

# HOUSE BILL No. 5518

February 6, 2018, Introduced by Reps. Theis, Sheppard, LaFave and Kahle and referred to the Committee on Insurance.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226, 227a, 323, 328, 518b, 658, 665, 665b, 732, 732a, and 801e (MCL 257.226, 257.227a, 257.323, 257.328, 257.518b, 257.658, 257.665, 257.665b, 257.732, 257.732a, and 257.801e), section 226 as amended by 2016 PA 425, section 227a as added by 1995 PA 287, section 323 as amended by 2016 PA 117, section 328 as amended by 2015 PA 135, section 518b as added by 2016 PA 348, section 658 as amended by 2012 PA 589, section 665 as amended by 2016 PA 332, section 665b as added by 2016 PA 333, section 732 as amended by 2017 PA 160, section 732a as amended by 2016 PA 32, and section 801e as amended by 1983 PA 91.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 226. (1) A vehicle registration issued by the secretary

1 of state expires on the owner's birthday, unless another expiration  
2 date is provided for under this act or unless the registration is  
3 for the following vehicles, in which case registration expires on  
4 the last day of February:

5 (a) A commercial vehicle except for a commercial vehicle  
6 issued a registration under the international registration plan or  
7 a pickup truck or van owned by an individual.

8 (b) Except for a trailer or semitrailer issued a registration  
9 under the international registration plan, a trailer or semitrailer  
10 owned by a business, corporation, or person other than an  
11 individual; or a pole trailer.

12 (2) The expiration date for a registration issued for a  
13 motorcycle is the motorcycle owner's birthday.

14 (3) The expiration date for a registration bearing the letters  
15 "SEN" or "REP" is February 1.

16 (4) In the case of a vehicle owned by a business, corporation,  
17 or an owner other than an individual, the secretary of state may  
18 assign or reassign the expiration date of the registration.

19 (5) The secretary of state shall do all of the following:

20 (a) After the October 1 immediately preceding the year  
21 designated on the registration, issue a registration upon  
22 application and payment of the proper fee for a commercial vehicle,  
23 other than a pickup or van owned by an individual; or a trailer  
24 owned by a business, corporation, or person other than an  
25 individual.

26 (b) Beginning 60 days before the expiration date assigned on  
27 an international registration plan registration plate, issue a

1 registration under section 801g upon application and payment of the  
2 proper apportioned fee for a commercial vehicle engaged in  
3 interstate commerce.

4 (c) Beginning 45 days before the owner's birthday and 120 days  
5 before the expiration date assigned by the secretary of state,  
6 issue a registration for a vehicle other than those designated in  
7 subsection (1)(a) or (b). However, if an owner whose registration  
8 period begins 45 days before his or her birthday will be out of the  
9 state during the 45 days immediately preceding expiration of a  
10 registration or for other good cause shown cannot apply for a  
11 renewal registration within the 45-day period, application for a  
12 renewal registration may be made not more than 6 months before  
13 expiration.

14 (6) Except as otherwise provided in this subsection, the  
15 secretary of state, upon application and payment of the proper fee,  
16 shall issue a registration for a vehicle or a motorcycle to a  
17 resident that shall expire on the owner's birthday. If the owner's  
18 next birthday is at least 6 months but not more than 12 months in  
19 the future, the owner shall receive a registration valid until the  
20 owner's next birthday. If the owner's next birthday is less than 6  
21 months in the future, the owner shall receive a registration valid  
22 until the owner's birthday following the owner's next birthday. The  
23 tax required under this act for a registration described in this  
24 subsection shall be either of the following:

25 (a) For an original registration, the tax shall bear the same  
26 relationship to the tax required under section 801 for a 12-month  
27 registration as the length of the registration bears to 12 months.

1 (b) For a renewal of a registration, either of the following:

2 (i) For a registration that is for at least 6 months but not  
3 more than 12 months, the same amount as for 12 months.

4 (ii) For a renewal of a registration that is for more than 12  
5 months, 2 times the amount for 12 months.

6 Partial months shall be considered as whole months in the  
7 calculation of the required tax and in the determination of the  
8 length of time between the application for a registration and the  
9 owner's next birthday. The tax required for that registration shall  
10 be rounded off to whole dollars as provided in section 801.

11 (7) A certificate of title shall remain valid until canceled  
12 by the secretary of state for cause or upon a transfer of an  
13 interest shown on the certificate of title.

14 (8) The secretary of state, upon request, shall issue special  
15 registration for commercial vehicles, valid for 6 months after the  
16 date of issue, if the full registration fee exceeds \$50.00, on the  
17 payment of 1/2 the full registration fee and a service charge as  
18 enumerated in section 802(1).

19 (9) The secretary of state may issue a special registration  
20 for each of the following:

21 (a) A new vehicle purchased or leased outside of this state  
22 and delivered in this state to the purchaser or lessee by the  
23 manufacturer of that vehicle for removal to a place outside of this  
24 state, if a certification is made that the vehicle will be  
25 primarily used, stored, and registered outside of this state and  
26 will not be returned to this state by the purchaser or lessee for  
27 use or storage.

1 (b) A vehicle purchased or leased in this state and delivered  
2 to the purchaser or lessee by a dealer or by the owner of the  
3 vehicle for removal to a place outside of this state, if a  
4 certification is made that the vehicle will be primarily used,  
5 stored, and registered outside of this state and will not be  
6 returned to this state by the purchaser or lessee for use or  
7 storage.

8 (10) A special registration issued under subsection (9) is  
9 valid for not more than 30 days after the date of issuance, and a  
10 fee shall be collected for each special registration as provided in  
11 section 802(3). The special registration may be in the form  
12 determined by the secretary of state. If a dealer makes a retail  
13 sale or lease of a vehicle to a purchaser or lessee who is  
14 qualified and eligible to obtain a special registration, the dealer  
15 shall apply for the special registration for the purchaser or  
16 lessee. If a person other than a dealer sells or leases a vehicle  
17 to a purchaser or lessee who is qualified and eligible to obtain a  
18 special registration, the purchaser or lessee shall appear in  
19 person, or by a person exercising the purchaser's or lessee's power  
20 of attorney, at an office of the secretary of state and furnish a  
21 certification that the person is the bona fide purchaser or lessee  
22 or that the person has granted the power of attorney, together with  
23 other forms required for the issuance of the special registration  
24 and provide the secretary of state with proof that the vehicle is  
25 covered by a ~~Michigan no-fault~~ **AN** insurance policy issued pursuant  
26 ~~to~~ **THAT COMPLIES WITH** section ~~3101~~ **3009** of the insurance code of  
27 1956, 1956 PA 218, MCL ~~500.3101~~, ~~or proof that the vehicle is~~

1 ~~covered by a policy of insurance issued by an insurer pursuant to~~  
2 ~~section 3163 of the insurance code of 1956, 1956 PA 218, MCL~~  
3 ~~500.3163.~~ **500.3009**. The certification required ~~in~~ **UNDER** this  
4 subsection shall contain all of the following:

5 (a) The address of the purchaser or lessee.

6 (b) A statement that the vehicle is purchased or leased for  
7 registration outside of this state.

8 (c) A statement that the vehicle shall be primarily used,  
9 stored, and registered outside of this state.

10 (d) The name of the jurisdiction in which the vehicle is to be  
11 registered.

12 (e) Other information requested by the secretary of state.

13 (11) In the case of a commercial vehicle, trailer, or  
14 semitrailer issued a registration under the international  
15 registration plan, the secretary of state in mutual agreement with  
16 the owner may assign or reassign the expiration date of the  
17 registration. However, the expiration date agreed to shall be  
18 either March 31, June 30, September 30, or December 31. Renewals  
19 expiring on or after September 30, 1993 shall be for a minimum of  
20 at least 12 months if there is a change in the established  
21 expiration date.

22 (12) The expiration date for a multiyear registration issued  
23 for a leased vehicle shall be the date the lease expires but shall  
24 not be for a period longer than 24 months.

