an electronic device, the police officer shall only view the electronic copy of the certificate of insurance and shall not manipulate the electronic device to view any other information on the electronic device. An individual who displays an electronic copy of his or her certificate of insurance using an electronic device as provided in this subsection is not presumed to have consented to a search of the electronic device. A police officer may require the individual to electronically forward the electronic copy of the certificate of insurance to a specified location provided by the police officer. The police officer may then view the electronic copy of the certificate of insurance in a setting in which it is safe for the officer to verify that the information contained in the electronic copy of the certificate of insurance is valid and accurate. This state, a law enforcement agency, or an employee of this state or a law enforcement agency is not liable for damage to or loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a certificate of insurance in the manner provided in this section, regardless of whether the police officer or the owner or operator of the vehicle was in possession of the electronic device at the time the damage or loss occurred.

(2) A certificate of insurance, in paper or electronic form and issued by an insurance company, that certifies that the security that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is in force is prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, must, if applicable, state the name of each individual named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

(3) If, before the appearance date on a citation issued under subsection (1), the defendant submits proof to the court that the motor vehicle had insurance meeting the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time the violation of subsection (1) occurred, all of the following apply:

- (a) The court shall not assess a fine or costs.
- (b) The court shall not forward an abstract of the court record to the secretary of state.
- (c) The court may assess a fee of not more than \$25.00 that shall be paid to the court funding unit.

(4) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the individual to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the individual's license. The court shall immediately destroy the license and shall forward an abstract of the court record to the secretary of state as required by section 732. On receipt of the abstract, the secretary of state shall suspend the individual's license beginning with the date on which the individual is determined to be responsible for the civil infraction for a period of 30 days or until proof of insurance that meets the requirements of sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the secretary of state, whichever occurs later. An individual who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of \$25.00 to

the secretary of state. The individual shall not be required to be examined under section 320c and shall not be required to pay a replacement license fee.

(5) If an owner or operator of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered shall notify the secretary of state of the vehicle registration number and the year and make of the motor vehicle being operated at the time of the violation. A notification under this subsection must be made on the abstract or on a form approved by the supreme court administrator. On receipt, the secretary of state shall immediately enter this information in the records of the department. The secretary of state shall not renew, transfer, or replace the registration plate of the vehicle involved in the violation or allow the purchase of a new registration plate for the vehicle involved in the violation until the owner meets the requirements of section 227a or unless the vehicle involved in the violation is transferred or sold to a person other than the owner's spouse, mother, father, sister, brother, or child.

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

(7) Points must not be entered on a driver's record under section 320a for a violation of this section.

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

History: Add. 1980, Act 459, Imd. Eff. Jan. 15, 1981;—Am. 1995, Act 287, Imd. Eff. Jan. 9, 1996;—Am. 2004, Act 52, Eff. May 1, 2004;—Am. 2015, Act 135, Eff. Jan. 5, 2016;—Am. 2020, Act 376, Eff. Oct. 1, 2021.