

SUBSTITUTE FOR
HOUSE BILL NO. 5636

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3101 (MCL 500.3101), as amended by 2008 PA 241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. (1) The owner or registrant of a motor vehicle
2 required to be registered in this state shall maintain security for
3 payment of benefits under personal protection insurance, property
4 protection insurance, and residual liability insurance. Security
5 ~~shall~~**IS** only ~~be~~ required to be in effect during the period the
6 motor vehicle is driven or moved ~~upon~~**ON** a highway. Notwithstanding
7 any other provision in this act, an insurer that has issued an
8 automobile insurance policy on a motor vehicle that is not driven
9 or moved ~~upon~~**ON** a highway may allow the insured owner or

1 registrant of the motor vehicle to delete a portion of the
2 coverages under the policy and maintain the comprehensive coverage
3 portion of the policy in effect.

4 (2) As used in this chapter:

5 (a) "Automobile insurance" means that term as defined in
6 section 2102.

7 **(B) "GOLF CART" MEANS A VEHICLE DESIGNED FOR TRANSPORTATION**
8 **WHILE PLAYING THE GAME OF GOLF.**

9 **(C) ~~(b)~~"Highway" means HIGHWAY OR STREET AS that term as IS**
10 **defined in section 20 of the Michigan vehicle code, 1949 PA 300,**
11 **MCL 257.20.**

12 **(D) "MOPED" MEANS THAT TERM AS DEFINED IN SECTION 32B OF THE**
13 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.32B.**

14 **(E) ~~(e)~~"Motorcycle" means a vehicle ~~having~~ THAT HAS a saddle**
15 **or seat for the use of the rider, IS designed to travel on not more**
16 **than 3 wheels in contact with the ground, ~~which~~ AND is equipped**
17 **with a motor that exceeds 50 cubic centimeters piston displacement.**
18 **~~The~~ FOR PURPOSES OF THIS SUBDIVISION, THE wheels on any attachment**
19 **to the vehicle ~~shall~~ ARE not ~~be~~ considered as wheels in contact**
20 **with the ground. Motorcycle does not include a moped ~~, as defined~~**
21 **~~in section 32b of the Michigan vehicle code, 1949 PA 300, MCL~~**
22 **~~257.32b. Motorcycle does not include OR an ORV.~~**

23 **(F) ~~(d)~~"Motorcycle accident" means a loss ~~involving~~ THAT**
24 **INVOLVES the ownership, operation, maintenance, or use of a**
25 **motorcycle as a motorcycle, but DOES not ~~involving~~ INVOLVE the**
26 **ownership, operation, maintenance, or use of a motor vehicle as a**
27 **motor vehicle.**

1 (G) ~~(e)~~ "Motor vehicle" means a vehicle, including a trailer,
 2 **THAT IS** operated or designed for operation ~~upon~~**ON** a public highway
 3 by power other than muscular power ~~which~~**AND** has more than 2
 4 wheels. Motor vehicle does not include a **ANY OF THE FOLLOWING:**

5 (i) A motorcycle. ~~or a~~

6 (ii) A moped. ~~, as defined in section 32b of the Michigan~~
 7 ~~vehicle code, 1949 PA 300, MCL 257.32b. Motor vehicle does not~~
 8 ~~include a~~

9 (iii) A farm tractor or other implement of husbandry ~~which~~**THAT**
 10 is not subject to the registration requirements of the Michigan
 11 vehicle code ~~pursuant to~~**UNDER** section 216 of the Michigan vehicle
 12 code, 1949 PA 300, MCL 257.216. ~~Motor vehicle does not include an~~

13 (iv) **AN** ORV.