25 Sec. 227a. (1) If a court has notified the secretary of state  
26 of a vehicle registration number as provided in section 328(4) and  
27 the owner has not secured proof that the vehicle involved in the

1 violation is currently insured under ~~chapter 31~~ **AN INSURANCE POLICY**  
 2 **THAT COMPLIES WITH SECTION 3009** of the insurance code of 1956, Act  
 3 ~~No. 218 of the Public Acts of 1956, being sections 500.3101 to~~  
 4 ~~500.3179 of the Michigan Compiled Laws, 1956 PA 218, MCL 500.3009,~~  
 5 the secretary of state shall not renew, replace, or transfer the  
 6 registration plate of the vehicle ~~involved in the violation or~~  
 7 allow the purchase of a new registration plate for the vehicle  
 8 ~~involved in the violation,~~ until the owner or the owner's  
 9 representative appears at a branch office and does both of the  
 10 following:

11 (a) Shows a certified statement from an automobile insurer on  
 12 a standard form prescribed by the ~~commissioner~~ **DIRECTOR** of **THE**  
 13 **DEPARTMENT OF** insurance **AND FINANCIAL SERVICES** that the vehicle  
 14 ~~involved in the violation~~ is currently insured under a prepaid  
 15 ~~noncancelable~~ **INSURANCE** policy **THAT IS NOT CANCELABLE** for a period  
 16 of ~~not less than 6 months under chapter 31 of Act No. 218 of the~~  
 17 ~~Public Acts of 1956.~~ **OR LONGER AND THAT COMPLIES WITH SECTION 3009**  
 18 **OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3009.**

19 (b) Pays a fee of \$50.00 in addition to any other fee required  
 20 by law, of which \$25.00 shall be allocated to the secretary of  
 21 state to defray the costs of administering this section.

22 (2) The secretary of state may cancel the registration of a  
 23 motor vehicle under either of the following circumstances:

24 (a) The secretary of state receives notice that a court has  
 25 determined that a vehicle involved in the violation was not insured  
 26 ~~as required by chapter 31 of Act No. 218 of the Public Acts of~~  
 27 ~~1956,~~ **UNDER AN INSURANCE POLICY THAT COMPLIED WITH SECTION 3009 OF**

1 **THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3009**, at the time  
2 of registration.

3 (b) The secretary of state receives notice that a court has  
4 determined that the owner or the owner's representative presented a  
5 certificate of insurance that was forged, altered, fraudulent, or  
6 counterfeit when insurance was required by this act.

7 (3) Before a ~~cancellation occurs~~ **THE SECRETARY OF STATE**  
8 **CANCELS A REGISTRATION** under subsection (2), **THE SECRETARY OF STATE**  
9 **SHALL GIVE** the person who will be affected by the cancellation  
10 ~~shall be given~~ notice and an opportunity to be heard.

11 Sec. 323. (1) A person aggrieved by a final determination of  
12 the secretary of state denying the person an operator's or  
13 chauffeur's license, a vehicle group designation, or an indorsement  
14 on a license or revoking, suspending, or restricting an operator's  
15 or chauffeur's license, vehicle group designation, or an  
16 indorsement may petition for a review of the determination in the  
17 circuit court in the county where the person was arrested if the  
18 denial or suspension was imposed under section 625f or under the  
19 order of a trial court under section 328 or, in all other cases, in  
20 the circuit court in the person's county of residence. The person  
21 shall file the petition within 63 days after the determination is  
22 made except that for good cause shown the court may allow the  
23 person to file petition within 182 days after the determination is  
24 made. As provided in section 625f, a peace officer aggrieved by a  
25 determination of a hearing officer in favor of a person who  
26 requested a hearing under section 625f may, with the prosecuting  
27 attorney's consent, petition for review of the determination in the



1 circuit court in the county where the arrest was made. The peace  
2 officer shall file the petition within 63 days after the  
3 determination is made except that for good cause shown the court  
4 may allow the peace officer to file the petition within 182 days  
5 after the determination is made.

6 (2) Except as otherwise provided in this section, the circuit  
7 court shall enter an order setting the cause for hearing for a day  
8 certain not more than 63 days after the order's date. The order, a  
9 copy of the petition that includes the person's full name, current  
10 address, birth date, and driver's license number, and all  
11 supporting affidavits shall be served on the secretary of state's  
12 office in Lansing not less than 20 days before the date set for the  
13 hearing. If the person is seeking a review of the record prepared  
14 under section 322 or section 625f, the service upon the secretary  
15 of state shall be made not less than 50 days before the date set  
16 for the hearing.

17 (3) The court may take testimony and examine all the facts and  
18 circumstances relating to the denial, suspension, or restriction of  
19 the person's license under sections 303(1)(d), 320, or 904(10) or  
20 (11), a licensing action under section 310d, or a suspension for a  
21 first violation under section 625f. The court may affirm, modify,  
22 or set aside the restriction, suspension, or denial, except the  
23 court shall not order the secretary of state to issue a restricted  
24 or unrestricted chauffeur's license that would permit the person to  
25 drive a commercial motor vehicle that hauls a hazardous material.  
26 The court shall enter the order and the petitioner shall file a  
27 certified copy of the order with the secretary of state's office in

1 Lansing within 7 days after entry of the order.

2 (4) Except as otherwise provided in this section, in reviewing  
3 a determination resulting in a denial, suspension, restriction, or  
4 revocation under this act, the court shall confine its  
5 consideration to a review of the record prepared under section 322  
6 or 625f or the driving record created under section 204a for a  
7 statutory legal issue, and may determine that the petitioner is  
8 eligible for full driving privileges or, if the petitioner is  
9 subject to a revocation under section 303, may determine that the  
10 petitioner is eligible for restricted driving privileges. The court  
11 shall set aside the secretary of state's determination only if 1 or  
12 more of the following apply:

13 (a) In determining whether a petitioner is eligible for full  
14 driving privileges, the petitioner's substantial rights have been  
15 prejudiced because the determination is any of the following:

16 (i) In violation of the Constitution of the United States, the  
17 state constitution of 1963, or a statute.

18 (ii) In excess of the secretary of state's statutory authority  
19 or jurisdiction.

20 (iii) Made upon unlawful procedure resulting in material  
21 prejudice to the petitioner.

22 (iv) Not supported by competent, material, and substantial  
23 evidence on the whole record.

24 (v) Arbitrary, capricious, or clearly an abuse or unwarranted  
25 exercise of discretion.

26 (vi) Affected by other substantial and material error of law.

27 (b) In determining whether a petitioner is eligible for review

1 of a revocation or denial under section 303, or whether a  
2 petitioner is eligible for restricted driving privileges, 1 or more  
3 of the following apply:

4 (i) The petitioner's substantial rights have been prejudiced  
5 as described in subdivision (a).

6 (ii) All of the following are satisfied:

7 (A) The revocation or denial occurred at least 1 year after  
8 the petitioner's license was revoked or denied, or, if the  
9 petitioner's license was previously revoked or denied within the 7  
10 years preceding the most recent revocation or denial, at least 5  
11 years after the most recent revocation or denial, whichever is  
12 later.

13 (B) The court finds that the petitioner meets the department's  
14 requirements under the rules promulgated by the department under  
15 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
16 to ~~24.238.~~ **24.328**. For purposes of this sub-subparagraph only, the  
17 court may take additional testimony to supplement the record  
18 prepared under section 322 or 625f or the driving record created  
19 under section 204a, but shall not expand the record.

20 (C) If the revocation or denial was under section 303(2)(a),  
21 (b), (c), or (g), the petitioner rebuts by clear and convincing  
22 evidence the presumption that he or she is a habitual offender, and  
23 establishes to the court's satisfaction that he or she is likely to  
24 adhere to any requirements imposed by the court. For purposes of  
25 this sub-subparagraph, the conviction that resulted in the  
26 revocation and any record of denial of reinstatement by the  
27 department are prima facie evidence that the petitioner is a

1 habitual offender. For purposes of this sub-subparagraph only, the  
2 court may take additional testimony to supplement the record  
3 prepared under section 322 or 625f or the driving record created  
4 under section 204a, but shall not expand the record.

5 (5) If the court determines that a petitioner is eligible for  
6 restricted driving privileges under subsection (4) (b), the court  
7 shall issue an order that includes, but is not limited to, all of  
8 the following:

9 (a) The court's findings under section 303 and R 257.1 to R  
10 257.1727 of the Michigan ~~administrative code.~~ **ADMINISTRATIVE CODE.**

11 (b) A requirement that each motor vehicle operated by the  
12 petitioner be equipped with a properly installed and functioning  
13 ignition interlock device for a period of at least 1 year. The  
14 petitioner shall bear the cost of an ignition interlock device  
15 required under this subdivision. A restricted license shall not be  
16 issued to the petitioner until the secretary of state has verified  
17 that 1 or more ignition interlock devices, if applicable, have been  
18 installed as required by this subdivision.

