

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 4231

(As amended, December 9, 2004)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 14, 248, 249, 252a, 252b, 252d, 252e, 252f, 310, 319b, 319g, 320a, and 732 (MCL 257.14, 257.248, 257.249, 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, 257.310, 257.319b, 257.319g, 257.320a, and 257.732), sections 248 and 249 as amended by 2002 PA 642, section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e and 252f as added by 1981 PA 104, section 252d as amended by 2000 PA 76, sections 319b, 320a, and 732 as amended by 2004 PA 362, section 310 as amended by 2003 PA 152, and section 319g as added by 2002 PA 534, and by adding sections 79e and 252h; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 14. (1) ~~"Established"~~ Except as provided in

1 subsection (2), "established place of business" means the place  
2 actually occupied either continuously or at regular periods by a  
3 dealer or manufacturer where his or her books and records are  
4 kept and a large share of his or her business transacted.

5 (2) Established place of business for a class (a) or class  
6 (b) dealer means premises that meet all of the following  
7 requirements:

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

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

27 (c) The premises are identified by an exterior sign

1 displaying the name of the dealership that is permanently affixed  
2 to the building or land with letters clearly visible from a  
3 highway.

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

7 (e) The premises contain a registered repair facility on site  
8 for the repair and servicing of motor vehicles of a type sold at  
9 the established place of business, unless the dealer has entered  
10 into a written servicing agreement with a registered repair  
11 facility at a location not to exceed 10 miles' distance from the  
12 established place of business. If repairs are conducted pursuant  
13 to a servicing agreement, the servicing agreement shall be  
14 conspicuously posted in the office.

15 (f) The premises meet all applicable zoning requirements and  
16 municipal requirements.

17 Sec. 79e. "Wholesaler" means a person who is engaged in the  
18 business of selling used vehicles to or purchasing used vehicles  
19 from a licensed motor vehicle dealer and who does not sell or  
20 offer for sale motor vehicles of any classification to a person  
21 other than a licensed motor vehicle dealer.

22 Sec. 248. (1) The secretary of state shall not grant a  
23 dealer license under this section until an investigation is made  
24 of the applicant's qualifications under this act, except that  
25 this subsection does not apply to license renewals. The  
26 secretary of state shall make the investigation within 15 days  
27 after receiving the application and make a report on the

1 investigation.

2 (2) An applicant for a new vehicle dealer or a used or  
3 secondhand vehicle dealer or broker license shall include a  
4 properly executed bond or renewal certificate with the  
5 application. If a renewal certificate is used, the bond is  
6 considered renewed for each succeeding year in the same amount  
7 and with the same effect as an original bond. The bond shall be  
8 in the sum of \$10,000.00 with good and sufficient surety to be  
9 approved by the secretary of state. The bond shall indemnify or  
10 reimburse a purchaser, seller, lessee, financing agency, or  
11 governmental agency for monetary loss caused through fraud,  
12 cheating, or misrepresentation in the conduct of the vehicle  
13 business whether the fraud, cheating, or misrepresentation was  
14 made by the dealer or by an employee, agent, or salesperson of  
15 the dealer. The surety shall make indemnification or  
16 reimbursement for a monetary loss only after judgment based on  
17 fraud, cheating, or misrepresentation has been entered in a court  
18 of record against the licensee. The bond shall also indemnify or  
19 reimburse the state for any sales tax deficiency as provided in  
20 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or  
21 use tax deficiency as provided in the use tax act, 1937 PA 94,  
22 MCL 205.91 to 205.111, for the year in which the bond is in  
23 force. The surety shall make indemnification or reimbursement  
24 only after final judgment has been entered in a court of record  
25 against the licensee. A dealer or applicant who has furnished  
26 satisfactory proof that a bond similar to the bond required by  
27 this subsection is executed and in force is exempt from the bond

1 provisions set forth in this subsection. The aggregate liability  
2 of the surety shall not exceed the sum of the bond. The surety  
3 on the bond may cancel the bond upon giving 30 days' notice in  
4 writing to the secretary of state and thereafter is not liable  
5 for a breach of condition occurring after the effective date of  
6 the cancellation.

7 (3) An applicant for a new vehicle dealer or a used or  
8 secondhand vehicle dealer license shall apply for not less than 2  
9 dealer plates as provided by section 245 and shall include with  
10 the application the proper fee as provided by section 803.

11 (4) As a condition precedent to the granting of a license, a  
12 dealer shall file with the secretary of state an irrevocable  
13 written stipulation, authenticated by the applicant, stipulating  
14 and agreeing that legal process affecting the dealer, served on  
15 the secretary of state or a deputy of the secretary of state, has  
16 the same effect as if personally served on the dealer. This  
17 appointment remains in force as long as the dealer has any  
18 outstanding liability within this state.

19 (5) A person shall not carry on or conduct the business of  
20 buying, selling, brokering, leasing, negotiating a lease, or  
21 dealing in 5 or more vehicles of a type required to be titled  
22 under this act in a 12-month period unless the person obtains a  
23 dealer license from the secretary of state authorizing the  
24 carrying on or conducting of that business. A person shall not  
25 carry on or conduct the business of buying, selling, brokering,  
26 leasing, negotiating a lease, or dealing in 5 or more distressed,  
27 late model vehicles or salvageable parts to 5 or more of those

1 vehicles in a 12-month period unless the person obtains a used or  
2 secondhand vehicle parts dealer, an automotive recycler, or a  
3 salvage pool license from the secretary of state or is an  
4 insurance company admitted to conduct business in this state. A  
5 person shall not carry on or conduct the business of buying 5 or  
6 more vehicles in a 12-month period to process into scrap metal or  
7 store or display 5 or more vehicles in a 12-month period as an  
8 agent or escrow agent of an insurance company unless the person  
9 obtains a dealer license from the secretary of state. A vehicle  
10 scrap metal processor who does not purchase vehicles or  
11 salvageable parts from unlicensed persons is not required to  
12 obtain a dealer license. A person from another state shall not  
13 purchase, sell, or otherwise deal in distressed, late model  
14 vehicles or salvageable parts unless the person obtains a foreign  
15 salvage vehicle dealer license from the secretary of state as  
16 prescribed under section 248b. A person, including a dealer,  
17 shall not purchase or acquire a distressed, late model vehicle or  
18 a salvageable part through a salvage pool, auction, or broker  
19 without a license as a salvage vehicle agent. The secretary of  
20 state shall investigate and seek prosecution, if necessary, of  
21 persons allegedly conducting a business without a license.

22 (6) The application for a dealer license shall be in the form  
23 prescribed by the secretary of state and shall be signed by the  
24 applicant. In addition to other information as may be required  
25 by the secretary of state, the application shall include all of  
26 the following:

27 (a) Name of applicant.

1           (b) Location of applicant's established place of business in  
2 this state, **together with written verification from the**  
3 **appropriate governing or zoning authority that the established**  
4 **place of business meets all applicable municipal and zoning**  
5 **requirements.**

6           (c) The name under which business is to be conducted.

7           (d) If the business is a corporation, the state of  
8 incorporation.

9           (e) Name, address, date of birth, and social security number  
10 of each owner or partner and, if a corporation, the name,  
11 address, date of birth, and social security number of each of the  
12 principal officers.

13           (f) The county in which the business is to be conducted and  
14 the address of each place of business in that county.

15           (g) If new vehicles are to be sold, the make to be handled.  
16 Each new vehicle dealer shall send with the application for  
17 license a certification that the dealer holds a bona fide  
18 contract to act as factory representative, factory distributor,  
19 or distributor representative to sell at retail ..... (the  
20 make of vehicle to be sold).

21           (h) A statement of the previous history, record, and  
22 associations of the applicant and of each owner, partner,  
23 officer, and director. The statement shall be sufficient to  
24 establish to the satisfaction of the secretary of state the  
25 business reputation and character of the applicant.

26           (i) A statement showing whether the applicant has previously  
27 applied for a license, the result of the application, and whether

1 the applicant has ever been the holder of a dealer license that  
2 was revoked or suspended.

3 (j) If the applicant is a corporation or partnership, a  
4 statement showing whether a partner, employee, officer, or  
5 director has been refused a license or has been the holder of a  
6 license that was revoked or suspended.

7 (k) If the application is for a used or secondhand vehicle  
8 parts dealer or an automotive recycler, it shall include all of  
9 the following:

10 (i) Evidence that the applicant maintains or will maintain an  
11 established place of business.

12 (ii) Evidence that the applicant maintains or will maintain a  
13 police book and vehicle parts purchase and sales and lease  
14 records as required under this act.

15 (iii) Evidence of worker's compensation insurance coverage  
16 for employees classified under the North American industrial  
17 classification system number 42114, entitled "motor vehicle parts  
18 (used) wholesalers" or under the national council on compensation  
19 insurance classification code number 3821, entitled "automobile  
20 dismantling and drivers", if applicable.

21 (l) Certification that neither the applicant nor another  
22 person named on the application is acting as the alter ego of any  
23 other person or persons in seeking the license. For the purpose  
24 of this subdivision, "alter ego" means a person who acts for and  
25 on behalf of, or in the place of, another person for purposes of  
26 obtaining a vehicle dealer license.

27 (7) A person shall apply separately for a dealer license for



1 each county in which business is to be conducted. Before moving  
2 1 or more of his or her places of business or opening an  
3 additional place of business, a dealer shall apply to the  
4 secretary of state for and obtain a supplemental dealer license,  
5 for which a fee shall not be charged. **A supplemental dealer**  
6 **license shall be issued only for a location, including a tent,**  
7 **temporary stand, or any temporary quarters, that does not meet**  
8 **the definition of an established place of business, within the**  
9 **county in which the dealer's established place of business is**  
10 **located.** A dealer license entitles the dealer to conduct the  
11 business of buying, selling, leasing, and dealing in vehicles or  
12 salvageable parts in the county covered by the license. The  
13 dealer license shall also entitle the dealer to conduct at any  
14 other licensed dealer's established place of business in this  
15 state only the business of buying, selling, leasing, or dealing  
16 in vehicles at wholesale.

