



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 927 (as enrolled)
Sponsor: Senator Joel D. Gougeon
Senate Committee: Transportation and Tourism
House Committee: Transportation

PUBLIC ACT 404 of 1996

Date Completed: 1-22-97

CONTENT

The bill amends the Michigan Vehicle Code to:

- Prohibit a person from operating a motor vehicle in violation of an out-of-service order.
- Require the Secretary of State to suspend all vehicle group designations on a person's license for operating a commercial vehicle in violation of an out-of-service order.
- Specify the period of time that a vehicle group designation will be suspended or revoked for a first or subsequent violation.
- Permit the use of an authentic Michigan registration plate of the same year as the vehicle model (without a registration tab) instead of a historic vehicle registration plate, and specify that an authentically restored plate is to be considered a registration plate.
- Increase from \$15 to \$30 the fee that must be paid by the owner of a historic vehicle applying for a historic vehicle registration plate or a registration of an authentic Michigan registration plate.
- Specify that a historic vehicle registration will expire on April 15 in the 10th year after the date the registration has been issued. Currently, a historic vehicle registration expires on April 15 of the fifth year after the date the registration has been issued.

The bill specifies that it will take effect 60 days after its enactment.

Out-of-Service Order

Under the bill, a person is prohibited from operating a motor vehicle in the State in violation of an out-of-service order. ("Out-of-service order" means a declaration by an authorized enforcement officer that a driver of a commercial motor vehicle or a motor carrier operation is out-of-service pursuant to Federal rules, or the North American uniform out-of-service criteria, or a law or local ordinance of a state, the United States, Canada, Mexico, or a local jurisdiction of these countries that substantially corresponds to Federal rules or the North American uniform out-of-service criteria. "Commercial motor vehicle" means any motor vehicle as defined in the Code and any motor vehicle having a GVWR (gross vehicle weight rating) or GCWR (gross combination weight rating) of 10,001 pounds or more.)

The bill requires the Secretary of State to suspend immediately all vehicle group designations on the operator's or chauffeur's license of a person upon receiving notification of a conviction, bond

forfeiture, or civil infraction determination of the person, or notice that a court or administrative tribunal has found the person responsible, for operating a commercial motor vehicle in violation of an out-of-service order, or for operating a commercial motor vehicle during the 24-hour out-of-service period ordered for operating under the influence or refusing to submit to a chemical analysis, in violation of the Code or a substantially corresponding local ordinance or law or local ordinance of another state, the United States, Canada, Mexico, or a local jurisdiction of either of these countries.

The period of suspension or revocation will be as follows:

- 90 days if the licensee is convicted of or found responsible for violating of an out-of-service order while operating a commercial motor vehicle.
- 180 days if the licensee is convicted of or found responsible for a violation of an out-of-service order while operating a commercial motor vehicle that either is carrying hazardous material required to have a placard pursuant to Federal rules or is designed to carry 16 or more passengers, including the driver.
- One year, if the licensee is convicted of or found responsible for two out-of-service violations, in any combination, arising from two or more separate incidents during a 10-year period.
- Three years, if the licensee is convicted of or found responsible for three or more out-of-service violations, in any combination, arising from three or more separate incidents during a 10-year period.
- Three years, if the licensee is convicted of or found responsible for two or more out-of-service violations, in any combination, while operating a commercial motor vehicle carrying hazardous material required to have a placard pursuant to Federal rules or designed to carry 16 or more passengers, including the driver, arising from two or more separate incidents during a 10-year period.

Historic Vehicle Registration

Under the Code, the Secretary of State may issue to the owner of a historic vehicle a historic vehicle registration plate that bears the inscription "historical vehicle - Michigan" and the registration number. In addition, if the vehicle owner possesses an authentic Michigan registration plate of the same year as the model year in which the vehicle had been manufactured, the Secretary of State may issue a registration tab that may be attached to the authentic plate. The owner may use an authentic plate to which a registration tab is attached instead of a historic vehicle registration plate. The owner of a historic vehicle may purchase an authentic plate from another person for use pursuant to these provisions. The bill deletes the provisions on registration tabs.

(The Code defines "historic vehicle" as a vehicle that is over 25 years old, and that is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation.)

The bill increases from \$15 to \$30 the fee that the owner of a historic vehicle applying for a historic vehicle registration plate or registration tab must pay. The bill also specifies that a registration issued under these provisions will expire on April 15 in the 10th year, instead of the fifth year, as currently specified in the Code.

Authentic Registration Plate

The bill provides that the owner of a historic vehicle may use an authentic Michigan registration plate of the same year as the model year in which the vehicle was manufactured instead of a historic vehicle registration plate issued under the Code by presenting the authentic plate number

and year to the Secretary of State at the time of registration. An authentically restored plate will be considered an authentic Michigan registration plate. The owner of a historic vehicle may purchase an authentic Michigan registration plate from another person and restore the plate to its authentic condition.

A historic vehicle owner applying to use an authentic Michigan registration plate must pay a \$35 fee, certify that the vehicle is owned and operated solely as a historic vehicle, and certify that the vehicle has been inspected and found safe to operate on the State's highways. The registration certificate does not have to specify the year of the historic vehicle. The registration is not transferable to another historic vehicle. A registration will remain valid until the registrant either sells, transfers, or scraps the vehicle or modifies the vehicle in a manner that requires the issuance of a new certificate of title for the vehicle.

After a hearing and for cause shown, the Secretary of State may revoke a registration issued under these provisions for a historic vehicle using an authentic State registration plate for the applicant's failure to comply with the bill or use of the vehicle for purposes other than those enumerated in the Code, or because the vehicle is not safe to operate on the State's highways.

MCL 257.20a et al.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill will have a minimal fiscal impact. Increasing the cost for Department-issued historic plates from \$15 to \$30 along with increasing the registration period from five to 10 years will result in administrative savings. The costs regarding a one-time \$35 registration fee for authentic plates will depend on the number of registrations and the length of ownership. The Department estimates that the impact will be minimal.

The provisions of the bill regarding commercial driver licenses and out-of-service orders bring Michigan into compliance with Federally mandated commercial driver license rules. Federal sanctions on highway funding could occur for states that do not comply. The Department of State states that procedures currently exist to accommodate the Federal mandates and anticipates no new costs.

Fiscal Analyst: B. Bowerman

S9596\S927SES

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.