19 (c) A method by which the court will verify that the  
20 petitioner maintains ~~no-fault~~ insurance for each vehicle described  
21 in subdivision (b) ~~as required by chapter 31~~ **THAT COMPLIES WITH**  
22 **SECTION 3009** of the insurance code of 1956, 1956 PA 218, MCL  
23 ~~500.3103 to 500.3179.~~ **500.3009.**

24 (d) A requirement that a restricted license issued to the  
25 petitioner shall not permit the petitioner to operate a commercial  
26 motor vehicle that hauls hazardous materials.

27 (e) A provision that the secretary of state shall revoke the

1 petitioner's restricted license if any of the following occur:

2 (i) The petitioner violates the restrictions on his or her  
3 license.

4 (ii) The petitioner violates subdivision (b).

5 (iii) The petitioner removes, or causes to be removed, an  
6 ignition interlock device required under subdivision (b), unless  
7 the secretary of state has authorized the removal under section  
8 322a.

9 (iv) The petitioner commits an act that would be a major  
10 violation if the petitioner's license had been issued under section  
11 322(6) or consumes alcohol or a controlled substance without a  
12 prescription. As used in this subparagraph, "major violation" means  
13 that term as defined in R 257.301a of the Michigan ~~administrative~~  
14 ~~code~~. **ADMINISTRATIVE CODE.**

15 (v) The petitioner is arrested for a violation of section 625  
16 or a local ordinance, law of this state or another state, or law of  
17 the United States that substantially corresponds to section 625.

18 (6) If the court determines that a petitioner is eligible for  
19 restricted driving privileges under this section and the petitioner  
20 intends to operate a vehicle owned by his or her employer, the  
21 court shall notify the employer of the petitioner's obligation  
22 under subsection (5) (b). This subsection does not require an  
23 employer who receives a notice under this subsection to install an  
24 ignition interlock device on a vehicle. This subsection does not  
25 apply to a vehicle that is operated by a self-employed individual  
26 who uses the vehicle for both business and personal use.

27 (7) If a court determines that a petitioner is eligible for

1 restricted driving privileges, the secretary of state shall not  
2 issue a restricted license to the petitioner until he or she has  
3 satisfied any other applicable requirements of state or federal  
4 law, and shall not issue a restricted license to the petitioner if  
5 the order granting eligibility for restricted driving privileges  
6 does not comply with subsection (5).

7       Sec. 328. (1) The owner of a motor vehicle who operates or  
8 permits the operation of the motor vehicle upon the highways of  
9 this state or the operator of the motor vehicle shall produce,  
10 under subsection (2), upon the request of a police officer,  
11 evidence that the motor vehicle is insured under ~~chapter 31-A~~  
12 **POLICY OF INSURANCE THAT COMPLIES WITH SECTION 3009** of the  
13 insurance code of 1956, 1956 PA 218, MCL ~~500.3101 to 500.3179.~~  
14 **500.3009**. Subject to section 907(15), an owner or operator of a  
15 motor vehicle who fails to produce evidence of insurance upon  
16 request under this subsection or who fails to have motor vehicle  
17 insurance for the vehicle ~~as required under chapter 31-THAT~~  
18 **COMPLIES WITH SECTION 3009** of the insurance code of 1956, 1956 PA  
19 218, MCL ~~500.3101 to 500.3179,~~ **500.3009**, is responsible for a civil  
20 infraction. If a person displays an electronic copy of his or her  
21 certificate of insurance using an electronic device, the police  
22 officer shall only view the electronic copy of the certificate of  
23 insurance and shall not manipulate the electronic device to view  
24 any other information on the electronic device. A person who  
25 displays an electronic copy of his or her certificate of insurance  
26 using an electronic device as provided in this subsection shall not  
27 be presumed to have consented to a search of the electronic device.

1 A police officer may require the person to electronically forward  
2 the electronic copy of the certificate of insurance to a specified  
3 location provided by the police officer. The police officer may  
4 then view the electronic copy of the certificate of insurance in a  
5 setting in which it is safe for the officer to verify that the  
6 information contained in the electronic copy of the certificate of  
7 insurance is valid and accurate. This state, a law enforcement  
8 agency, or an employee of this state or a law enforcement agency is  
9 not liable for damage to or loss of an electronic device that  
10 occurs as a result of a police officer's viewing an electronic copy  
11 of a certificate of insurance in the manner provided in this  
12 section, regardless of whether the police officer or the owner or  
13 operator of the vehicle was in possession of the electronic device  
14 at the time the damage or loss occurred.

15 (2) A certificate of insurance, in paper or electronic form  
16 and issued by an insurance company, that certifies that ~~the~~  
17 ~~security that meets the requirements of sections 3101 and 3102~~  
18 **INSURANCE THAT COMPLIES WITH SECTION 3009** of the insurance code of  
19 1956, 1956 PA 218, MCL ~~500.3101 and 500.3102~~, **500.3009**, is in force  
20 is prima facie evidence that insurance is in force for the motor  
21 vehicle described in the certificate of insurance until the  
22 expiration date shown on the certificate. The certificate, in  
23 addition to describing the motor vehicles for which insurance is in  
24 effect, must, if applicable, state the name of each person named on  
25 the policy, policy declaration, or a declaration certificate whose  
26 operation of the vehicle would cause the liability coverage of that  
27 insurance to become void.

1 (3) If, before the appearance date on a citation issued under  
2 subsection (1), the defendant submits proof to the court that the  
3 motor vehicle had insurance ~~meeting the requirements of sections~~  
4 ~~3101 and 3102~~ **THAT COMPLIED WITH SECTION 3009** of the insurance code  
5 of 1956, 1956 PA 218, MCL ~~500.3101 and 500.3102,~~ **500.3009** at the  
6 time the violation of subsection (1) occurred, all of the following  
7 apply:

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

9 (b) The court shall not forward an abstract of the court  
10 record to the secretary of state.

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

13 (4) If an owner or operator of a motor vehicle is determined  
14 to be responsible for a violation of subsection (1), the court in  
15 which the civil infraction determination is entered may require the  
16 person to surrender his or her operator's or chauffeur's license  
17 unless proof that the vehicle has insurance ~~meeting the~~  
18 ~~requirements of sections 3101 and 3102~~ **THAT COMPLIES WITH SECTION**  
19 **3009** of the insurance code of 1956, 1956 PA 218, MCL ~~500.3101 and~~  
20 ~~500.3102,~~ **500.3009**, is submitted to the court. If the court  
21 requires the license to be surrendered, the court shall order the  
22 secretary of state to suspend the person's license. The court shall  
23 immediately destroy the license and shall forward an abstract of  
24 the court record to the secretary of state as required by section  
25 732. Upon receipt of the abstract, the secretary of state shall  
26 suspend the person's license beginning with the date on which the  
27 person is determined to be responsible for the civil infraction for



1 a period of 30 days or until proof of insurance ~~meeting the~~  
2 ~~requirements of sections 3101 and 3102~~ **THAT COMPLIES WITH SECTION**  
3 **3009** of the insurance code of 1956, 1956 PA 218, MCL ~~500.3101 and~~  
4 ~~500.3102,~~ **500.3009**, is submitted to the secretary of state,  
5 whichever occurs later. A person who submits proof of insurance to  
6 the secretary of state under this subsection shall pay a service  
7 fee of \$25.00 to the secretary of state. The person shall not be  
8 required to be examined under section 320c and shall not be  
9 required to pay a replacement license fee.

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

26 (6) An owner or operator of a motor vehicle who knowingly  
27 produces false evidence under this section is guilty of a

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

3 (7) ~~Points~~ **THE SECRETARY OF STATE** shall not ~~be entered~~ **ENTER**  
4 **POINTS** on a driver's record under section 320a for a violation of  
5 this section.

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

9 Sec. 518b. (1) All of the following types of automobile  
10 insurance satisfy the financial responsibility requirements of this  
11 chapter:

12 (a) During the time that a transportation network company  
13 driver is logged on to the transportation network company's digital  
14 network and is available to receive transportation requests but is  
15 not engaged in a transportation network company prearranged ride,  
16 ~~all of the following types of automobile insurance:~~

17 ~~—— (i) Residual third party automobile liability insurance as~~  
18 ~~required under chapter 31~~ **THAT COMPLIES WITH SECTION 3009** of the  
19 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179,  
20 **500.3009**, in the amount of at least \$50,000.00 per person for death  
21 or bodily injury, \$100,000.00 per incident for death or bodily  
22 injury, and \$25,000.00 for property damage.