17 (8) The secretary of state shall classify and differentiate  
18 vehicle dealers according to the type of activity they perform.  
19 A dealer shall not engage in activities of a particular  
20 classification as provided in this act unless the dealer is  
21 licensed in that classification. An applicant may apply for a  
22 dealer license in 1 or more of the following classifications:

- 23 (a) New vehicle dealer.  
24 (b) Used or secondhand vehicle dealer.  
25 (c) Used or secondhand vehicle parts dealer.  
26 (d) Vehicle scrap metal processor.  
27 (e) Vehicle salvage pool operator.

1 (f) Distressed vehicle transporter.

2 (g) Broker.

3 (h) Foreign salvage vehicle dealer.

4 (i) Automotive recycler.

5 **(j) Beginning April 1, 2005, wholesaler.**

6 (9) A dealer license expires on December 31 of the last year  
7 for which the license is issued. The secretary of state may  
8 renew a dealer license for a period of not more than 4 years upon  
9 application and payment of the fee required by section 807.

10 (10) A dealer may conduct the business of buying, selling, or  
11 dealing in motor homes, trailer coaches, trailers, or pickup  
12 campers at a recreational vehicle show conducted at a location in  
13 this state without obtaining a separate or supplemental license  
14 under subsection (7) if all of the following apply:

15 (a) The dealer is licensed as a new vehicle dealer or used or  
16 secondhand vehicle dealer.

17 (b) The duration of the recreational vehicle show is not more  
18 than 14 days.

19 (c) Not less than 14 days before the beginning date of the  
20 recreational vehicle show, the show producer notifies the  
21 secretary of state, in a manner and form prescribed by the  
22 secretary of state, that the recreational vehicle show is  
23 scheduled, the location, dates, and times of the recreational  
24 vehicle show, and the name, address, and dealer license number of  
25 each dealer participating in the recreational vehicle show.

26 Sec. 249. The secretary of state may deny the application  
27 of a person for a license as a dealer and refuse to issue the

1 person a license as a dealer, or may suspend or revoke a license  
2 already issued, if the secretary of state finds that 1 or more of  
3 the following apply:

4 (a) The applicant or licensee has made a false statement of a  
5 material fact in his or her application.

6 (b) The applicant or licensee has not complied with the  
7 provisions of this chapter or a rule promulgated under this  
8 chapter.

9 (c) The applicant or licensee has sold or leased or offered  
10 for sale or lease a new vehicle of a type required to be  
11 registered under this act without having authority of a contract  
12 with a manufacturer or distributor of the new vehicle.

13 (d) The applicant or licensee has been guilty of a fraudulent  
14 act in connection with selling, leasing, or otherwise dealing in  
15 vehicles of a type required to be registered under this act.

16 (e) The applicant or licensee has entered into or is about to  
17 enter into a contract or agreement with a manufacturer or  
18 distributor of vehicles of a type required to be registered under  
19 this act that is contrary to any provision of this act.

20 (f) The applicant or licensee has no established place of  
21 business that is used or will be used for the purpose of selling,  
22 leasing, displaying, or offering for sale or lease or dealing in  
23 vehicles of a type required to be registered, and does not have  
24 proper servicing facilities.

25 (g) The applicant or licensee is a corporation or  
26 partnership, and a stockholder, officer, director, or partner of  
27 the applicant or licensee has been guilty of any act or omission

1 that would be cause for refusing, revoking, or suspending a  
2 license issued to the stockholder, officer, director, or partner  
3 as an individual.

4 (h) The applicant or licensee has possessed a vehicle or a  
5 vehicle part that has been confiscated under section 415 of the  
6 Michigan penal code, 1931 PA 328, MCL 750.415. The secretary of  
7 state shall conduct a hearing pursuant to the administrative  
8 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, before  
9 the secretary of state takes any action under this subdivision.

10 (i) The applicant or licensee has been convicted under  
11 section 415 of the Michigan penal code, 1931 PA 328,  
12 MCL 750.415.

13 (j) The applicant or licensee has been convicted of violating  
14 1986 PA 119, MCL 257.1351 to 257.1355.

15 (k) The established place of business of the applicant or  
16 licensee is not in compliance with all applicable zoning  
17 requirements and municipal requirements.

18 (l) The applicant or licensee has engaged in the business of  
19 buying, selling, trading, or exchanging new, used, or secondhand  
20 motor vehicles or has offered to buy, sell, trade, or exchange,  
21 or participate in the negotiation thereof, or attempted to buy,  
22 sell, trade, or exchange any motor vehicle or interest in any  
23 motor vehicle or any written instrument pertaining to a motor  
24 vehicle on a Sunday, as prohibited by 1953 PA 66, MCL 435.251 to  
25 435.254.

26 Sec. 252a. (1) A person shall not abandon a vehicle in this  
27 state. It is presumed that the last titled owner of the vehicle

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1 is responsible for abandoning the vehicle unless the person  
 2 provides a record of sale as that term is defined in section  
 3 240. A person who violates this subsection and who fails to  
 4 redeem the vehicle before disposition of the vehicle under  
 5 section 252g is responsible for a civil infraction and shall be  
 6 ordered to pay a civil fine of \$50.00.

7 (2) ~~(1)~~ As used in this section and sections 252a through  
 8 252l, "abandoned vehicle" means ~~a~~ either of the following:

9 (a) A vehicle that has remained on private property without  
 10 the consent of the owner.

11 (b) A vehicle that has remained on public property ~~or~~  
 12 ~~private property~~ for a period of **not less than** 48 hours, ~~after~~  
 13 ~~a police agency or other governmental agency designated by the~~  
 14 ~~police agency has affixed a written notice to the vehicle~~ or on  
 15 a state trunk line highway as described in section 1 of 1951 PA  
 16 51, MCL 247.651, as follows:

17 (i) ~~(a)~~ If a valid registration plate is affixed to the  
 18 vehicle, for a period of **not less than** 18 hours.

19 (ii) ~~(b)~~ If a valid registration plate is not affixed to  
 20 the vehicle.

21 (3) ~~(2)~~ If a vehicle has remained on public ~~or private~~  
 22 property for ~~a~~ **the period of time described in subsection**  
 23 **(2) << (b) >>** so that it ~~appears to the police agency to be~~ **qualifies**  
 24 **as abandoned,** ~~the~~ a police agency **having jurisdiction over the**  
 25 **vehicle or the agency's designee** shall ~~do all of the following:~~  
 26 ~~(a) Determine if~~ **determine whether** the vehicle has been reported  
 27 stolen ~~—~~ ~~(b) Affix~~ **and may affix** a written notice to the

1 vehicle. The written notice shall contain the following  
2 information:

3 (a) ~~—(i)—~~ The date and time the notice was affixed.

4 (b) ~~—(ii)—~~ The name and address of the police agency taking  
5 the action.

6 (c) ~~—(iii)—~~ The name and badge number of the police officer  
7 affixing the notice.

8 (d) ~~—(iv)—~~ The date and time the vehicle may be taken into  
9 custody and stored at the owner's expense or scrapped if the  
10 vehicle is not removed.

11 (e) ~~—(v)—~~ The year, make, and vehicle identification number  
12 of the vehicle, if available.

13 (4) ~~—(3)—~~ If the vehicle is an abandoned vehicle, the police  
14 agency **or the agency's designee** may have the **towing agency take**  
15 **the** vehicle ~~—taken—~~ into custody.

16 (5) ~~—(4)—~~ A police agency that has **received** a vehicle taken  
17 into custody **as abandoned** shall do all of the following:

18 (a) Recheck to determine if the vehicle has been reported  
19 stolen.

20 (b) Within 24 hours after ~~—taking—~~ the vehicle **is taken** into  
21 custody, enter the vehicle as abandoned into the law enforcement  
22 information network, **and notify the secretary of state through**  
23 **the law enforcement information network that the vehicle has been**  
24 **taken into custody as abandoned. Each notification shall contain**  
25 **the following information:**

26 (i) The year, make, and vehicle identification number of the  
27 vehicle, if available.

1           (ii) The address or approximate location from which the  
2 vehicle was taken into custody.

3           (iii) The date on which the vehicle was taken into custody.

4           (iv) The name and address of the police agency that had the  
5 vehicle taken into custody.

6           (v) The name and business address of the custodian of the  
7 vehicle.

8           (vi) The name of the court that has jurisdiction over the  
9 case.

10          (c) Within 7 days after ~~taking the vehicle into custody,~~  
11 ~~send~~ receiving notice under subdivision (b) that the vehicle has  
12 been taken into custody, the secretary of state shall do both of  
13 the following:

14          (i) Send to the ~~registered~~ last titled owner and secured  
15 party, as shown by the records of the secretary of state as  
16 described in section 221 or 237, by first-class mail or personal  
17 service, notice that the vehicle is considered abandoned. The  
18 form for the notice shall be furnished by the secretary of  
19 state. Each notice form shall contain the following  
20 information:

21          (A) ~~-(i)-~~ The year, make, and vehicle identification number  
22 of the vehicle if available.

23          (B) ~~-(ii)-~~ The address or approximate location from which the  
24 vehicle was taken into custody.

25          (C) ~~-(iii)-~~ The date on which the vehicle was taken into  
26 custody.

27          (D) ~~-(iv)-~~ The name and address of the police agency that had

1 the vehicle taken into custody.

2 (E) ~~—(v)—~~ The **name and** business address of the custodian of  
3 the vehicle.

4 (F) ~~—(vi)—~~ The procedure to redeem the vehicle.

5 (G) ~~—(vii)—~~ The procedure to contest the fact that the  
6 vehicle is considered abandoned or the reasonableness of the  
7 towing fees and daily storage fees.

8 (H) ~~—(viii)—~~ A form petition that the owner may file in  
9 person or by mail with the specified court that requests a  
10 hearing on the police agency's action.

11 (I) ~~—(ix)—~~ A warning that the failure to redeem the vehicle  
12 or to request a hearing within 20 days after the date of the  
13 notice may result in the sale of the vehicle and the termination  
14 of all rights of the owner and the secured party to the vehicle  
15 or the proceeds of the sale.

