

Act No. 286  
Public Act of 1989  
December 28, 1989  
Filed by the Secretary of State  
December 28, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Reps. Profit and DeMars

# **ENROLLED HOUSE BILL No. 4999**

AN ACT to amend sections 216, 226, 307, 310, and 802 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 216 as amended by Act No. 214 of the Public Acts of 1988, section 226 as amended by Act No. 136 of the Public Acts of 1989, sections 307 and 802 as amended by Act No. 346 of the Public Acts of 1988, and section 310 as amended by Act No. 404 of the Public Acts of 1988, being sections 257.216, 257.226, 257.307, 257.310, and 257.802 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 216, 226, 307, 310, and 802 of Act No. 300 of the Public Acts of 1949, section 216 as amended by Act No. 214 of the Public Acts of 1988, section 226 as amended by Act No. 136 of the Public Acts of 1989, sections 307 and 802 as amended by Act No. 346 of the Public Acts of 1988, and section 310 as amended by Act No. 404 of the Public Acts of 1988, being sections 257.216, 257.226, 257.307, 257.310, and 257.802 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 216. Every motor vehicle, trailer coach, trailer, semitrailer, and pole trailer, when driven or moved upon a highway, shall be subject to the registration and certificate of title provisions of this act except the following:

(a) A vehicle driven or moved upon a highway in conformance with the provisions of this act relating to manufacturers, transporters, dealers, or nonresidents.

(b) A vehicle which is driven or moved upon a highway only for the purpose of crossing that highway from 1 property to another.

(c) An implement of husbandry.

(d) Special mobile equipment for which the secretary of state may issue a special registration to an individual, partnership, corporation, or association not licensed as a dealer to identify the equipment when being moved over the streets and highways upon payment of the required fee.

(e) A vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails.

(f) Any vehicle subject to registration, but owned by the government of the United States.

(g) A certificate of title need not be obtained for a trailer, semitrailer, or pole trailer weighing less than 2,500 pounds respectively.

(h) A vehicle driven or moved upon the highway only for the purpose of securing a weight receipt from a weighmaster as is required in section 801, or for obtaining a vehicle inspection by a law enforcement agency before titling or registration, and then only by the most direct route.

(i) A certificate of title need not be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration.

(j) A bus or school bus, as defined in section 4b or 57, which is not self-propelled and used exclusively as a construction shanty.

(k) A certificate of title need not be obtained for a moped.

(l) For 3 days immediately following the date of a properly assigned title from any person other than a vehicle dealer, a registration need not be obtained for a motor vehicle driven or moved upon the highway for the sole purpose of transporting the vehicle in the most direct route from the place of purchase to a place of storage if the driver has in his or her possession the assigned title and a dated bill of sale.

(m) A certificate of title need not be obtained for a new motor vehicle purchased in this state for which the secretary of state may issue a special registration to a purchaser who certifies that the vehicle will be primarily used, stored, and registered in a foreign country and will not be returned to this state by the purchaser for use or storage.

Sec. 226. (1) A vehicle registration issued by the secretary of state expires on the owner's birthday, unless another expiration date is provided for under this act or unless the registration is for the following vehicles, in which case registration expires on the last day of February:

(a) A commercial vehicle other than a pickup truck or van owned by an individual.

(b) A trailer or semitrailer owned by a business, corporation, or person other than an individual; or a pole trailer.

(2) The expiration date for a registration issued for a motorcycle is March 31.

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

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

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

(a) After December 31, 1982, if the year designated on the registration is 1984, after December 31, 1987, if the registration expired on February 28, 1989, or after the October 1 immediately preceding the year designated on the registration for all years other than 1984 or 1989, issue a registration upon application and payment of the proper fee for a commercial vehicle, other than a pickup or van owned by an individual; or a trailer owned by a business, corporation, or person other than an individual.

(b) On or after January 1 of the year designated on an international registration plan registration plate, issue a registration under section 801g upon application and payment of the proper apportioned fee for a commercial vehicle engaged in interstate commerce.