23 ~~—— (ii) Personal protection insurance and property protection~~  
24 ~~insurance in the amounts and of the types of coverage required by~~  
25 ~~chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101~~  
26 ~~to 500.3179.~~

27 (b) During the time that a transportation network company

1 driver is engaged in a transportation network company prearranged  
2 ride, ~~all of the following types of automobile insurance:~~

3 ~~—— (i) Residual third party automobile liability insurance~~ **THAT**  
4 **COMPLIES WITH SECTION 3009 OF THE INSURANCE CODE OF 1956, 1956 PA**  
5 **218, MCL 500.3009,** with a minimum combined single limit of  
6 \$1,000,000.00 for all bodily injury or property damage.

7 ~~—— (ii) Personal protection insurance and property protection~~  
8 ~~insurance in the amounts and of the types of coverage required by~~  
9 ~~chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101~~  
10 ~~to 500.3179.~~

11 (2) This section only applies to automobile insurance obtained  
12 by a transportation network company driver or a transportation  
13 network company.

14 Sec. 658. (1) A person propelling a bicycle or operating a  
15 motorcycle or moped shall not ride other than upon and astride a  
16 permanent and regular seat attached to that vehicle.

17 (2) A bicycle or motorcycle shall not be used to carry more  
18 persons at 1 time than the number for which it is designed and  
19 equipped.

20 (3) An electric personal assistive mobility device shall not  
21 be used to carry more than 1 person at a time.

22 (4) A person less than 19 years of age operating a moped on a  
23 public thoroughfare shall wear a crash helmet on his or her head.  
24 Except as provided in subsection (5), a person operating or riding  
25 on a motorcycle shall wear a crash helmet on his or her head.

26 (5) The following conditions apply to a person 21 years of age  
27 or older operating or riding on a motorcycle, as applicable:

1 (a) A person who is operating a motorcycle is not required to  
2 wear a crash helmet on his or her head if he or she has had a  
3 motorcycle endorsement on his or her operator's or chauffeur's  
4 license for not less than 2 years or the person passes a motorcycle  
5 safety course conducted under section 811a or 811b. ~~and satisfies~~  
6 ~~the requirements of subdivision (c).~~

7 (b) A person who is riding on a motorcycle is not required to  
8 wear a crash helmet on his or her head. ~~if the person or the~~  
9 ~~operator of the motorcycle satisfies the requirements of~~  
10 ~~subdivision (c).~~

11 ~~—— (c) A person who is operating a motorcycle and a person who is~~  
12 ~~riding on a motorcycle are not required to wear crash helmets on~~  
13 ~~their heads if the operator of the motorcycle or the rider has in~~  
14 ~~effect security for the first-party medical benefits payable in the~~  
15 ~~event that he or she is involved in a motorcycle accident, as~~  
16 ~~provided in section 3103 of the insurance code of 1956, 1956 PA~~  
17 ~~218, MCL 500.3103, in 1 of the following amounts, as applicable:~~

18 ~~—— (i) A motorcycle operator without a rider, not less than~~  
19 ~~\$20,000.00.~~

20 ~~—— (ii) A motorcycle operator with a rider, not less than~~  
21 ~~\$20,000.00 per person per occurrence. However, if the rider has~~  
22 ~~security in an amount not less than \$20,000.00, then the operator~~  
23 ~~is only required to have security in the amount of not less than~~  
24 ~~\$20,000.00.~~

25 (6) Crash helmets shall be approved by the department of state  
26 police. The department of state police shall promulgate rules for  
27 the implementation of this section under the administrative

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Rules in  
2 effect on June 1, 1970, apply to helmets required by this act.

3 (7) The crash helmet requirements under this section do not  
4 apply to a person operating or riding in an autocycle if the  
5 vehicle is equipped with a roof that meets or exceeds standards for  
6 a crash helmet.

7 (8) A person operating or riding in an autocycle shall wear  
8 seat belts when on a public highway in this state.

9 Sec. 665. (1) Before beginning research or testing on a  
10 highway or street in this state of an automated motor vehicle,  
11 technology that allows a motor vehicle to operate without a human  
12 operator, or any automated driving system installed in a motor  
13 vehicle under this section, the manufacturer of automated driving  
14 systems or upfitter performing that research or testing shall  
15 submit proof satisfactory to the secretary of state that the  
16 vehicle is insured ~~under chapter 31~~ **UNDER AN INSURANCE POLICY THAT**  
17 **MEETS THE REQUIREMENTS OF SECTION 3009** of the insurance code of  
18 1956, 1956 PA 218, MCL ~~500.3101 to 500.3179~~ **500.3009**.

19 (2) A manufacturer of automated driving systems or upfitter  
20 shall ensure that all of the following circumstances exist when  
21 researching or testing the operation, including operation without a  
22 human operator, of an automated motor vehicle or any automated  
23 technology or automated driving system installed in a motor vehicle  
24 upon a highway or street:

25 (a) The vehicle is operated only by an employee, contractor,  
26 or other person designated or otherwise authorized by that  
27 manufacturer of automated driving systems or upfitter. This

1 subdivision does not apply to a university researcher or an  
2 employee of the state transportation department or the department  
3 described in subsection (3).

4 (b) An individual described in subdivision (a) has the ability  
5 to monitor the vehicle's performance while it is being operated on  
6 a highway or street in this state and, if necessary, promptly take  
7 control of the vehicle's movements. If the individual does not, or  
8 is unable to, take control of the vehicle, the vehicle shall be  
9 capable of achieving a minimal risk condition.

10 (c) The individual operating the vehicle under subdivision (a)  
11 and the individual who is monitoring the vehicle for purposes of  
12 subdivision (b) may lawfully operate a motor vehicle in the United  
13 States.

14 (3) A university researcher or an employee of the state  
15 transportation department or the department who is engaged in  
16 research or testing of automated motor vehicles may operate an  
17 automated motor vehicle if the operation is in compliance with  
18 subsection (2).

19 (4) An automated motor vehicle may be operated on a street or  
20 highway in this state.

21 (5) When engaged, an automated driving system allowing for  
22 operation without a human operator shall be considered the driver  
23 or operator of a vehicle for purposes of determining conformance to  
24 any applicable traffic or motor vehicle laws and shall be deemed to  
25 satisfy electronically all physical acts required by a driver or  
26 operator of the vehicle.

27 (6) The Michigan council on future mobility is created within

1 the state transportation department. The council shall provide to  
2 the governor, legislature, department, state transportation  
3 department, department of insurance and financial services,  
4 department of technology, management, and budget, and department of  
5 state police recommendations for changes in state policy to ensure  
6 that this state continues to be the world leader in autonomous,  
7 driverless, and connected vehicle technology. The council created  
8 under this subsection shall consist of all of the following  
9 members, who shall serve without compensation:

10 (a) Eleven individuals appointed by the governor who represent  
11 the interests of local government or are business, policy,  
12 research, or technological leaders in future mobility. The  
13 individuals appointed under this subdivision shall be voting  
14 members.

15 (b) One individual appointed by the governor who is  
16 representative of insurance interests. The individual appointed  
17 under this subdivision shall be a voting member.

18 (c) Two state senators appointed by the senate majority leader  
19 to serve as nonvoting ex officio members. One of the senators  
20 appointed under this subdivision shall be a member of the majority  
21 party, and 1 of the senators appointed under this subdivision shall  
22 be a member of the minority party.

23 (d) Two state representatives appointed by the speaker of the  
24 house of representatives to serve as nonvoting ex officio members.  
25 One of the representatives appointed under this subdivision shall  
26 be a member of the majority party, and 1 of the representatives  
27 appointed under this subdivision shall be a member of the minority

1 party.

2 (e) The secretary of state or his or her designee. The  
3 individual appointed under this subdivision shall be a voting  
4 member.

5 (f) The director of the state transportation department or his  
6 or her designee. The individual appointed under this subdivision  
7 shall be a voting member.

8 (g) The director of the department of state police or his or  
9 her designee. The individual appointed under this subdivision shall  
10 be a voting member.

11 (h) The director of the department of insurance and financial  
12 services or his or her designee. The individual appointed under  
13 this subdivision shall be a voting member.

14 (i) The director of the department of technology, management,  
15 and budget or his or her designee. The individual appointed under  
16 this subdivision shall be a voting member.

17 (7) The governor shall designate 1 or more of the members of  
18 the commission to serve as chairperson of the commission who shall  
19 serve at the governor's pleasure.

20 (8) The council created under subsection (6) shall submit  
21 recommendations for statewide policy changes and updates no later  
22 than March 31, 2017 and shall continue to make recommendations  
23 annually thereafter, or more frequently in the commission's  
24 discretion.

25 (9) A person may operate a platoon on a street or highway of  
26 this state if the person files a plan for general platoon  
27 operations with the department of state police and the state



1 transportation department before starting platoon operations. If  
2 the plan is not rejected by either the department of state police  
3 or the state transportation department within 30 days after receipt  
4 of the plan, the person shall be allowed to operate the platoon.