14 (v) **A GOLF CART.**

15 (vi) **A MOTORIZED WHEELCHAIR, SCOOTER, OR OTHER SIMILAR DEVICE**
 16 **DESIGNED TO ASSIST IN THE PERSONAL MOBILITY OF AN INDIVIDUAL AND**
 17 **NOT FOR OPERATION ON A PUBLIC HIGHWAY.**

18 (H) ~~(f)~~ "Motor vehicle accident" means a loss ~~involving~~**THAT**
 19 **INVOLVES** the ownership, operation, maintenance, or use of a motor
 20 vehicle as a motor vehicle regardless of whether the accident also
 21 involves the ownership, operation, maintenance, or use of a
 22 motorcycle as a motorcycle.

23 (I) ~~(g)~~ "ORV" means a motor-driven recreation vehicle designed
 24 for off-road use and capable of cross-country travel without
 25 benefit of road or trail, on or immediately over land, snow, ice,
 26 marsh, swampland, or other natural terrain. ORV includes, but is
 27 not limited to, a multitrack or multiwheel drive vehicle, a

1 motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an
 2 amphibious machine, a ground effect air cushion vehicle, an ATV as
 3 defined in section 81101 of the natural resources and environmental
 4 protection act, 1994 PA 451, MCL 324.81101, or other means of
 5 transportation deriving motive power from a source other than
 6 muscle or wind. ORV does not include a vehicle described in this
 7 subdivision that is registered for use upon a public highway and
 8 has the security described in section 3101 or 3103 in effect.

9 (J) ~~(h)~~-"Owner" means any of the following:

10 (i) A person renting a motor vehicle or having the use ~~thereof,~~
 11 **OF A MOTOR VEHICLE**, under a lease or otherwise, for a period that
 12 is ~~greater-~~**LONGER** than 30 days.

13 (ii) A person ~~who~~-**THAT** holds the legal title to a **MOTOR**
 14 vehicle, other than a person engaged in the business of leasing
 15 motor vehicles ~~who~~-**THAT** is the lessor of a motor vehicle ~~pursuant~~
 16 ~~to~~-**UNDER** a lease ~~providing~~-**THAT PROVIDES** for the use of the motor
 17 vehicle by the lessee for a period that is ~~greater-~~**LONGER** than 30
 18 days.

19 (iii) A person ~~who~~-**THAT** has the immediate right of possession of
 20 a motor vehicle under an installment sale contract.

21 (K) ~~(i)~~-"Registrant" does not include a person engaged in the
 22 business of leasing motor vehicles ~~who~~-**THAT** is the lessor of a
 23 motor vehicle ~~pursuant to~~-**UNDER** a lease ~~providing~~-**THAT PROVIDES** for
 24 the use of the motor vehicle by the lessee for a period that is
 25 ~~greater-~~**LONGER** than 30 days.

26 (3) Security **REQUIRED BY SUBSECTION (1)** may be provided under
 27 a policy issued by an **AUTHORIZED** insurer ~~duly authorized to~~

1 ~~transact business in this state which~~ **THAT** affords insurance for
2 the payment of benefits described in subsection (1). A policy of
3 insurance represented or sold as providing security is considered
4 to provide insurance for the payment of the benefits.

5 (4) Security required by subsection (1) may be provided by any
6 other method approved by the secretary of state as affording
7 security equivalent to that afforded by a policy of insurance, if
8 proof of the security is filed and continuously maintained with the
9 secretary of state throughout the period the motor vehicle is
10 driven or moved ~~upon~~ **ON** a highway. The person filing the security
11 has all the obligations and rights of an insurer under this
12 chapter. When the context permits, "insurer" as used in this
13 chapter, includes ~~any~~ **A** person ~~filing~~ **THAT FILES** the security as
14 provided in this section.

15 Enacting section 1. Section 3101(2)(g)(vi) of the insurance
16 code of 1956, 1956 PA 218, MCL 500.3101, as added by this
17 amendatory act, shall be applied retroactively.

18 Enacting section 2. This amendatory act does not take effect
19 unless House Bill No. 5045 of the 97th Legislature is enacted into
20 law.