16 (ii) **Enter the information described in subparagraph (i) on a**  
17 **website maintained by the department for public use in locating**  
18 **vehicles that are removed under this section as abandoned. The**  
19 **department shall maintain the data on the website for 1 year or**  
20 **until the vehicle is disposed of under this act, whichever occurs**  
21 **first.**

22 (6) ~~—(5)—~~ The ~~—registered—~~ owner may contest the fact that  
23 the vehicle is considered abandoned or the reasonableness of the  
24 towing fees and daily storage fees by requesting a hearing. A  
25 request for a hearing shall be made by filing a petition with the  
26 court specified in the notice **described in subsection (5) (c)**  
27 within 20 days after the date of the notice. If the owner



1 requests a hearing, the matter shall be resolved after a hearing  
2 conducted under sections 252e and 252f. An owner who requests a  
3 hearing may obtain release of the vehicle by posting a towing and  
4 storage bond in an amount equal to the **\$40.00 plus the** accrued  
5 towing and storage fees with the court. The owner of a vehicle  
6 who requests a hearing may obtain release of the vehicle by  
7 **paying a fee of \$40.00 to the court and the accrued** towing and  
8 storage fees instead of posting the towing and storage bond. ~~If~~  
9 ~~the court finds that the vehicle was not properly considered~~  
10 ~~abandoned, the police agency shall reimburse the owner of the~~  
11 ~~vehicle for the accrued towing and storage fees.~~

12 (7) ~~(6)~~ If the owner does not request a hearing **under**  
13 **subsection (6)**, he or she may obtain the release of the vehicle  
14 by paying **a fee of \$40.00 and** the accrued ~~charges~~ **towing and**  
15 **storage fees** to the custodian of the vehicle. **The custodian of**  
16 **the vehicle shall forward \$25.00 of the fee to the secretary of**  
17 **state within 30 days after receipt in a manner prescribed by the**  
18 **secretary of state, who shall deposit the fee into the abandoned**  
19 **vehicle fund created in section 252h.**

20 (8) ~~(7)~~ If the owner does not redeem the vehicle or request  
21 a hearing within 20 days after the date of the notice **described**  
22 **in subsection (5)(c)**, the secured party may obtain the release of  
23 the vehicle by paying **a \$40.00 fee plus** the accrued charges to  
24 the custodian of the vehicle. ~~and the police agency for its~~  
25 ~~accrued costs.~~ **The custodian of the vehicle shall forward \$25.00**  
26 **of the fee to the secretary of state, who shall deposit the the**  
27 **fee into the abandoned vehicle fund created in section 252h.**

1           (9) If a vehicle has remained on private property without the  
2 consent of the property owner, the owner of the private property  
3 may have the vehicle taken into custody as an abandoned vehicle  
4 by contacting a local towing agency.

5           (10) Before removing the vehicle from private property, the  
6 towing agency shall notify a police agency having jurisdiction  
7 over the vehicle that the vehicle is being removed. The police  
8 agency shall determine if the vehicle has been reported stolen  
9 and have the vehicle entered into the law enforcement information  
10 network as an abandoned vehicle.

11           (11) Within 24 hours after taking the abandoned vehicle into  
12 custody, the police agency shall notify the secretary of state  
13 through the law enforcement information network that the vehicle  
14 has been taken into custody as abandoned. Each notification  
15 shall contain the following information:

16           (a) The year, make, and vehicle identification number of the  
17 vehicle if available.

18           (b) The address or approximate location from which the  
19 vehicle was taken into custody.

20           (c) The date on which the vehicle was taken into custody.

21           (d) The name and address of the police agency that had the  
22 vehicle taken into custody.

23           (e) The name and business address of the custodian of the  
24 vehicle.

25           (f) The name of the court that has jurisdiction over the  
26 case.

27           (12) Within 7 days after being notified under subsection

1 (11), the secretary of state shall do both of the following:

2 (a) Send to the owner and secured party, as shown by the  
3 records of the secretary of state, by first-class mail or  
4 personal service, notice that the vehicle is considered  
5 abandoned. The form for the notice shall be furnished by the  
6 secretary of state. Each notice form shall contain the following  
7 information:

8 (i) The year, make, and vehicle identification number of the  
9 vehicle if available.

10 (ii) The location from which the vehicle was taken into  
11 custody.

12 (iii) The date on which the vehicle was taken into custody.

13 (iv) The name of the towing agency that had the vehicle taken  
14 into custody.

15 (v) The business address of the custodian of the vehicle.

16 (vi) The procedure to redeem the vehicle.

17 (vii) The procedure to contest the fact that the vehicle is  
18 considered abandoned or the reasonableness of the towing fees and  
19 daily storage fees.

20 (viii) A form petition that the owner may file in person or  
21 by mail with the specified court that requests a hearing on the  
22 custodian's action.

23 (ix) A warning that the failure to redeem the vehicle or to  
24 request a hearing within 20 days after the date of the notice may  
25 result in the sale of the vehicle and the termination of all  
26 rights of the owner and the secured party to the vehicle or the  
27 proceeds of the sale.

1           (b) Enter the information described in subdivision (a) on a  
2 website maintained by the department for public use in locating  
3 vehicles that are removed under this section as abandoned.

4           (13) The owner may contest the fact that the vehicle is  
5 abandoned or, unless the towing fees and daily storage fees are  
6 established by contract with the local governmental unit or local  
7 law enforcement agency and comply with section 252i, the  
8 reasonableness of the towing fees and daily storage fees by  
9 requesting a hearing. A request for a hearing shall be made by  
10 filing a petition with the court specified in the notice within  
11 20 days after the date of the notice. If the owner requests a  
12 hearing, the matter shall be resolved after a hearing conducted  
13 under section 252f. An owner who requests a hearing may obtain  
14 release of the vehicle by posting with the court a towing and  
15 storage bond in an amount equal to \$40.00 plus the accrued towing  
16 and storage fees. The owner of a vehicle who requests a hearing  
17 may obtain release of the vehicle by paying a fee of \$40.00 to  
18 the court plus the towing and storage fees instead of posting the  
19 towing and storage bond.

20           (14) If the owner does not request a hearing, he or she may  
21 obtain the release of the vehicle by paying a fee of \$40.00 plus  
22 the accrued charges to the custodian of the vehicle. The  
23 custodian shall forward \$25.00 of the fee collected under this  
24 subsection to the secretary of state within 30 days after receipt  
25 in a manner prescribed by the secretary of state, who shall  
26 deposit the fee into the abandoned vehicle fund created in  
27 section 252h.

1           (15) If the owner does not redeem the vehicle or request a  
2 hearing within 20 days after the date of the notice, the secured  
3 party may obtain the release of the vehicle by paying a fee of  
4 \$40.00 and the accrued towing and storage fees to the custodian  
5 of the vehicle. The custodian shall forward \$25.00 of the fee  
6 collected under this subsection to the secretary of state within  
7 30 days after receipt in a manner prescribed by the secretary of  
8 state, who shall deposit the fee into the abandoned vehicle fund  
9 created in section 252h.

10           (16) ~~—(8)—~~ Not less than 20 days after the disposition of the  
11 hearing described in subsection ~~—(5)—~~ (6) or, if a hearing is not  
12 requested, not less than 20 days after the date of the notice,  
13 the police agency **if the abandoned vehicle is found on public**  
14 **property, or the custodian of the vehicle if the vehicle is found**  
15 **on private property,** shall offer the vehicle for sale at a public  
16 sale ~~—pursuant to—~~ **under** section 252g.

17           (17) ~~—(9)—~~ If the ownership of a vehicle that is considered  
18 abandoned under this section cannot be determined either because  
19 of the condition of the vehicle identification numbers or because  
20 a check with the records of the secretary of state **as described**  
21 **in section 221 or 237** does not reveal ownership, the police  
22 agency may sell the vehicle at public sale ~~—pursuant to—~~ **as**  
23 **provided in** section 252g ~~—~~ not less than 30 days after public  
24 notice of the sale has been published.

25           (18) The secretary of state shall release a vehicle for  
26 disposition under section 252b or 252g within 45 days after the  
27 vehicle is entered into the law enforcement information network

1 as an abandoned vehicle.

2 Sec. 252b. (1) As used in this section:

3 (a) "Registered abandoned scrap vehicle" means a vehicle  
4 ~~which~~ **that** meets all of the following requirements:

5 (i) Is on public or private property.

6 (ii) Is 7 or more years old.

7 (iii) Is apparently inoperable or is extensively damaged, to  
8 the extent that the cost of repairing the vehicle so that it is  
9 operational and safe as required by section 683 would exceed the  
10 fair market value of that vehicle.

11 (iv) Is currently registered **or titled** in the state of  
12 Michigan or displays current year registration plates from  
13 another state.

14 ~~(v) Is not removed within 48 hours after a written notice as~~  
15 ~~described in section 252a(2)(b) is affixed to the vehicle.~~

16 (b) "Unregistered abandoned scrap vehicle" means a vehicle  
17 ~~which~~ **that** meets all of the following requirements:

18 (i) Is on public or private property.

19 (ii) Is 7 or more years old.

20 (iii) Is apparently inoperable or is extensively damaged, to  
21 the extent that the cost of repairing the vehicle so that it is  
22 operational and safe as required by section 683 ~~—~~ would exceed  
23 the fair market value of that vehicle.

24 (iv) Is not currently registered in this state and does not  
25 display current year registration plates from another state.

26 ~~(v) Is not removed within 48 hours after a written notice as~~  
27 ~~described in section 252a(2)(b) is affixed to the vehicle.~~

1           (2) A police agency **or the agency's designee or, if the**  
2 **vehicle is on private property, the property owner** may have an  
3 unregistered abandoned scrap vehicle taken into custody, in which  
4 case the police agency shall do all of the following:

5           (a) Determine if the vehicle has been reported stolen.

6           (b) Take 2 photographs of the vehicle.

7           (c) Make a report to substantiate the vehicle as an  
8 unregistered abandoned scrap vehicle. The report shall contain  
9 the following information:

10          (i) The year, make, and vehicle identification number if  
11 available.

12          (ii) The date of abandonment.

13          (iii) The location of abandonment.

14          (iv) A detailed listing of the damage or the missing  
15 equipment.

16          (v) The reporting officer's name and title.

17          (vi) The location where the vehicle is being held.

18          (d) Within 24 hours after taking the vehicle into custody,  
19 enter the vehicle into the law enforcement information network.

20          (3) Within 24 hours, excluding Saturday, Sunday, and legal  
21 holidays, after taking the vehicle into custody, the police  
22 agency **or the agency's designee** shall complete a release form and  
23 release the vehicle to the towing service or a used vehicle parts  
24 dealer or vehicle scrap metal processor, who shall then transmit  
25 that release form to the secretary of state and apply for a  
26 ~~certificate of the title or a~~ certificate of scrapping. Upon  
27 receipt of the release form and application, the secretary of

1 state shall issue a certificate of title or a certificate of  
2 scrapping.