5 (10) All of the following apply to a platoon:

6 (a) Vehicles in a platoon shall not be considered a  
7 combination of vehicles for purposes of this act.

8 (b) The lead vehicle in a platoon shall not be considered to  
9 draw the other vehicles.

10 (c) If the platoon includes a commercial motor vehicle, an  
11 appropriately endorsed driver who holds a valid commercial driver  
12 license shall be present behind the wheel of each commercial motor  
13 vehicle in the platoon.

14 Sec. 665b. (1) A motor vehicle manufacturer may participate in  
15 a SAVE project if it self-certifies to all of the following:

16 (a) That it is a motor vehicle manufacturer. A person that is  
17 not a motor vehicle manufacturer may not participate in a SAVE  
18 project.

19 (b) That each vehicle in the participating fleet is owned or  
20 controlled by the motor vehicle manufacturer and is equipped with  
21 all of the following:

22 (i) An automated driving system.

23 (ii) Automatic crash notification technology.

24 (iii) A data recording system that has the capacity to record  
25 the automated driving system's status and other vehicle attributes  
26 including, but not limited to, speed, direction, and location  
27 during a specified time period before a crash as determined by the

1 motor vehicle manufacturer.

2 (c) That the participating fleet complies with all applicable  
3 state and federal laws.

4 (d) That each vehicle in the participating fleet is capable of  
5 being operated in compliance with applicable traffic and motor  
6 vehicle laws of this state.

7 (2) A motor vehicle manufacturer's eligibility to participate  
8 in a SAVE project under this section is conditioned solely upon  
9 meeting the requirements of this section. A motor vehicle  
10 manufacturer shall verify its satisfaction of the requirements of  
11 this section using the self-certification described in subsection  
12 (1).

13 (3) All of the following apply to a motor vehicle manufacturer  
14 that participates in a SAVE project:

15 (a) The motor vehicle manufacturer may commence a SAVE project  
16 at any time after it notifies the department that it has self-  
17 certified as provided in subsection (1). The notification required  
18 by this subdivision shall also set forth the geographical  
19 boundaries for the SAVE project. A motor vehicle manufacturer may  
20 make multiple notifications under this subsection.

21 (b) The motor vehicle manufacturer may participate in a SAVE  
22 project under any terms it deems appropriate so long as the terms  
23 are consistent with this section and other applicable law.

24 (c) The motor vehicle manufacturer shall determine the  
25 geographical boundaries for a SAVE project, which may include, but  
26 are not limited to, any of the following:

27 (i) A designated area within a municipality.

1 (ii) An area maintained by a regional authority.

2 (iii) A university campus.

3 (iv) A development that caters to senior citizens.

4 (v) A geographic or demographic area that is similar to the  
5 areas described in subparagraphs (i) to (iv).

6 (d) Public operation of a participating fleet shall be  
7 confined to the boundaries selected by the motor vehicle  
8 manufacturer under subdivision (c).

9 (e) For the duration of a SAVE project, the motor vehicle  
10 manufacturer shall maintain incident records and provide periodic  
11 summaries related to the safety and efficacy of travel of the  
12 participating fleet to the department and the National Highway  
13 Traffic Safety Administration.

14 (f) An individual who participates in a SAVE project is deemed  
15 by his or her participation to have consented to the collection of  
16 the information described in subdivision (e) while he or she is in  
17 a vehicle that is part of the participating fleet and to the  
18 provision of the summaries to the department and the National  
19 Highway Traffic Safety Administration as described in subdivision  
20 (e). Before commencing a SAVE project, and for the duration of the  
21 SAVE project, the motor vehicle manufacturer shall make publicly  
22 available a privacy statement disclosing its data handling  
23 practices in connection with the applicable participating fleet.

24 (4) When engaged, an automated driving system or any remote or  
25 expert-controlled assist activity shall be considered the driver or  
26 operator of the vehicle for purposes of determining conformance to  
27 any applicable traffic or motor vehicle laws and shall be deemed to

1 satisfy electronically all physical acts required by a driver or  
2 operator of the vehicle. A motor vehicle manufacturer shall insure  
3 each vehicle in a participating fleet ~~as required under this act~~  
4 ~~and chapter 31~~ **UNDER AN INSURANCE POLICY THAT COMPLIES WITH SECTION**  
5 **3009** of the insurance code of 1956, 1956 PA 218, MCL ~~500.3101 to~~  
6 ~~500.3179.~~ **500.3009**. For each SAVE project in which it participates,  
7 during the time that an automated driving system is in control of a  
8 vehicle in the participating fleet, a motor vehicle manufacturer  
9 shall assume liability for each incident in which the automated  
10 driving system is at fault. ~~, subject to chapter 31 of the~~  
11 ~~insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.~~

12       Sec. 732. (1) Each municipal judge and each clerk of a court  
13 of record shall keep a full record of every case in which a person  
14 is charged with or cited for a violation of this act or a local  
15 ordinance substantially corresponding to this act regulating the  
16 operation of vehicles on highways and with those offenses  
17 pertaining to the operation of ORVs or snowmobiles for which points  
18 are assessed under section 320a(1)(c) or (i). Except as provided in  
19 subsection (16), the municipal judge or clerk of the court of  
20 record shall prepare and forward to the secretary of state an  
21 abstract of the court record as follows:

22       (a) Not more than 5 days after a conviction, forfeiture of  
23 bail, or entry of a civil infraction determination or default  
24 judgment upon a charge of or citation for violating or attempting  
25 to violate this act or a local ordinance substantially  
26 corresponding to this act regulating the operation of vehicles on  
27 highways.

1 (b) Immediately for each case charging a violation of section  
2 625(1), (3), (4), (5), (6), (7), or (8) or section 625m or a local  
3 ordinance substantially corresponding to section 625(1), (3), (6),  
4 or (8) or section 625m in which the charge is dismissed or the  
5 defendant is acquitted.

6 (c) Immediately for each case charging a violation of section  
7 82127(1) or (3) or 81134 of the natural resources and environmental  
8 protection act, 1994 PA 451, MCL 324.82127 and 324.81134, or a  
9 local ordinance substantially corresponding to those sections.

10 (2) If a city or village department, bureau, or person is  
11 authorized to accept a payment of money as a settlement for a  
12 violation of a local ordinance substantially corresponding to this  
13 act, the city or village department, bureau, or person shall send a  
14 full report of each case in which a person pays any amount of money  
15 to the city or village department, bureau, or person to the  
16 secretary of state upon a form prescribed by the secretary of  
17 state.

18 (3) The abstract or report required under this section shall  
19 be made upon a form furnished by the secretary of state. An  
20 abstract shall be certified by signature, stamp, or facsimile  
21 signature of the person required to prepare the abstract as  
22 correct. An abstract or report shall include all of the following:

23 (a) The name, address, and date of birth of the person charged  
24 or cited.

25 (b) The number of the person's operator's or chauffeur's  
26 license, if any.

27 (c) The date and nature of the violation.

1 (d) The type of vehicle driven at the time of the violation  
2 and, if the vehicle is a commercial motor vehicle, that vehicle's  
3 group designation.

4 (e) The date of the conviction, finding, forfeiture, judgment,  
5 or civil infraction determination.

6 (f) Whether bail was forfeited.

7 (g) Any license restriction, suspension, or denial ordered by  
8 the court as provided by law.

9 (h) The vehicle identification number and registration plate  
10 number of all vehicles that are ordered immobilized or forfeited.

11 (i) Other information considered necessary to the secretary of  
12 state.

13 (4) The clerk of the court also shall forward an abstract of  
14 the court record to the secretary of state upon a person's  
15 conviction or, for the purposes of subdivision (d), a finding or  
16 admission of responsibility, involving any of the following:

17 (a) A violation of section 413, 414, or 479a of the Michigan  
18 penal code, 1931 PA 328, MCL 750.413, 750.414, and 750.479a.

19 (b) A violation of section 1 of former 1931 PA 214.

20 (c) Negligent homicide, manslaughter, or murder resulting from  
21 the operation of a vehicle.

22 (d) A violation of sections 701(1) and 703 of the Michigan  
23 liquor control code of 1998, 1998 PA 58, MCL 436.1701 and 436.1703,  
24 or a local ordinance substantially corresponding to those sections.

25 (e) A violation of section 411a(2) of the Michigan penal code,  
26 1931 PA 328, MCL 750.411a.