(c) After the February 14 immediately preceding the year designated on a registration, issue a registration upon application and payment of the proper fee for a motorcycle.

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

(6) Except as otherwise provided in this subsection, the secretary of state, upon application and payment of the proper fee, shall issue a registration for a vehicle to a resident which shall expire on the owner's birthday. If the owner's next birthday is at least 6 months but not more than 12 months in the future, the owner shall receive a registration valid until the owner's next birthday. If the owner's next birthday is less than 6 months in the future, the owner shall receive a registration valid until the owner's birthday following the owner's next birthday. The tax required under this act for a registration described in this subsection shall bear the same relationship to the tax required under section 801 for a 12-month registration as the length of time of the

registration bears to 12 months. Partial months shall be considered as whole months in the calculation of the required tax and in the determination of the length of time between the application for a registration and the owner's next birthday. The tax required for that registration shall be rounded off to whole dollars as provided in section 801.

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

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

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

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

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

(10) A special registration issued under subsection (9) is valid for not more than 30 days after the date of issuance, and a fee shall be collected for each special registration as provided in section 802(3). The special registration may be in the form determined by the secretary of state. If a dealer makes a retail sale of a vehicle to a purchaser who is qualified and eligible to obtain a special registration, the dealer shall apply for the special registration for the purchaser. If a person other than a dealer sells a vehicle to a purchaser who is qualified and eligible to obtain a special registration, the purchaser shall appear in person, or by a person exercising the purchaser's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or that the person has granted the power of attorney, together with other forms required for the issuance of the special registration. The certification required in this subsection shall contain all of the following:

(a) The address of the purchaser.

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

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

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

(e) Other information desired by the secretary of state.

(11) Upon request, the secretary of state may issue a registration valid for 6 months after the date of issuance for use on a trailer or semitrailer weighing 1,500 pounds or less and that is used for recreational purposes, upon payment of 1/2 the full registration fee imposed under section 801(1)(l).

(12) The secretary of state may issue a special registration for a new motor vehicle purchased in this state and delivered to the purchaser by a dealer or manufacturer of that vehicle for removal to a foreign country. A special registration issued under this subsection shall be valid for not more than 90 days after the date of issuance. A fee shall be collected for each special registration as provided in section 802(12). The special registration shall be in a form determined by the secretary of state. When a dealer makes a retail sale of a new motor vehicle to a purchaser who is eligible to obtain a special registration, the dealer shall apply for the special registration on behalf of the purchaser. If a manufacturer sells a vehicle to a purchaser who is eligible to obtain a special registration, the purchaser shall appear in person, or by a person exercising the purchaser's power of attorney, at an office of the secretary of state and furnish a certification that the person is the bona fide purchaser or that the person has the purchaser's power of attorney, together with other forms required for the issuance of the special registration. The certification required in this section shall also contain the following: the name and address of the purchaser; the name and address of the person exercising the power of attorney, if any; a statement that the vehicle is purchased for registration in a foreign country; a statement that the vehicle shall be primarily used, stored, and registered outside of this country and will not be returned to this state by the purchaser for use or storage; the name of the jurisdiction in which the vehicle is to be registered; and other information required by the secretary of state.

Sec. 307. (1) An application for an operator's or chauffeur's license shall be made upon a form furnished by the secretary of state and shall contain all of the following:

(a) For an operator's or chauffeur's license, full name, date of birth, address of residence, height, eye color, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(b) For an operator's or chauffeur's license with a vehicle group designation or indorsement, full name, social security number, date of birth, address of residence, height, sex, and signature of the applicant, and other information required or permitted on the license pursuant to this chapter.

(c) For an operator's or chauffeur's license with a vehicle group designation or indorsement, the following certifications made by the applicant:

(i) That the applicant meets the applicable federal physical driver qualification requirements pursuant to 49 C.F.R. part 391 if the applicant operates or intends to operate in interstate commerce or meets the applicable physical qualifications pursuant to the rules promulgated by the department of state police under the motor carrier safety act of 1963, Act No. 181 of the Public Acts of 1963, being sections 480.11 to 480.21 of the Michigan Compiled Laws, if the applicant operates or intends to operate in intrastate commerce.