3 (4) The release form described in subsection (3) shall be  
4 furnished by the secretary of state and shall include a  
5 certification executed by the applicable police agency **or the**  
6 **agency's designee** when the abandoned scrap vehicle is released.  
7 The certification shall state that the police agency has complied  
8 with all the requirements of subsection (2)(b) and (c).

9 (5) The secretary of state shall retain the records relating  
10 to an abandoned scrap vehicle for not less than 2 years. The 2  
11 photographs taken ~~pursuant to~~ **under** subsection (2)(b) shall be  
12 retained by the police agency **or the agency's designee** for not  
13 less than 2 years. After the certificate of scrapping has been  
14 issued, a certificate of title for the vehicle shall not be  
15 issued again.

16 (6) A police agency **or the agency's designee or, if the**  
17 **vehicle is on private property, the property owner** may have a  
18 registered abandoned scrap vehicle taken into custody, in which  
19 case the police agency **or the towing service** shall do all of the  
20 following:

21 (a) Determine if the vehicle has been **reported** stolen.

22 (b) Take 2 photographs of the vehicle.

23 (c) Make a report to substantiate the vehicle as a registered  
24 abandoned scrap vehicle. The report shall contain the following  
25 information:

26 (i) The year, make, and vehicle identification number if  
27 available.



1 (ii) The date of abandonment.

2 (iii) The location of abandonment.

3 (iv) A detailed listing of the damage or the missing  
4 equipment.

5 (v) The reporting ~~officer's~~ **individual's** name and title.

6 (vi) The location where the vehicle is being held.

7 (d) Within 24 hours after taking the vehicle into custody,  
8 ~~enter~~ **cause** the vehicle **to be entered** into the law enforcement  
9 information network.

10 (7) ~~(e)~~ Within 7 days after taking the vehicle into  
11 custody, **the secretary of state shall** send to the ~~registered~~  
12 **last titled** owner and secured party, as shown by the records of  
13 the secretary of state, by first-class mail or personal service,  
14 notice that the vehicle ~~has been deemed~~ **is considered**  
15 abandoned. The form for the notice shall be furnished by the  
16 secretary of state. Each notice form shall contain the following  
17 information:

18 (a) ~~(i)~~ The year, make, and vehicle identification number  
19 of the vehicle if available.

20 (b) ~~(ii)~~ The **address or approximate** location from which the  
21 vehicle was taken into custody.

22 (c) ~~(iii)~~ The date on which the vehicle was taken into  
23 custody.

24 (d) ~~(iv)~~ The name and address of the police agency ~~which~~  
25 **that** had the vehicle taken into custody. **If the vehicle was**  
26 **towed from private property, the notice shall contain the name**  
27 **and address of the custodian of the vehicle.**

1           (e) ~~-(v)-~~ The business address of the custodian of the  
2 vehicle.

3           (f) ~~-(vi)-~~ The procedure to redeem the vehicle.

4           (g) **The name of the court that has jurisdiction of the case.**

5           (h) ~~-(vii)-~~ The procedure to contest the fact that the  
6 vehicle ~~has been deemed~~ **is** abandoned or the reasonableness of  
7 the towing fees and daily storage fees.

8           (i) ~~-(viii)-~~ A form petition ~~which~~ **that** the owner may file  
9 in person or by mail with the specified court ~~which~~ **that**  
10 requests a hearing on the ~~police agency's action~~ **custody of the**  
11 **vehicle.**

12           (j) ~~-(ix)-~~ A warning that the failure to redeem the vehicle  
13 or to request a hearing within 20 days after the date of the  
14 notice may result in the termination of all rights of the owner  
15 and the secured party to the vehicle.

16           (8) ~~-(7)-~~ The registered owner of a registered abandoned  
17 scrap vehicle may contest the fact that the vehicle ~~has been~~  
18 ~~deemed~~ **is** abandoned or the reasonableness of the towing fees and  
19 daily storage fees by requesting a hearing. A request for a  
20 hearing shall be made by filing a petition with the court  
21 specified in the notice **in subsection (7)** within 20 days after  
22 the date of the notice. If the owner requests a hearing, the  
23 matter shall be resolved after a hearing conducted ~~pursuant to~~  
24 ~~sections 252e and~~ **under section 252f.** An owner who requests a  
25 hearing may obtain release of the vehicle by posting a towing and  
26 storage bond **equal to the \$40.00 plus the accrued towing and**  
27 **storage fees** with the court. ~~in an amount as determined by the~~

1 ~~court.~~ The owner of a vehicle who requests a hearing may obtain  
2 release of the vehicle by paying a fee of \$40.00 plus the towing  
3 and storage fees to the court instead of posting the towing and  
4 storage bond. ~~If the court finds that the vehicle was not~~  
5 ~~properly deemed abandoned, the police agency shall reimburse the~~  
6 ~~owner of the vehicle for the accrued towing and storage fees.~~

7 (9) ~~(8)~~ If the owner does not request a hearing under  
8 subsection (7), he or she may obtain the release of the vehicle  
9 by paying a fee of \$40.00 plus the accrued charges to the  
10 custodian of the vehicle. The custodian shall forward \$25.00 of  
11 the fee collected under this subsection to the secretary of state  
12 within 30 days after receipt in a manner prescribed by the  
13 secretary of state, who shall deposit the fee into the abandoned  
14 vehicle fund created in section 252h.

15 (10) ~~(9)~~ If the owner does not redeem the vehicle or  
16 request a hearing within 20 days after the date of the notice  
17 described in subsection (7), the secured party may obtain the  
18 release of the vehicle by paying a fee of \$40.00 plus the accrued  
19 charges to the custodian of the vehicle. The custodian shall  
20 forward \$25.00 of the fee collected under this subsection to the  
21 secretary of state within 30 days after receipt in a manner  
22 prescribed by the secretary of state, who shall deposit the fee  
23 into the abandoned vehicle fund created in section 252h.

24 (11) ~~(10)~~ Not less than 20 days after the disposition of  
25 the hearing described in subsection ~~(7)~~ (8), or if a hearing is  
26 not requested, not less than 20 days after the date of the notice  
27 described in subsection ~~(6)(e)~~ (7), the police agency or the

1 **agency's designee** shall follow the procedures established in  
2 subsections (3) to (5).

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

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

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

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

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

17       (e) If the vehicle must be seized to preserve evidence of a  
18 crime, or ~~when~~ if there is reasonable cause to believe that the  
19 vehicle was used in the commission of a crime.

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

23       (g) If the vehicle is hampering the use of private property  
24 by the owner or person in charge of that property or is parked in  
25 a manner which impedes the movement of another vehicle.

26       (h) If the vehicle is stopped, standing, or parked in a space  
27 designated as parking for persons with disabilities and is not

1 permitted by law to be stopped, standing, or parked in a space  
2 designated as parking for persons with disabilities.

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

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

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

16 (3) ~~(2)~~ A police agency ~~which~~ **that** authorizes the removal  
17 of a vehicle under subsection (1) shall do all of the following:

18 (a) Check to determine if the vehicle has been reported  
19 stolen.

20 (b) ~~Within 24 hours after removing the vehicle, enter the~~  
21 ~~vehicle into the law enforcement information network if the~~  
22 ~~vehicle has not been redeemed. This subdivision does not apply~~  
23 ~~to a vehicle that is removed from the scene of a motor vehicle~~  
24 ~~traffic accident. Follow the procedures set forth in section~~  
25 **252a.**

26 ~~(c) If the vehicle has not been redeemed within 10 days~~  
27 ~~after moving the vehicle, send to the registered owner and the~~

1 ~~secured party as shown by the records of the secretary of state,~~  
2 ~~by first class mail or personal service, a notice that the~~  
3 ~~vehicle has been removed; however, if the police agency informs~~  
4 ~~the owner or operator of the vehicle of the removal and the~~  
5 ~~location of the vehicle within 24 hours after the removal, and if~~  
6 ~~the vehicle has not been redeemed within 30 days and upon~~  
7 ~~complaint from the towing service, the police agency shall send~~  
8 ~~the notice within 30 days after the removal. The notice shall be~~  
9 ~~by a form furnished by the secretary of state. The notice form~~  
10 ~~shall contain the following information:~~

11 ~~—— (i) The year, make, and vehicle identification number of the~~  
12 ~~vehicle.~~

13 ~~—— (ii) The location from which the vehicle was taken into~~  
14 ~~custody.~~

15 ~~—— (iii) The date on which the vehicle was taken into custody.~~

16 ~~—— (iv) The name and address of the police agency which had the~~  
17 ~~vehicle taken into custody.~~

18 ~~—— (v) The location where the vehicle is being held.~~

19 ~~—— (vi) The procedure to redeem the vehicle.~~

20 ~~—— (vii) The procedure to contest the fact that the vehicle was~~  
21 ~~properly removed or the reasonableness of the towing and daily~~  
22 ~~storage fees.~~

23 ~~—— (viii) A form petition which the owner may file in person or~~  
24 ~~by mail with the specified court that requests a hearing on the~~  
25 ~~police agency's action.~~

26 ~~—— (ix) A warning that the failure to redeem the vehicle or to~~  
27 ~~request a hearing within 20 days after the date of the notice may~~

~~1 result in the sale of the vehicle and the termination of all  
2 rights of the owner and the secured party to the vehicle or the  
3 proceeds of the sale or to both the vehicle and the proceeds.~~

~~4 ——— (3) The registered owner may contest the fact that the  
5 vehicle was properly removed or the reasonableness of the towing  
6 fees and daily storage fees by requesting a hearing. A request  
7 for a hearing shall be made by filing a petition with the court  
8 specified in the notice within 20 days after the date of the  
9 notice. If the owner requests a hearing, the matter shall be  
10 resolved after a hearing conducted pursuant to sections 252e and  
11 252f. An owner who requests a hearing may obtain release of the  
12 vehicle by posting a towing and storage bond with the court in an  
13 amount equal to the accrued towing and storage fees. The owner  
14 of a vehicle who requests a hearing may obtain release of the  
15 vehicle by paying the towing and storage fees instead of posting  
16 the towing and storage bond. If the court finds that the vehicle  
17 was not properly removed, the police agency shall reimburse the  
18 owner of the vehicle for the accrued towing and storage fees.~~