27 (f) A violation of motor carrier safety regulations 49 CFR

1 392.10 or 392.11 as adopted by section 1a of the motor carrier  
2 safety act of 1963, 1963 PA 181, MCL 480.11a.

3 (g) A violation of section 57 of the pupil transportation act,  
4 1990 PA 187, MCL 257.1857.

5 (h) An attempt to violate, a conspiracy to violate, or a  
6 violation of part 74 of the public health code, 1978 PA 368, MCL  
7 333.7401 to 333.7461, or a local ordinance that prohibits conduct  
8 prohibited under part 74 of the public health code, 1978 PA 368,  
9 MCL 333.7401 to 333.7461, unless the convicted person is sentenced  
10 to life imprisonment or a minimum term of imprisonment that exceeds  
11 1 year for the offense.

12 (i) An attempt to commit an offense described in subdivisions  
13 (a) to (g).

14 (j) A violation of chapter LXXXVIII-A of the Michigan penal  
15 code, 1931 PA 328, MCL 750.543a to 750.543z.

16 (k) A violation of section ~~3101, 3102(1), or 3103~~ of the  
17 ~~insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and~~  
18 ~~500.3103.~~**328.**

19 (l) A violation listed as a disqualifying offense under 49 CFR  
20 383.51.

21 (5) The clerk of the court shall also forward an abstract of  
22 the court record to the secretary of state if a person has pled  
23 guilty to, or offered a plea of admission in a juvenile proceeding  
24 for, a violation of section 703 of the Michigan liquor control code  
25 of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
26 substantially corresponding to that section, and has had further  
27 proceedings deferred under that section. If the person is sentenced

1 to a term of probation and terms and conditions of probation are  
2 fulfilled and the court discharges the individual and dismisses the  
3 proceedings, the court shall also report the dismissal to the  
4 secretary of state.

5 (6) As used in subsections (7) to (9), "felony in which a  
6 motor vehicle was used" means a felony during the commission of  
7 which the person operated a motor vehicle and while operating the  
8 vehicle presented real or potential harm to persons or property and  
9 1 or more of the following circumstances existed:

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

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

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

13 (d) The vehicle was necessary for the commission of the  
14 felony.

15 (7) If a person is charged with a felony in which a motor  
16 vehicle was used, other than a felony specified in subsection (4)  
17 or section 319, the prosecuting attorney shall include the  
18 following statement on the complaint and information filed in  
19 district or circuit court:

20 "You are charged with the commission of a felony in which a  
21 motor vehicle was used. If you are convicted and the judge finds  
22 that the conviction is for a felony in which a motor vehicle was  
23 used, as defined in section 319 of the Michigan vehicle code, 1949  
24 PA 300, MCL 257.319, your driver's license shall be suspended by  
25 the secretary of state.".

26 (8) If a juvenile is accused of an act, the nature of which  
27 constitutes a felony in which a motor vehicle was used, other than



1 a felony specified in subsection (4) or section 319, the  
2 prosecuting attorney or family division of circuit court shall  
3 include the following statement on the petition filed in the court:

4 "You are accused of an act the nature of which constitutes a  
5 felony in which a motor vehicle was used. If the accusation is  
6 found to be true and the judge or referee finds that the nature of  
7 the act constitutes a felony in which a motor vehicle was used, as  
8 defined in section 319 of the Michigan vehicle code, 1949 PA 300,  
9 MCL 257.319, your driver's license shall be suspended by the  
10 secretary of state."

11 (9) If the court determines as part of the sentence or  
12 disposition that the felony for which the person was convicted or  
13 adjudicated and with respect to which notice was given under  
14 subsection (7) or (8) is a felony in which a motor vehicle was  
15 used, the clerk of the court shall forward an abstract of the court  
16 record of that conviction to the secretary of state.

17 (10) As used in subsections (11) and (12), "felony in which a  
18 commercial motor vehicle was used" means a felony during the  
19 commission of which the person operated a commercial motor vehicle  
20 and while the person was operating the vehicle 1 or more of the  
21 following circumstances existed:

22 (a) The vehicle was used as an instrument of the felony.  
23 (b) The vehicle was used to transport a victim of the felony.  
24 (c) The vehicle was used to flee the scene of the felony.  
25 (d) The vehicle was necessary for the commission of the  
26 felony.

27 (11) If a person is charged with a felony in which a

1 commercial motor vehicle was used and for which a vehicle group  
2 designation on a license is subject to suspension or revocation  
3 under section 319b(1) (c) (iii), ~~319b(1) (d), 319b(1) (e) (iii), or~~  
4 ~~319b(1) (f) (i),~~ **(D), (E) (iii), OR (F) (i)**, the prosecuting attorney  
5 shall include the following statement on the complaint and  
6 information filed in district or circuit court:

7 "You are charged with the commission of a felony in which a  
8 commercial motor vehicle was used. If you are convicted and the  
9 judge finds that the conviction is for a felony in which a  
10 commercial motor vehicle was used, as defined in section 319b of  
11 the Michigan vehicle code, 1949 PA 300, MCL 257.319b, all vehicle  
12 group designations on your driver's license shall be suspended or  
13 revoked by the secretary of state."

14 (12) If the judge determines as part of the sentence that the  
15 felony for which the defendant was convicted and with respect to  
16 which notice was given under subsection (11) is a felony in which a  
17 commercial motor vehicle was used, the clerk of the court shall  
18 forward an abstract of the court record of that conviction to the  
19 secretary of state.

20 (13) Every person required to forward abstracts to the  
21 secretary of state under this section shall certify for the period  
22 from January 1 through June 30 and for the period from July 1  
23 through December 31 that all abstracts required to be forwarded  
24 during the period have been forwarded. The certification shall be  
25 filed with the secretary of state not later than 28 days after the  
26 end of the period covered by the certification. The certification  
27 shall be made upon a form furnished by the secretary of state and

1 shall include all of the following:

2 (a) The name and title of the person required to forward  
3 abstracts.

4 (b) The court for which the certification is filed.

5 (c) The time period covered by the certification.

6 (d) The following statement:

7 "I certify that all abstracts required by section 732 of the  
8 Michigan vehicle code, MCL 257.732; ~~MSA 9.2432,~~ for the period  
9 \_\_\_\_\_ through \_\_\_\_\_ have been forwarded to the  
10 secretary of state."

11 (e) Other information the secretary of state considers  
12 necessary.

13 (f) The signature of the person required to forward abstracts.

14 (14) The failure, refusal, or neglect of a person to comply  
15 with this section constitutes misconduct in office and is grounds  
16 for removal from office.

17 (15) Except as provided in subsection (16), the secretary of  
18 state shall keep all abstracts received under this section at the  
19 secretary of state's main office and the abstracts shall be open  
20 for public inspection during the office's usual business hours.  
21 Each abstract shall be entered upon the master driving record of  
22 the person to whom it pertains.

23 (16) Except for controlled substance offenses described in  
24 subsection (4), the court shall not submit, and the secretary of  
25 state shall discard and not enter on the master driving record, an  
26 abstract for a conviction or civil infraction determination for any  
27 of the following violations:

1 (a) The parking or standing of a vehicle.

2 (b) A nonmoving violation that is not the basis for the  
3 secretary of state's suspension, revocation, or denial of an  
4 operator's or chauffeur's license.

5 (c) A violation of chapter II that is not the basis for the  
6 secretary of state's suspension, revocation, or denial of an  
7 operator's or chauffeur's license.

8 (d) A pedestrian, passenger, or bicycle violation, other than  
9 a violation of section 703(1) or (2) of the Michigan liquor control  
10 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
11 substantially corresponding to section 703(1) or (2) of the  
12 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, or  
13 section 624a or 624b or a local ordinance substantially  
14 corresponding to section 624a or 624b.

15 (e) A violation of section 710e or a local ordinance  
16 substantially corresponding to section 710e.

17 (f) A violation of section 328(1) if, before the appearance  
18 date on the citation, the person submits proof to the court that  
19 the motor vehicle had insurance ~~meeting the requirements of~~  
20 ~~sections 3101 and 3102~~ **THAT COMPLIED WITH SECTION 3009** of the  
21 insurance code of 1956, 1956 PA 218, MCL ~~500.3101 and 500.3102,~~  
22 **500.3009**, at the time the citation was issued. Insurance obtained  
23 subsequent to the time of the violation does not make the violation  
24 an exception under this subsection.

25 (g) A violation described in section 319b(10) (b) (vii) if,  
26 before the court appearance date or date fines are to be paid, the  
27 person submits proof to the court that he or she held a valid

1 commercial driver license on the date the citation was issued.