(ii) That the vehicle in which the applicant will take the driving skills tests is representative of the type of vehicle the applicant operates or intends to operate.

(iii) That the applicant has not been convicted of an offense as described in section 312f or 319b.

(iv) That the applicant does not have a driver's license from more than 1 state.

(d) For an operator's or chauffeur's license with a vehicle group designation or indorsement and for which the applicant claims a waiver of the driving test as provided in section 312f, the following additional certifications made by the applicant concerning the 2-year period immediately prior to application:

(i) That the applicant has not had more than 1 license.

(ii) That the applicant has not had any license suspended, revoked, or canceled.

(iii) That the applicant has not been convicted of any offense listed in section 319b while operating a motor vehicle.

(iv) That the applicant has not been convicted of a moving violation under state or local law relating to motor vehicle traffic control arising in connection with a traffic accident.

(v) That the applicant is regularly employed in a job requiring the operation of a commercial motor vehicle.

(vi) That the applicant qualifies under either of the following:

(A) Has passed a behind-the-wheel driving test given by a state with a classified licensing and testing system and taken in a representative vehicle for that applicant's driver's license classification.

(B) Has operated, for at least 2 years immediately preceding application, a vehicle representative of the commercial motor vehicle group or passenger vehicle for which he or she is applying.

(2) An applicant for an operator's or chauffeur's license may be photographed at the time the application for the license is made. The secretary of state shall acquire by purchase or lease the equipment for taking the photographs and shall furnish the equipment to the local unit. Equipment purchased or leased pursuant to this section shall be acquired under standard purchasing procedures of the department of management and budget based on standards and specifications established by the secretary of state. Equipment shall not be purchased or leased until an appropriation for the equipment has been made by the legislature. A photograph taken pursuant to this section shall appear on the applicant's operator's or chauffeur's license only, and the photograph, a copy of the photograph, or a negative of the photograph shall not be retained by the secretary of state or any other agency.

(3) An application shall be signed and certified by the applicant and shall be accompanied by the proper fee. This fee shall be collected by the examiner and forwarded to the secretary of state with the application. This fee shall be refunded to the applicant if the license applied for is denied, but the fee shall not be refunded to an applicant who fails to complete the examination requirements of the secretary of state within 90 days after the date of application for a license.

(4) If an application is received from a person previously licensed in another jurisdiction, the secretary of state shall request a copy of the applicant's record from the other jurisdiction. When received, the driving record shall become a part of the driver's record in this state with the same force and effect as if it had been entered on the driver's record in this state in the original instance. If the application is for an original, renewal, or change of a vehicle group designation or indorsement, the secretary of state shall also check the applicant's driving record with the national drivers register and the United States department of transportation before issuance of that group designation or indorsement.

(5) Except for a vehicle group designation or indorsement, the secretary of state may issue a renewal operator's or chauffeur's license for 1 additional 4-year period by mail. The secretary of state shall not issue a renewal license by mail unless the licensee has a driving record that is free of convictions and civil infraction determinations for the 48 months preceding renewal. However, the secretary of state shall not refuse to issue a renewal license by mail because of a conviction or civil infraction determination for which fines and costs were waived pursuant to section 901a or section 907. When a license is renewed by mail, the secretary of state shall

issue evidence of renewal which shall be affixed to the previously issued license to indicate the date the license expires in the future. This evidence of renewal shall be manufactured in the same manner required for the operator's license in section 310.

(6) Upon request, the secretary of state shall provide an information manual to an applicant explaining how to obtain a vehicle group designation or indorsement. The manual shall contain the information required pursuant to 49 C.F.R. part 383.

Sec. 310. (1) The secretary of state shall issue to each person licensed as an operator, an operator's license, and to each person licensed as a chauffeur, a chauffeur's license. 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.