~~19 ——— (4) If the owner does not request a hearing, he or she may  
20 obtain the release of the vehicle by paying the accrued charges  
21 to the custodian of the vehicle.~~

~~22 ——— (5) If the owner does not redeem the vehicle or request a  
23 hearing within 20 days, the secured party may obtain the release  
24 of the vehicle by paying the accrued charges to the custodian of  
25 the vehicle prior to the date of the sale.~~

~~26 ——— (6) Not less than 20 days after the disposition of the  
27 hearing described in subsection (3), or if a hearing is not~~

1 ~~requested, not less than 20 days after the date of the notice~~  
2 ~~described in subsection (2)(c), the police agency shall offer the~~  
3 ~~vehicle for sale at a public sale unless the vehicle is~~  
4 ~~redeemed. The public sale shall be held pursuant to section~~  
5 ~~252g.~~

6 ~~—— (7) If the ownership of a vehicle that was removed under this~~  
7 ~~section cannot be determined either because of the condition of~~  
8 ~~the vehicle identification numbers or because a check with the~~  
9 ~~records of the secretary of state does not reveal ownership, the~~  
10 ~~police agency may sell the vehicle at public sale pursuant to~~  
11 ~~section 252g, not less than 30 days after public notice of the~~  
12 ~~sale has been published.~~

13       Sec. 252e. (1) The following courts ~~shall~~ have  
14 jurisdiction to determine if a police agency has acted properly  
15 in processing a vehicle under section 252a, 252b(6) to ~~(10)~~  
16 ~~(11)~~, ~~252e,~~ or 252d:

17       (a) The district court.

18       (b) A municipal court.

19       ~~(c) The common pleas court of the city of Detroit.~~

20       (2) The court specified in the notice prescribed in section  
21 ~~252a(4)(c), 252b(6), 252e(4), 252a(5)(b) or 252b(7) or as~~  
22 **provided in section 252d(3)(b)** shall be the court ~~which~~ **that**  
23 has territorial jurisdiction at the location from where the  
24 vehicle was removed or deemed abandoned. Venue in the district  
25 court shall be governed by section 8312 of ~~Act No. 236 of the~~  
26 ~~Public Acts of 1961, as amended, being section 600.8312 of the~~  
27 ~~Michigan Compiled Laws~~ **the revised judicature act of 1961, 1961**



1 PA 236, MCL 600.8312.

2 (3) If the owner fails to pay the accrued towing and storage  
3 fees, the towing and storage bond posted with the court to secure  
4 release of the vehicle under section 252a, 252b, ~~252c,~~ or 252d  
5 shall be used to pay the towing and storage fees.

6 Sec. 252f. (1) Upon ~~receipt~~ **the filing** of a petition  
7 prescribed in section 252a, 252b, ~~252c,~~ or 252d, signed by the  
8 owner of the vehicle which has been taken into custody, the court  
9 shall do both of the following:

10 (a) Schedule a hearing within 30 days for the purpose of  
11 determining whether the police agency acted properly.

12 (b) Notify the owner, ~~and the~~ **towing service, custodian of**  
13 **the vehicle, and** police agency of the time and place of the  
14 hearing.

15 (2) At the hearing specified in subsection (1) the police  
16 agency shall have the burden of showing by a preponderance of the  
17 evidence that it has complied with the requirements of this act  
18 in processing the abandoned vehicle or vehicle removed ~~pursuant~~  
19 ~~to~~ **under** section 252d.

20 (3) After the hearing, the court shall make a decision ~~which~~  
21 ~~shall include~~ **that includes** 1 or more of the following:

22 (a) A finding that the police agency complied with the  
23 procedures established for the processing of an abandoned vehicle  
24 or a vehicle removed under section 252d, and an order providing a  
25 period of 20 days after the decision for the owner to redeem the  
26 vehicle. If the owner does not redeem the vehicle within 20  
27 days, the police agency shall dispose of the vehicle ~~pursuant~~

1 ~~to~~ under section 252b or 252g. The court shall forward \$25.00  
2 of the fee collected under section 252b or 252g to the secretary  
3 of state within 30 days after the court's decision in a manner  
4 prescribed by the secretary of state. The towing and storage  
5 fees and \$15.00 of the fee collected under section 252b or 252g  
6 shall be forwarded to the towing agency.

7 (b) A finding that the police agency did not comply with the  
8 procedures established for the processing of an abandoned vehicle  
9 or a vehicle removed ~~pursuant to~~ under section 252d. After  
10 making ~~such a~~ the finding, the court shall issue an order  
11 directing that the vehicle immediately be released to the owner,  
12 and that the police agency is responsible for the accrued towing  
13 and storage charges. The court shall also order any fee or bond  
14 posted by the owner to be returned to the owner.

15 (c) A finding that the towing fees and daily storage fees  
16 were reasonable.

17 (d) A finding that the towing fees and daily storage fees  
18 were unreasonable and issue an order directing an appropriate  
19 reduction.

20 Sec. 252h. (1) The abandoned vehicle fund is created within  
21 the state treasury.

22 (2) The state treasurer may receive money or other assets  
23 from any source for deposit into the fund. The state treasurer  
24 shall direct the investment of the fund. The state treasurer  
25 shall credit to the fund interest and other earnings from fund  
26 investments.

27 (3) Money in the fund at the close of the fiscal year shall

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1 remain in the fund and shall not lapse to the general fund.

2 (4) The department of state shall expend money from the fund,  
3 upon appropriation, to administer the provisions of this act  
4 relating to abandoned vehicles.

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Sec. 310. (1) The secretary of state shall issue an operator's license to each person licensed as an operator and a chauffeur's license to each person licensed as a chauffeur. An applicant for a motorcycle indorsement under section 312a or a vehicle group designation or indorsement shall first qualify for an operator's or chauffeur's license before the indorsement or vehicle group designation application is accepted and processed. ~~Beginning on~~ On and after July 1, 2003, an original license or the first renewal of an existing license issued to a person less than 21 years of age shall be portrait or vertical in form and a license issued to a person 21 years of age or over shall be landscape or horizontal in form.

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

1 (a) The distinguishing number permanently assigned to the  
2 licensee.

3 (b) The full name, date of birth, address of residence,  
4 height, eye color, sex, ~~an~~ image, and ~~the~~ signature of the  
5 licensee.

6 (c) ~~An indication that the license contains~~ **A place for the**  
7 **licensee to indicate** 1 or more of the following:

8 (i) The blood type of the licensee.

9 (ii) Immunization data of the licensee.

10 (iii) Medication data of the licensee.

11 (iv) A statement that the licensee is deaf.

12 (v) A statement that the licensee is an organ and tissue  
13 donor ~~pursuant to~~ **under** part 101 of the public health code,  
14 1978 PA 368, MCL 333.10101 to 333.10109.

15 (vi) Emergency contact information of the licensee.

16 (vii) A sticker or decal as specified by the secretary of  
17 state to indicate that the licensee has designated 1 or more  
18 patient advocates in accordance with section 5506 of the estates  
19 and protected individuals code, 1998 PA 386, MCL 700.5506, or a  
20 statement that the licensee carries an emergency medical  
21 information card.

22 (d) If the licensee has made a statement described in  
23 subdivision (c) (v), the signature of the licensee following the  
24 indication of his or her organ and tissue donor intent identified  
25 in subdivision (c) (v), along with the signature of at least 1  
26 witness.

27 (e) The sticker or decal described in subdivision (c) (vii)

1 may be provided by any person, hospital, school, medical group,  
2 or association interested in assisting in implementing the  
3 emergency medical information card, but shall meet the  
4 specifications of the secretary of state. The emergency medical  
5 information card may contain the information described in  
6 subdivision (c)(vi), information concerning the licensee's  
7 patient advocate designation, other emergency medical  
8 information, or an indication as to where the licensee has stored  
9 or registered emergency medical information.

10 (f) Beginning July 1, 2003, in the case of a licensee who is  
11 less than 18 years of age at the time of issuance of the license,  
12 the date on which the licensee will become 18 years of age and 21  
13 years of age.

14 (g) Beginning July 1, 2003, in the case of a licensee who is  
15 at least 18 years of age but less than 21 years of age at the  
16 time of issuance of the license, the date on which the licensee  
17 will become 21 years of age.

18 (3) Except as otherwise required in this chapter, other  
19 information required on the license pursuant to this chapter may  
20 appear on the license in a form prescribed by the secretary of  
21 state.

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

24 (5) A digitized license may contain an identifier for voter  
25 registration purposes. The digitized license may contain  
26 information appearing in electronic or machine readable codes  
27 needed to conduct a transaction with the secretary of state. The

1 information shall be limited to the person's driver license  
2 number, birth date, license expiration date, and other  
3 information necessary for use with electronic devices, machine  
4 readers, or automatic teller machines and shall not contain the  
5 person's name, address, driving record, or other personal  
6 identifier. The license shall identify the encoded information.

7 (6) The license shall be manufactured in a manner to prohibit  
8 as nearly as possible the ability to reproduce, alter,  
9 counterfeit, forge, or duplicate the license without ready  
10 detection. In addition, a license with a vehicle group  
11 designation shall contain the information required ~~pursuant to~~  
12 **under** 49 ~~C.F.R.~~ **CFR** part 383.

13 (7) A person who intentionally reproduces, alters,  
14 counterfeits, forges, or duplicates a license photograph, the  
15 negative of the photograph, ~~an~~ image, ~~a~~ license, or ~~the~~  
16 electronic data contained on a license or a part of a license or  
17 who uses a license, ~~an~~ image, or photograph that has been  
18 reproduced, altered, counterfeited, forged, or duplicated is  
19 subject to 1 of the following:

20 (a) If the intent of the reproduction, alteration,  
21 counterfeiting, forging, duplication, or use ~~was~~ **is** to commit  
22 or aid in the commission of an offense that is a felony  
23 punishable by imprisonment for 10 or more years, the person  
24 committing the reproduction, alteration, counterfeiting, forging,  
25 duplication, or use is guilty of a felony, punishable by  
26 imprisonment for not more than 10 years or a fine of not more  
27 than \$20,000.00, or both.