2 (h) A violation of section 311 if the person was driving a  
3 noncommercial vehicle and, before the court appearance date or the  
4 date fines are to be paid, the person submits proof to the court  
5 that he or she held a valid driver license on the date the citation  
6 was issued.

7 (i) A violation of section 602b(1) or 602c.

8 (17) Except as otherwise provided in this subsection, the  
9 secretary of state shall discard and not enter on the master  
10 driving record an abstract for a bond forfeiture that occurred  
11 outside this state. The secretary of state shall enter on the  
12 master driving record an abstract for a conviction as defined in  
13 section 8a(b) that occurred outside this state in connection with  
14 the operation of a commercial motor vehicle or for a conviction of  
15 a person licensed as a commercial motor vehicle driver.

16 (18) The secretary of state shall inform the courts of this  
17 state of the nonmoving violations and violations of chapter II that  
18 are used by the secretary of state as the basis for the suspension,  
19 restriction, revocation, or denial of an operator's or chauffeur's  
20 license.

21 (19) If a conviction or civil infraction determination is  
22 reversed upon appeal, the person whose conviction or determination  
23 has been reversed may serve on the secretary of state a certified  
24 copy of the order of reversal. The secretary of state shall enter  
25 the order in the proper book or index in connection with the record  
26 of the conviction or civil infraction determination.

27 (20) The secretary of state may permit a city or village

1 department, bureau, person, or court to modify the requirement as  
2 to the time and manner of reporting a conviction, civil infraction  
3 determination, or settlement to the secretary of state if the  
4 modification will increase the economy and efficiency of collecting  
5 and utilizing the records. If the permitted abstract of court  
6 record reporting a conviction, civil infraction determination, or  
7 settlement originates as a part of the written notice to appear,  
8 authorized in section 728(1) or 742(1), the form of the written  
9 notice and report shall be as prescribed by the secretary of state.

10 (21) Notwithstanding any other law of this state, a court  
11 shall not take under advisement an offense committed by a person  
12 while operating a motor vehicle for which this act requires a  
13 conviction or civil infraction determination to be reported to the  
14 secretary of state. A conviction or civil infraction determination  
15 that is the subject of this subsection shall not be masked,  
16 delayed, diverted, suspended, or suppressed by a court. Upon a  
17 conviction or civil infraction determination, the conviction or  
18 civil infraction determination shall immediately be reported to the  
19 secretary of state in accordance with this section.

20 (22) Except as provided in this act and notwithstanding any  
21 other provision of law, a court shall not order expunction of any  
22 violation reportable to the secretary of state under this section.

23 Sec. 732a. (1) An individual, whether licensed or not, who  
24 accumulates 7 or more points on his or her driving record under  
25 sections 320a and 629c within a 2-year period for any violation not  
26 listed under subsection (2) shall be assessed a \$100.00 driver  
27 responsibility fee. For each additional point accumulated above 7

1 points not listed under subsection (2), an additional fee of \$50.00  
2 shall be assessed. The secretary of state shall collect the fees  
3 described in this subsection once each year that the point total on  
4 an individual driving record is 7 points or more. This subsection  
5 is subject to subsection (11).

6 (2) An individual, whether licensed or not, who violates any  
7 of the following sections or another law or local ordinance that  
8 substantially corresponds to those sections shall be assessed a  
9 driver responsibility fee as follows:

10 (a) Subject to subsection (11), upon posting an abstract  
11 indicating that an individual has been found guilty for a violation  
12 of law listed or described in this subdivision, the secretary of  
13 state shall assess a \$1,000.00 driver responsibility fee each year  
14 for 2 consecutive years:

15 (i) Manslaughter, negligent homicide, or a felony resulting  
16 from the operation of a motor vehicle, ORV, or snowmobile.

17 (ii) Section 601b(2) or (3), 601c(1) or (2), 601d, 626(3) or  
18 (4), or 653a(3) or (4).

19 (iii) Section 625(1), (4), or (5), section 625m, or section  
20 81134 of the natural resources and environmental protection act,  
21 1994 PA 451, MCL 324.81134, or a law or ordinance substantially  
22 corresponding to section 625(1), (4), or (5), section 625m, or  
23 section 81134 of the natural resources and environmental protection  
24 act, 1994 PA 451, MCL 324.81134.

25 (iv) Failing to stop and disclose identity at the scene of an  
26 accident when required by law.

27 (v) Fleeing or eluding an officer.

1 (b) Subject to subsection (11), upon posting an abstract  
2 indicating that an individual has been found guilty for a violation  
3 of law listed in this subdivision, the secretary of state shall  
4 assess a \$500.00 driver responsibility fee each year for 2  
5 consecutive years:

6 (i) Section 625(3), (6), (7), or (8).

7 (ii) Section 626 or, beginning October 31, 2010, section  
8 626(2).

9 (iii) Section 904.

10 ~~(iv) Section 3101, 3102(1), or 3103 of the insurance code of~~  
11 ~~1956, 1956 PA 218, MCL 500.3101, 500.3102, and 500.3103.~~

12 (c) Through September 30, 2012, upon posting an abstract  
13 indicating that an individual has been found guilty for a violation  
14 of section 301, the secretary of state shall assess a \$150.00  
15 driver responsibility fee each year for 2 consecutive years.  
16 However, a driver responsibility fee shall not be assessed under  
17 this subdivision for a violation committed on or after October 1,  
18 2012.

19 (d) Through September 30, 2012, upon posting an abstract  
20 indicating that an individual has been found guilty or determined  
21 responsible for a violation listed in section 328, the secretary of  
22 state shall assess a \$200.00 driver responsibility fee each year  
23 for 2 consecutive years. However, a driver responsibility fee shall  
24 not be assessed under this subdivision for a violation committed on  
25 or after October 1, 2012.

26 (3) The secretary of state shall send a notice of the driver  
27 responsibility assessment, as prescribed under subsection (1) or



1 (2), to the individual by regular mail to the address on the  
2 records of the secretary of state. If payment is not received  
3 within 30 days after the notice is mailed, the secretary of state  
4 shall send a second notice that indicates that if payment is not  
5 received within the next 30 days, the driver's driving privileges  
6 will be suspended.

7 (4) The secretary of state may authorize payment by  
8 installment for a period not to exceed 24 months or, alternatively,  
9 the individual may engage in community service under section 732b.

10 (5) Except as otherwise provided under this subsection and  
11 section 732b, if payment is not received or an installment plan is  
12 not established after the time limit required by the second notice  
13 prescribed under subsection (3) expires, the secretary of state  
14 shall suspend the driving privileges until the assessment and any  
15 other fees prescribed under this act are paid. However, if the  
16 individual's license to operate a motor vehicle is not otherwise  
17 required under this act to be denied, suspended, or revoked, the  
18 secretary of state shall reinstate the individual's operator's  
19 driving privileges if the individual requests an installment plan  
20 under subsection (4) and makes proper payment under that plan. Fees  
21 required to be paid for the reinstatement of an individual's  
22 operator's driving privileges as described under this subsection  
23 shall, at the individual's request, be included in the amount to be  
24 paid under the installment plan. If the individual establishes a  
25 payment plan as described in this subsection and subsection (4) but  
26 the individual fails to make full or timely payments under that  
27 plan, or enters into community service under section 732b but fails

1 to successfully complete that service within the 45-day period  
2 allowed, or withdraws from community service with or without good  
3 cause shown, the secretary of state shall suspend the individual's  
4 driving privileges. The secretary of state shall only reinstate a  
5 license under this subsection once. Not later than April 1, 2013,  
6 the secretary of state shall only reinstate a license under this  
7 subsection 3 times.

8 (6) A fee shall not be assessed under this section for 7  
9 points or more on a driving record on October 1, 2003. Points  
10 assigned after October 1, 2003 shall be assessed as prescribed  
11 under subsections (1) and (2), but subject to subsection (11).

12 (7) A driver responsibility fee shall be assessed under this  
13 section in the same manner for a conviction or determination of  
14 responsibility for a violation or an attempted violation of a law  
15 of this state, of a local ordinance substantially corresponding to  
16 a law of this state, or of a law of another state substantially  
17 corresponding to a law of this state.

18 (8) The fire protection fund is created within the state  
19 treasury. The state treasurer may receive money or other assets  
20 from any source for deposit into the fund. The state treasurer  
21 shall direct the investment of the fund. The state treasurer shall  
22 credit to the fund interest and earnings from fund investments.  
23 Money in the fund at the close of the fiscal year shall remain in  
24 the fund and shall not lapse to the general fund. The department of  
25 licensing and regulatory affairs shall expend money from the fund,  
26 upon appropriation, only for fire protection grants to cities,  
27 villages, and townships with state-owned facilities for fire

1 services, as provided in 1977 PA 289, MCL 141.951 to 141.956.