(2) The license shall contain the distinguishing number permanently assigned to the licensee and the name, date of birth, address of residence, height, an imprinted photograph, and the signature of the licensee. The license shall be manufactured in a manner to prohibit as nearly as possible the ability to reproduce, alter, counterfeit, forge, or duplicate the license without ready detection. In addition, a license with a vehicle group designation shall contain the information required pursuant to 49 C.F.R. part 383.

(3) A person who intentionally reproduces, alters, counterfeits, forges, or duplicates a license photograph, the negative of the photograph, a license, or a part of a license, or who uses a license or photograph that has been reproduced, altered, counterfeited, forged, or duplicated shall be punished as follows:

(a) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for 1 or more years, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor, punishable by imprisonment for a period equal to that which could be imposed for the commission of the offense the person had the intent to aid or commit. The court may also assess a fine of not more than \$10,000.00 against the person.

(b) If the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for not more than 1 year, the person committing the reproduction, alteration, counterfeiting, forging, duplication, or use is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

(4) The secretary of state, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to that person a temporary driver's permit entitling the person while having the permit in his or her immediate possession to drive a motor vehicle upon the highway for a period not exceeding 60 days before issuance to the person of an operator's or chauffeur's license by the secretary of state.

(5) An operator or chauffeur may place on the reverse side of a license his or her blood type, immunization data, medication data, a statement that the licensee is deaf, or a statement that the licensee has made an anatomical gift pursuant to part 101 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.10101 to 333.10109 of the Michigan Compiled Laws.

(6) The phrase "See reverse side for medical data, or anatomical gift" followed by a box shall be printed on the front of the license. If the licensee places on the reverse side of the license any of the information described in subsection (5), an "X" shall be inserted in the box.

(7) If the applicant provides proof to the secretary of state that he or she is a minor who has been emancipated pursuant to Act No. 293 of the Public Acts of 1968, being sections 722.1 to 722.6 of the Michigan Compiled Laws, the license on the reverse side shall bear the designation of the individual's emancipated status.

Sec. 802. (1) For a special registration issued as provided for in section 226(8), there shall be paid 1/2 the tax imposed under section 801 and in addition a fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registration.

(2) For all commercial vehicles registered after August 31 for the period expiring the last day of February and all motorcycles registered after September 30 for the period expiring on the last day of March, a tax of 1/2 the rate otherwise imposed by this act shall be collected. This subsection is not applicable to vehicles registered by manufacturers or dealers under sections 244 to 247a.

(3) For each special registration as provided for in section 226(9), a fee of \$5.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registrations.

(4) For temporary registration plates or markers as provided for in section 226a(1), a fee of \$5.00 for each group of 5 of those temporary registration plates or markers shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary registration plates or markers.

(5) A fee of \$5.00 shall be collected for each temporary registration as provided for in section 226b, the fee to be credited to the Michigan transportation fund and used to defray the expenses of the temporary registrations.

(6) For registration plates as provided for in section 226a(5), (6), and (7), a fee of \$40.00 for 2 registration plates and \$20.00 for each additional registration plate shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary plates or markers.

(7) For special registrations issued for special mobile equipment as provided in section 216(d), a fee of \$15.00 each for the first 3 special registrations, and \$5.00 for each special registration issued in excess of the first 3 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the plates or markers.

(8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the full registration fee provided in section 801(1)(k) and in addition a service charge of \$10.00. The service charge shall be credited to the Michigan transportation fund and used to defray the expense of the registration plates or tabs.

(9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor which is used exclusively for the purpose of gratuitously transporting farm crops between the field where produced and the place of storage or used to transport fertilizer, seed or spray material from the farm location to the field may obtain a special registration. The fee for each special registration shall be \$15.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registration program. The special registration shall be valid for a period of up to 12 months and shall expire on December 31.

(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration. A special registration shall not be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than \$50.00.

(11) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration.

(12) For each special registration as provided for in section 226(12), a fee of \$10.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registrations.

This act is ordered to take immediate effect.

.....  
Clerk of the House of Representatives.

.....  
Secretary of the Senate.

Approved .....

.....  
Governor.