1 (b) If the intent of the reproduction, alteration,  
2 counterfeiting, forging, duplication, or use ~~was~~ **is** to commit  
3 or aid in the commission of an offense that is a felony  
4 punishable by imprisonment for less than 10 years or a  
5 misdemeanor punishable by imprisonment for 6 months or more, the  
6 person committing the reproduction, alteration, counterfeiting,  
7 forging, duplication, or use is guilty of a felony, punishable by  
8 imprisonment for not more than 5 years, or a fine of not more  
9 than \$10,000.00, or both.

10 (c) If the intent of the reproduction, alteration,  
11 counterfeiting, forging, duplication, or use ~~was~~ **is** to commit  
12 or aid in the commission of an offense that is a misdemeanor  
13 punishable by imprisonment for less than 6 months, the person  
14 committing the reproduction, alteration, counterfeiting, forging,  
15 duplication, or use is guilty of a misdemeanor punishable by  
16 imprisonment for not more than 1 year or a fine of not more than  
17 \$2,000.00, or both.

18 (8) Except as provided in subsection (16), a person who  
19 sells, or who possesses with the intent to deliver to another, a  
20 reproduced, altered, counterfeited, forged, or duplicated license  
21 photograph, negative of the photograph, image, license, or  
22 electronic data contained on a license or part of a license is  
23 guilty of a felony punishable by imprisonment for not more than 5  
24 years or a fine of not more than \$10,000.00, or both.

25 (9) Except as provided in subsection (16), a person who is in  
26 possession of 2 or more reproduced, altered, counterfeited,  
27 forged, or duplicated license photographs, negatives of the



1 photograph, images, licenses, or electronic data contained on a  
2 license or part of a license is guilty of a felony punishable by  
3 imprisonment for not more than 5 years or a fine of not more than  
4 \$10,000.00, or both.

5 (10) Except as provided in subsection (16), a person who is  
6 in possession of a reproduced, altered, counterfeited, forged, or  
7 duplicated license photograph, negative of the photograph, image,  
8 license, or electronic data contained on a license or part of a  
9 license is guilty of a misdemeanor punishable by imprisonment for  
10 not more than 1 year or a fine of not more than \$2,000.00, or  
11 both.

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

15 (12) The secretary of state, upon determining after an  
16 examination that an applicant is mentally and physically  
17 qualified to receive a license, may issue ~~to that person~~ **the**  
18 **applicant** a temporary driver's permit. ~~entitling~~ **The temporary**  
19 **driver's permit entitles** the ~~person~~ **applicant**, while having the  
20 permit in his or her immediate possession, to drive a motor  
21 vehicle upon the highway for a period not exceeding 60 days  
22 before ~~issuance to the person of~~ **the secretary of state has**  
23 **issued the applicant** an operator's or chauffeur's license. ~~by~~  
24 ~~the secretary of state.~~ **The secretary of state may establish a**  
25 **longer duration for the validity of a temporary driver's permit**  
26 **if necessary to accommodate the process of obtaining a background**  
27 **check that is required for an applicant by federal law.**

1           (13) An operator or chauffeur may indicate on the license in  
2 a place designated by the secretary of state his or her blood  
3 type, emergency contact information, immunization data,  
4 medication data, or a statement that the licensee is deaf, or a  
5 statement that the licensee is an organ and tissue donor and has  
6 made an anatomical gift pursuant to part 101 of the public health  
7 code, 1978 PA 368, MCL 333.10101 to 333.10109.

8           (14) An operator or chauffeur may indicate on the license in  
9 a place designated by the secretary of state that he or she has  
10 designated a patient advocate in accordance with sections 5506 to  
11 5513 of the estates and protected individuals code, 1998 PA 386,  
12 MCL 700.5506 to 700.5513.

13           (15) If the applicant provides proof to the secretary of  
14 state that he or she is a minor who has been emancipated pursuant  
15 to 1968 PA 293, MCL 722.1 to 722.6, the license shall bear the  
16 designation of the individual's emancipated status in a manner  
17 prescribed by the secretary of state.

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

22           Sec. 319b. (1) The secretary of state shall immediately  
23 suspend or revoke, as applicable, all vehicle group designations  
24 on the operator's or chauffeur's license of a person upon  
25 receiving notice of a conviction, bond forfeiture, or civil  
26 infraction determination of the person, or notice that a court or  
27 administrative tribunal has found the person responsible, for a

1 violation described in this subsection of a law of this state, a  
2 local ordinance substantially corresponding to a law of this  
3 state while the person was operating a commercial motor vehicle,  
4 or a law of another state substantially corresponding to a law of  
5 this state, or notice that the person has refused to submit to a  
6 chemical test of his or her blood, breath, or urine for the  
7 purpose of determining the amount of alcohol or presence of a  
8 controlled substance or both in the person's blood, breath, or  
9 urine while the person was operating a commercial motor vehicle  
10 as required by a law or local ordinance of this or another  
11 state. The period of suspension or revocation is as follows:

12 (a) Suspension for 60 days if the person is convicted of or  
13 found responsible for 1 of the following while operating a  
14 commercial motor vehicle:

15 (i) Two serious traffic violations arising from separate  
16 incidents within 36 months.

17 (ii) A violation of section 667, 668, 669, or 669a.

18 (iii) A violation of motor carrier safety regulations 49 CFR  
19 392.10 or 392.11, as adopted by section 1a of the motor carrier  
20 safety act of 1963, 1963 PA 181, MCL 480.11a.

21 (iv) A violation of section 57 of the pupil transportation  
22 act, 1990 PA 187, MCL 257.1857.

23 (v) A violation of motor carrier safety regulations 49 CFR  
24 392.10 or 392.11, as adopted by section 31 of the motor bus  
25 transportation act, 1982 PA 432, MCL 474.131.

26 (vi) A violation of motor carrier safety regulations 49 CFR  
27 392.10 or 392.11 while operating a commercial motor vehicle other

1 than a vehicle covered under subparagraph (iii), (iv), or (v).

2 (b) Suspension for 120 days if the person is convicted of or  
3 found responsible for 1 of the following arising from separate  
4 incidents within 36 months while operating a commercial motor  
5 vehicle:

6 (i) Three serious traffic violations.

7 (ii) Any combination of 2 violations described in  
8 subdivision (a) (ii).

9 (c) Suspension for 1 year if the person is convicted of or  
10 found responsible for 1 of the following:

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

14 (ii) Leaving the scene of an accident involving a commercial  
15 motor vehicle operated by the person.

16 (iii) A felony in which a commercial motor vehicle was used.

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

23 (v) ~~Operating~~ **Effective October 1, 2005, operating** a  
24 commercial motor vehicle in violation of a suspension,  
25 revocation, denial, or cancellation that was imposed for previous  
26 violations committed while operating a commercial motor vehicle.

27 (vi) ~~Causing~~ **Effective October 1, 2005, causing** a fatality

1 through the negligent or criminal operation of a commercial motor  
2 vehicle, including, but not limited to, the crimes of motor  
3 vehicle manslaughter, motor vehicle homicide, and negligent  
4 homicide.

5 (vii) A 6-point violation as provided in section 320a while  
6 operating a commercial motor vehicle.

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

10 (d) Suspension for 3 years if the person is convicted of or  
11 found responsible for an offense enumerated in subdivision (c) (i)  
12 to (vii) in which a commercial motor vehicle was used if the  
13 vehicle was carrying hazardous material required to have a  
14 placard pursuant to 49 CFR parts 100 to 199.

15 (e) Revocation for life, but with eligibility **for reissue of**  
16 **a group vehicle designation** after not less than 10 years and  
17 ~~until the person is approved~~ **after approval** by the secretary of  
18 state, ~~for the issuance of a vehicle group designation~~ if the  
19 person is convicted of or found responsible for 1 of the  
20 following:

21 (i) Any combination of 2 violations arising from 2 or more  
22 separate incidents under section 625(1), (3), (4), (5), (6), (7),  
23 or (8), section 625m, or former section 625(1) or (2), or former  
24 section 625b, while driving a commercial motor vehicle.

25 (ii) Two violations of leaving the scene of an accident  
26 involving a commercial motor vehicle operated by the licensee.

27 (iii) Two violations of a felony in which a commercial motor

1 vehicle was used.

2 (iv) Two refusals of a request of a police officer to submit  
3 to a chemical test of his or her blood, breath, or urine for the  
4 purpose of determining the amount of alcohol or presence of a  
5 controlled substance or both in his or her blood while he or she  
6 was operating a commercial motor vehicle in this state or another  
7 state, which refusals occurred in separate incidents.

8 (v) ~~Two~~ **Effective October 1, 2005, 2** violations of  
9 operating a commercial motor vehicle in violation of a  
10 suspension, revocation, denial, or cancellation that was imposed  
11 for previous violations committed while operating a commercial  
12 motor vehicle.

13 (vi) ~~Two~~ **Effective October 1, 2005, 2** violations of causing  
14 a fatality through the negligent or criminal operation of a  
15 commercial motor vehicle, including, but not limited to, the  
16 crimes of motor vehicle manslaughter, motor vehicle homicide, and  
17 negligent homicide.

18 (vii) Two 6-point violations as provided in section 320a  
19 while operating a commercial motor vehicle.

20 (viii) Two violations, in any combination, of the offenses  
21 enumerated under ~~subparagraph (i)~~ **subdivision (c) (i), (ii),**  
22 **(iii), (iv), or (v)** arising from 2 or more separate incidents.

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

25 (i) One violation of a felony in which a commercial motor  
26 vehicle was used and that involved the manufacture, distribution,  
27 or dispensing of a controlled substance or possession with intent

1 to manufacture, distribute, or dispense a controlled substance.

2 (ii) A conviction of any offense described in subdivision (c)  
3 or (d) after having been approved for the ~~issuance~~ **reissuance**  
4 of a vehicle group designation under subdivision (e).