2 (9) The secretary of state shall transmit the fees collected  
3 under this section to the state treasurer. The state treasurer  
4 shall credit fee money received under this section in each fiscal  
5 year as follows:

6 (a) The first \$8,500,000.00 shall be credited to the fire  
7 protection fund created in subsection (8).

8 (b) For fiscal year 2015, after the amount specified in  
9 subdivision (a) is credited to the fire protection fund created  
10 under subsection (8), the next \$1,550,000.00 shall be credited as  
11 follows:

12 (i) \$550,000.00 to the department of treasury, distributed as  
13 follows:

14 (A) \$500,000.00 for administering the requirements of the  
15 department of treasury under section 732b.

16 (B) \$50,000.00 for providing a 1-time-only written notice to  
17 individuals under section 732b(2) of the option of entering into  
18 community service as an alternative to paying a driver  
19 responsibility fee.

20 (ii) \$1,000,000.00 to the department of state for necessary  
21 expenses incurred by the department of state in implementing and  
22 administering the requirements of sections 625k and 625q. ~~of the~~  
23 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~

24 Funds appropriated under this subparagraph shall be based upon an  
25 established cost allocation methodology that reflects the actual  
26 costs incurred or to be incurred by the secretary of state during  
27 the fiscal year. However, funds appropriated under this

1 subparagraph shall not exceed \$1,000,000.00 during that fiscal  
2 year.

3 (c) For fiscal year 2016, after the amount specified in  
4 subdivision (a) is credited to the fire protection fund created  
5 under subsection (8), the next \$1,500,000.00 shall be credited as  
6 follows:

7 (i) \$500,000.00 to the department of treasury for  
8 administering the requirements of the department of treasury under  
9 section 732b.

10 (ii) \$1,000,000.00 to the department of state for necessary  
11 expenses incurred by the department of state in implementing and  
12 administering the requirements of sections 625k and 625q. ~~of the~~  
13 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k and 257.625q.~~  
14 Funds appropriated under this subparagraph shall be based upon an  
15 established cost allocation methodology that reflects the actual  
16 costs incurred or to be incurred by the secretary of state during  
17 the fiscal year. However, funds appropriated under this  
18 subparagraph shall not exceed \$1,000,000.00 during that fiscal  
19 year.

20 (d) For fiscal year 2017 and for each fiscal year thereafter,  
21 after the amount specified in subdivision (a) is credited to the  
22 fire protection fund created under subsection (8), the next  
23 \$1,000,000.00 shall be credited to the department of state for  
24 necessary expenses incurred by the department of state in  
25 implementing and administering the requirements of sections 625k  
26 and 625q. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.625k~~  
27 ~~and 257.625q.~~ Funds appropriated under this subdivision shall be

1 based upon an established cost allocation methodology that reflects  
2 the actual costs incurred or to be incurred by the secretary of  
3 state during the fiscal year. However, funds appropriated under  
4 this subdivision shall not exceed \$1,000,000.00 during any fiscal  
5 year.

6 (e) Any amount collected after crediting the amounts under  
7 subdivisions (a) ~~through~~ **TO** (d) shall be credited to the general  
8 fund.

9 (10) The collection of assessments under this section is  
10 subject to section 304.

11 (11) A driver responsibility fee shall be assessed and  
12 collected under this section as follows:

13 (a) For an individual who accumulates 7 or more points on his  
14 or her driving record beginning on the following dates, a fee  
15 assessed under subsection (1) shall be reduced as follows:

16 (i) Beginning October 1, 2015, the assessment shall be 75% of  
17 the fee calculated under subsection (1).

18 (ii) Beginning October 1, 2016, the assessment shall be 50% of  
19 the fee calculated under subsection (1).

20 (iii) Beginning October 1, 2018, the assessment shall be 25%  
21 of the fee calculated under subsection (1).

22 (iv) Beginning October 1, 2019, no fee shall be assessed under  
23 subsection (1).

24 (b) A fee assessed under subsection (2)(a) or (b) shall be  
25 reduced as follows:

26 (i) For a violation that occurs on or after October 1, 2015,  
27 100% of the fee shall be assessed for the first year and 50% for

1 the second year.

2 (ii) For a violation that occurs on or after October 1, 2016,  
3 100% of the fee shall be assessed for the first year and no fee  
4 shall be assessed for the second year.

5 (iii) For a violation that occurs on or after October 1, 2018,  
6 50% of the fee shall be assessed for the first year and no fee  
7 shall be assessed for the second year.

8 (iv) For a violation that occurs on or after October 1, 2019,  
9 no fee shall be assessed under subsection (2) (a) or (b).

10 (12) It is the intent of the legislature that beginning with  
11 the fiscal year ending September 30, 2018, and each fiscal year  
12 after that, \$8,500,000.00 shall be appropriated to the fire  
13 protection fund created under subsection (8).

14 Sec. 801e. (1) ~~When~~ **IF** a moped required to be registered under  
15 this act is sold by a retailer to a general purchaser, the **RETAILER**  
16 **SHALL OBTAIN THE** certificate of registration ~~shall be obtained in~~  
17 the name of the purchaser. ~~by the retailer. In other cases,~~  
18 **CIRCUMSTANCES, THE PURCHASER SHALL OBTAIN** the certificate of  
19 registration. ~~shall be obtained by the purchaser. The~~ **AN**  
20 application ~~shall~~ **FOR REGISTRATION MUST** be signed by the purchaser  
21 of the moped and ~~shall be~~ accompanied by a fee of \$15.00. ~~Upon~~ **ON**  
22 receipt of ~~the~~ **AN** application **FOR REGISTRATION** in approved form,  
23 the secretary of state shall enter the application ~~upon~~ **ON** the  
24 secretary of state's records and issue to the applicant a  
25 certificate of registration containing the decal for the moped, the  
26 name and address of the owner, and other information the secretary  
27 of state considers necessary. A moped ~~shall~~ **IS** not ~~be~~ required to

1 be insured. ~~in the manner specified for motor vehicles under~~  
2 ~~chapter 31 of Act No. 218 of the Public Acts of 1956, as amended,~~  
3 ~~being sections 500.3101 to 500.3179 of the Michigan Compiled Laws.~~  
4 The certificate of registration shall ~~shall~~ **MUST** be pocket size, shall  
5 **MUST** accompany the vehicle, shall ~~shall~~ **MUST** be legible, and shall ~~shall~~ **MUST**  
6 be made available for inspection ~~upon~~ **ON** demand by a law  
7 enforcement officer.

8 (2) ~~A~~ **THE SECRETARY OF STATE SHALL ISSUE A** decal indicating  
9 that ~~the~~ **A** certificate of registration **ISSUED UNDER SUBSECTION (1)**  
10 is in full force and effect. shall be issued. ~~A~~ **THE SECRETARY OF**  
11 **STATE SHALL NOT ISSUE A** registration certificate and decal shall  
12 ~~not be issued~~ earlier than 90 days ~~preceding~~ **BEFORE** the  
13 commencement date of the new registration period. ~~Display of~~ **THE**  
14 **OWNER OR OPERATOR SHALL DISPLAY** the decal shall be as prescribed by  
15 rule promulgated by the secretary of state.

16 (3) A retailer or manufacturer of mopeds, ~~upon~~ **ON** application  
17 to the secretary of state ~~upon~~ **ON** forms provided by the secretary  
18 of state, may obtain certificates of registration for use in the  
19 testing or demonstrating of a moped ~~upon~~ **ON** payment of \$10.00 for  
20 each of the first 2 registration certificates. Additional  
21 certificates may be issued at a cost of \$5.00 each and used by the  
22 applicant only in the testing or demonstrating of mopeds by  
23 temporary placement of the registration on the moped being tested  
24 or demonstrated. A certificate issued ~~pursuant to~~ **UNDER** this  
25 subsection may be used on only 1 moped at ~~any given~~ **A** time.

26 (4) A moped registration shall be **IS** valid for a 3-year period  
27 ~~which~~ **THAT** begins on May 1 and expires on April 30 of the third

1 registration year. For purposes of this subsection, a registration  
2 year begins on May 1 and ends on April 30.

3 Enacting section 1. This amendatory act takes effect January  
4 1, 2020.

5 Enacting section 2. This amendatory act does not take effect  
6 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5517 (request no.  
7 04146'17) of the 99th Legislature is enacted into law.