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

7 (2) The secretary of state shall immediately **deny, cancel, or**  
8 ~~revoke for life the~~ **a hazardous material indorsement** ~~—(H~~  
9 ~~vehicle indorsement)~~ on the operator's or chauffeur's license of  
10 a person with a vehicle group designation upon receiving notice  
11 from ~~the U.S. department of transportation~~ **a federal government**  
12 **agency** that the person poses a security risk warranting denial,  
13 **cancellation, or revocation** under the uniting and strengthening  
14 America by providing appropriate tools required to intercept and  
15 obstruct terrorism (USA PATRIOT ACT) act of 2001, Public Law  
16 107-56. ~~—, 115 Stat. 272.~~ **The denial, cancellation, or**  
17 **revocation cannot be appealed under section 322 or 323 and**  
18 **remains in effect until the secretary of state receives a federal**  
19 **government notice that the person does not pose a security risk**  
20 **in the transportation of hazardous materials.**

21 (3) The secretary of state shall immediately suspend all  
22 vehicle group designations on ~~the~~ **a person's** operator's or  
23 chauffeur's license ~~of a person~~ upon receiving notice of a  
24 conviction, bond forfeiture, or civil infraction determination of  
25 the person, or notice that a court or administrative tribunal has  
26 found the person responsible, for a violation of section 319d(4)  
27 or 319f, a local ordinance substantially corresponding to section

1 319d(4) or 319f, or a law or local ordinance of another state,  
2 the United States, Canada, Mexico, or a local jurisdiction of  
3 either of these countries substantially corresponding to section  
4 319d(4) or 319f, while operating a commercial motor vehicle. The  
5 period of suspension or revocation is as follows:

6 (a) Suspension for 90 days if the person is convicted of or  
7 found responsible for a violation of section 319d(4) or 319f  
8 while operating a commercial motor vehicle.

9 (b) Suspension for 180 days if the person is convicted of or  
10 found responsible for a violation of section 319d(4) or 319f  
11 while operating a commercial motor vehicle that is either  
12 carrying hazardous material required to have a placard pursuant  
13 to 49 CFR parts 100 to 199 or designed to carry 16 or more  
14 passengers, including the driver.

15 (c) Suspension for 1 year if the person is convicted of or  
16 found responsible for 2 violations, in any combination, of  
17 section 319d(4) or 319f while operating a commercial motor  
18 vehicle arising from 2 or more separate incidents during a  
19 10-year period.

20 (d) Suspension for 3 years if the person is convicted of or  
21 found responsible for 3 or more violations, in any combination,  
22 of section 319d(4) or 319f while operating a commercial motor  
23 vehicle arising from 3 or more separate incidents during a  
24 10-year period.

25 (e) Suspension for 3 years if the person is convicted of or  
26 found responsible for 2 or more violations, in any combination,  
27 of section 319d(4) or 319f while operating a commercial motor



1 vehicle carrying hazardous material required to have a placard  
2 pursuant to 49 CFR parts 100 to 199, or designed to carry 16 or  
3 more passengers, including the driver, arising from 2 or more  
4 separate incidents during a 10-year period.

5 (4) As used in this section:

6 (a) "Felony in which a commercial motor vehicle was used"  
7 means a felony during the commission of which the person  
8 convicted operated a commercial motor vehicle and while the  
9 person was operating the vehicle 1 or more of the following  
10 circumstances existed:

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

12 (ii) The vehicle was used to transport a victim of the  
13 felony.

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

15 (iv) The vehicle was necessary for the commission of the  
16 felony.

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

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

20 (ii) Careless driving.

21 (iii) Excessive speeding as defined in regulations  
22 promulgated under 49 USC 31301 to 31317.

23 (iv) Improper lane use.

24 (v) Following too closely.

25 (vi) ~~Driving~~ **Effective October 1, 2005, driving a**  
26 commercial motor vehicle without obtaining any vehicle group  
27 designation on the person's license.

1           (vii) ~~Driving~~ **Effective October 1, 2005, driving a**  
2 commercial motor vehicle without **either having** an operator's or  
3 chauffeur's license in **the person's** possession ~~— However, a~~  
4 ~~person who, not later than the date by which the person must~~  
5 ~~appear in court or pay any fine for a violation, provides~~ or  
6 **providing** proof to the court, **not later than the date by which**  
7 **the person must appear in court or pay a fine for the violation,**  
8 that the person held a valid vehicle group designation and  
9 indorsement on the date **that** the citation was issued. ~~— is not~~  
10 ~~guilty of this offense.~~

11           (viii) ~~Driving~~ **Effective October 1, 2005, driving a**  
12 commercial motor vehicle while in possession of an operator's or  
13 chauffeur's license that has a vehicle group designation but does  
14 not have the appropriate vehicle group designation or indorsement  
15 required for the specific vehicle group being operated or the  
16 passengers or type of cargo being transported.

17           (ix) Any other serious traffic violation as defined in 49 CFR  
18 383.5 or as prescribed under this act.

19           (5) For the purpose of this section only, a bond forfeiture  
20 or a determination by a court of original jurisdiction or an  
21 authorized administrative tribunal that a person has violated the  
22 law is considered a conviction.

23           (6) The secretary of state shall suspend or revoke a vehicle  
24 group designation under subsection (1) **or deny, cancel, or revoke**  
25 **a hazardous material indorsement under subsection (2)**  
26 notwithstanding a suspension, restriction, revocation, or denial  
27 of an operator's or chauffeur's license or vehicle group

1 designation under another section of this act or a court order  
2 issued under another section of this act or a local ordinance  
3 substantially corresponding to another section of this act.

4 (7) Effective October 1, 2005, a conviction, bond forfeiture,  
5 or civil infraction determination, or notice that a court or  
6 administrative tribunal has found a person responsible for a  
7 violation described in this subsection while the person was  
8 operating a noncommercial motor vehicle counts against the person  
9 who holds a license to operate a commercial motor vehicle the  
10 same as if the person had been operating a commercial motor  
11 vehicle at the time of the violation. For the purpose of this  
12 subsection, a noncommercial motor vehicle does not include a  
13 recreational vehicle used off-road. This subsection applies to  
14 the following state law violations ~~and to~~ **or** a local ordinance  
15 substantially corresponding to any of those violations or a law  
16 of another state or out-of-state jurisdiction substantially  
17 corresponding to any of those violations:

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

19 (b) ~~Suspension for a refusal~~ **Refusing** to submit to a  
20 chemical test of his or her blood, breath, or urine for the  
21 purpose of determining the amount of alcohol or the presence of a  
22 controlled substance or both in the person's blood, breath, or  
23 urine as required by a law or local ordinance of this or another  
24 state.

25 (c) Leaving the scene of an accident.

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

27 (8) When determining the applicability of conditions listed

1 in this section, the secretary of state shall ~~only~~ consider  
2 **only** violations that occurred after January 1, 1990.

3 (9) When determining the applicability of conditions listed  
4 in subsection (1)(a) or (b), the secretary of state shall ~~only~~  
5 count **only** from incident date to incident date.

6 Sec. 319g. (1) An employer shall not knowingly allow,  
7 permit, authorize, or require a driver to operate a commercial  
8 motor vehicle in violation of any of the following:

9 (a) Section 667, 668, 669, or 669a.

10 (b) Motor carrier safety regulations 49 ~~C.F.R.~~ **CFR** 392.10  
11 or 392.11, as adopted by section 1a of the motor carrier safety  
12 act of 1963, 1963 PA 181, MCL 480.11a.

13 (c) Section 57 of the pupil transportation act, 1990 PA 187,  
14 MCL 257.1857.

15 (d) Motor carrier safety regulations 49 ~~C.F.R.~~ **CFR** 392.10  
16 or 392.11, as adopted by section 31 of the motor bus  
17 transportation act, 1982 PA 432, MCL 474.131.

18 (e) Motor carrier safety regulations 49 ~~C.F.R.~~ **CFR** 392.10  
19 or 392.11 while operating a commercial motor vehicle other than a  
20 vehicle covered under subdivision (b), (c), or (d).

21 (f) **Transportation security regulations 49 CFR parts 1570 and**  
22 **1572 or motor carrier safety regulations 49 CFR parts 383 and 384**  
23 **that regulate who may operate a commercial motor vehicle that is**  
24 **used to transport hazardous material.**

25 (2) A person who violates this section is responsible for a  
26 civil infraction.

27 Sec. 320a. (1) ~~The secretary of state~~ **Until October 1,**

1 2005, within ~~5~~ 10 days after the receipt of a properly prepared  
 2 abstract from this state or another state, **or, beginning October**  
 3 **1, 2005, within 5 days after the receipt of a properly prepared**  
 4 **abstract from this state or another state, the secretary of state**  
 5 shall record the date of conviction, civil infraction  
 6 determination, or probate court disposition, and the number of  
 7 points for each, based on the following formula, except as  
 8 otherwise provided in this section and section 629c:

9 (a) Manslaughter, negligent homicide, or a felony  
 10 resulting from the operation of a motor vehicle, ORV, or  
 11 snowmobile..... 6 points

12 (b) A violation of section 601b(2) or (3), 601c(1) or  
 13 (2), or 653a(3) or (4)..... 6 points

14 (c) A violation of section 625(1), (4), (5), (7), or  
 15 (8), section 81134 or 82127(1) of the natural resources  
 16 and environmental protection act, 1994 PA 451,  
 17 MCL 324.81134 and 324.82127, or a law or ordinance  
 18 substantially corresponding to section 625(1), (4), (5),  
 19 (7), or (8) or section 81134 or 82127(1) of the natural  
 20 resources and environmental protection act, 1994 PA 451,  
 21 MCL 324.81134 and 324.82127..... 6 points

22 (d) Failing to stop and disclose identity at the scene  
 23 of an accident when required by law..... 6 points

24 (e) Operating a motor vehicle in violation of section  
 25 626..... 6 points

26 (f) Fleeing or eluding an officer..... 6 points

27 (g) A violation of section 627(9) pertaining to speed

- 1 in a work zone described in that section by exceeding the  
 2 lawful maximum by more than 15 miles per hour..... 5 points
- 3 (h) A violation of any law other than the law described  
 4 in subdivision (g) or ordinance pertaining to speed by  
 5 exceeding the lawful maximum by more than 15 miles per  
 6 hour..... 4 points
- 7 (i) A violation of section 625(3) or (6), section 81135  
 8 or 82127(3) of the natural resources and environmental  
 9 protection act, 1994 PA 451, MCL 324.81135 and 324.82127,  
 10 or a law or ordinance substantially corresponding to  
 11 section 625(3) or (6) or section 81135 or 82127(3) of the  
 12 natural resources and environmental protection act, 1994  
 13 PA 451, MCL 324.81135 and 324.82127..... 4 points
- 14 (j) A violation of section 626a or a law or ordinance  
 15 substantially corresponding to section 626a..... 4 points
- 16 (k) A violation of section 653a(2)..... 4 points
- 17 (l) A violation of section 627(9) pertaining to speed  
 18 in a work zone described in that section by exceeding the  
 19 lawful maximum by more than 10 but not more than 15 miles  
 20 per hour..... 4 points
- 21 (m) A violation of any law other than the law described  
 22 in subdivision (l) or ordinance pertaining to speed by  
 23 exceeding the lawful maximum by more than 10 but not more  
 24 than 15 miles per hour or careless driving in violation  
 25 of section 626b or a law or ordinance substantially  
 26 corresponding to section 626b..... 3 points
- 27 (n) A violation of section 627(9) pertaining to speed

- 1 in a work zone described in that section by exceeding the
- 2 lawful maximum by 10 miles per hour or less..... 3 points
- 3 (o) A violation of any law other than the law described
- 4 in subdivision (n) or ordinance pertaining to speed by
- 5 exceeding the lawful maximum by 10 miles per hour or less2 points
- 6 (p) Disobeying a traffic signal or stop sign, or
- 7 improper passing..... 3 points
- 8 (q) A violation of section 624a, 624b, or a law or
- 9 ordinance substantially corresponding to section 624a or
- 10 624b..... 2 points
- 11 (r) A violation of section 310e(4) or (6) or a law or
- 12 ordinance substantially corresponding to section 310e(4)
- 13 or (6)..... 2 points
- 14 (s) All other moving violations pertaining to the
- 15 operation of motor vehicles reported under this section 2 points
- 16 (t) A refusal by a person less than 21 years of age to
- 17 submit to a preliminary breath test required by a peace
- 18 officer under section 625a..... 2 points
- 19 (2) Points shall not be entered for a violation of section
- 20 310e(14), 311, 625m, 658, 717, 719, 719a, or 723.
- 21 (3) Points shall not be entered for bond forfeitures.
- 22 (4) Points shall not be entered for overweight loads or for
- 23 defective equipment.
- 24 (5) If more than 1 conviction, civil infraction
- 25 determination, or probate court disposition results from the same
- 26 incident, points shall be entered only for the violation that
- 27 receives the highest number of points under this section.

1           (6) If a person has accumulated 9 points as provided in this  
2 section, the secretary of state may call the person in for an  
3 interview as to the person's driving ability and record after due  
4 notice as to time and place of the interview. If the person  
5 fails to appear as provided in this subsection, the secretary of  
6 state shall add 3 points to the person's record.

7           (7) If a person violates a speed restriction established by  
8 an executive order issued during a state of energy emergency as  
9 provided by 1982 PA 191, MCL 10.81 to 10.89, the secretary of  
10 state shall enter points for the violation pursuant to subsection  
11 (1).

12           (8) The secretary of state shall enter 6 points upon the  
13 record of a person whose license is suspended or denied pursuant  
14 to section 625f. However, if a conviction, civil infraction  
15 determination, or probate court disposition results from the same  
16 incident, additional points for that offense shall not be  
17 entered.

18           (9) If a Michigan driver commits a violation in another state  
19 that would be a civil infraction if committed in Michigan, and a  
20 conviction results solely because of the failure of the Michigan  
21 driver to appear in that state to contest the violation, upon  
22 receipt of the abstract of conviction by the secretary of state,  
23 the violation shall be noted on the driver's record, but no  
24 points shall be assessed against his or her driver's license.

25           Sec. 732. (1) Each municipal judge and each clerk of a  
26 court of record shall keep a full record of every case in which a  
27 person is charged with or cited for a violation of this act or a



1 local ordinance substantially corresponding to this act  
2 regulating the operation of vehicles on highways and with those  
3 offenses pertaining to the operation of ORVs or snowmobiles for  
4 which points are assessed under section 320a(1)(c) or (i).  
5 Except as provided in subsection (16), the municipal judge or  
6 clerk of the court of record shall prepare and forward to the  
7 secretary of state an abstract of the court record as follows:

8 (a) ~~Within 5~~ **Until October 1, 2005, within 14** days after a  
9 conviction, forfeiture of bail, or entry of a civil infraction  
10 determination or default judgment upon a charge of or citation  
11 for violating or attempting to violate this act or a local  
12 ordinance substantially corresponding to this act regulating the  
13 operation of vehicles on highways, **or, beginning October 1, 2005,**  
14 **within 5 days after a conviction, forfeiture of bail, or entry of**  
15 **a civil infraction determination or default judgment upon a**  
16 **charge of or citation for violating or attempting to violate this**  
17 **act or a local ordinance substantially corresponding to this act**  
18 **regulating the operation of vehicles on highways.**

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

24 (c) Immediately for each case charging a violation of section  
25 82127(1) or (3), 81134, or 81135 of the natural resources and  
26 environmental protection act, 1994 PA 451, MCL 324.82127,  
27 324.81134, and 324.81135, or a local ordinance substantially

1 corresponding to those sections.

2 (2) If a city or village department, bureau, or person is  
3 authorized to accept a payment of money as a settlement for a  
4 violation of a local ordinance substantially corresponding to  
5 this act, the city or village department, bureau, or person shall  
6 send a full report of each case in which a person pays any amount  
7 of money to the city or village department, bureau, or person to  
8 the secretary of state upon a form prescribed by the secretary of  
9 state.

10 (3) The abstract or report required under this section shall  
11 be made upon a form furnished by the secretary of state. An  
12 abstract shall be certified by signature, stamp, or facsimile  
13 signature of the person required to prepare the abstract as  
14 correct. An abstract or report shall include all of the  
15 following:

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

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

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

21 (d) The type of vehicle driven at the time of the violation  
22 and, if the vehicle is a commercial motor vehicle, that vehicle's  
23 group designation and indorsement classification.

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

26 (f) Whether bail was forfeited.

27 (g) Any license restriction, suspension, or denial ordered by

1 the court as provided by law.

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

5 (i) Other information considered necessary to the secretary  
6 of state.

7 (4) The clerk of the court also shall forward an abstract of  
8 the court record to the secretary of state upon a person's  
9 conviction involving any of the following:

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

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

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

15 (d) A violation of section 703 of the Michigan liquor control  
16 code of 1998, 1998 PA 58, MCL 436.1703, or a local ordinance  
17 substantially corresponding to that section.

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

20 (f) A violation of motor carrier safety regulations, 49 CFR  
21 392.10 or 392.11, as adopted by section 1a of the motor carrier  
22 safety act of 1963, 1963 PA 181, MCL 480.11a.

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

25 (h) A violation of motor carrier safety regulations, 49 CFR  
26 392.10 or 392.11, as adopted by section 31 of the motor bus  
27 transportation act, 1982 PA 432, MCL 474.131.

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

8 (j) An attempt to commit an offense described in subdivisions  
9 (a) to (h).

10 (k) A violation of chapter LXXXVIII-A of the Michigan penal  
11 code, 1931 PA 328, MCL 750.543a to 750.543z.

12 (l) A violation of section 3101, 3102(1), or 3103 of the  
13 insurance code of 1956, 1956 PA 218, MCL 500.3101, 500.3102, and  
14 500.3103.

15 (m) A violation listed as a disqualifying offense under the  
16 federal motor carrier safety regulations, 49 CFR 383.51.

17 (5) Beginning September 1, 2004, the clerk of the court shall  
18 also forward an abstract of the court record to the secretary of  
19 state if a person has pled guilty to, or offered a plea of  
20 admission in a juvenile proceeding for, a violation of section  
21 703 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
22 436.1703, or a local ordinance substantially corresponding to  
23 that section, and has had further proceedings deferred under that  
24 section. If the person is sentenced to a term of probation and  
25 terms and conditions of probation are fulfilled and the court  
26 discharges the individual and dismisses the proceedings, the  
27 court shall also report the dismissal to the secretary of state.

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

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

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

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

10          (d) The vehicle was necessary for the commission of the  
11 felony.

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

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

23          (8) If a juvenile is accused of an act, the nature of which  
24 constitutes a felony in which a motor vehicle was used, other  
25 than a felony specified in subsection (4) or section 319, the  
26 prosecuting attorney or family division of circuit court shall  
27 include the following statement on the petition filed in the

1 court:

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

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

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

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

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

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

24 (d) The vehicle was necessary for the commission of the  
25 felony.

26 (11) If a person is charged with a felony in which a  
27 commercial motor vehicle was used and for which a vehicle group

1 designation on a license is subject to suspension or revocation  
2 under section 319b(1) (c) (iii), 319b(1) (d), 319b(1) (e) (iii), or  
3 319b(1) (f) (i), the prosecuting attorney shall include the  
4 following statement on the complaint and information filed in  
5 district or circuit court:

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

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

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

1 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  
14 abstracts.

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

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

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



1 for any of the following violations:

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

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

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

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

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

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

26 (g) A violation described in section 319b(4) (b) (vii) if,  
27 before the court appearance date or date fines are to be paid,

1 the person submits proof to the court that he or she held a valid  
2 commercial driver license on the date the citation was issued.

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

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

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

23 (20) The secretary of state may permit a city or village  
24 department, bureau, person, or court to modify the requirement as  
25 to the time and manner of reporting a conviction, civil  
26 infraction determination, or settlement to the secretary of state  
27 if the modification will increase the economy and efficiency of

1 collecting and utilizing the records. If the permitted abstract  
2 of court record reporting a conviction, civil infraction  
3 determination, or settlement originates as a part of the written  
4 notice to appear, authorized in section 728(1) or 742(1), the  
5 form of the written notice and report shall be as prescribed by  
6 the secretary of state.

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

24 Enacting section 1. Section 252c of the Michigan vehicle  
25 code, 1949 PA 300, MCL 257.252c, is repealed.

26 Enacting section 2. Sections 252a, 252b, 252d, 252e, 252f,  
27 and 252g of the Michigan vehicle code, 1949 PA 300, MCL 257.252a,

House Bill No. 4231 as amended December 9, 2004

1 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g, as amended  
2 by this amendatory act, and section 252h of the Michigan vehicle  
3 code, 1949 PA 300, as added by this amendatory act, take effect  
4 October 1, 2005.

5 Enacting section 3. Sections 14, 248, 249, << >> 310, << >>  
6 319b, and 319g of the Michigan vehicle code, 1949 PA 300, MCL  
7 257.14, 257.248, 257.249, << >> 257.310, << >> 257.319b,  
8 and 257.319g, as amended by this amendatory act, and section 79e  
9 of the Michigan vehicle code, 1949 PA 300, as added by this  
10 amendatory act, take effect January 31, 2005.