

SENATE BILL NO. 1359

November 10, 1998, Introduced by Senator STEIL and referred to the Committee on Financial Services.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 261, 261a, 261b, 261c, 261d, and 261e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 261. (1) SUBJECT TO SECTION 261C, AN INDIVIDUAL SHALL
2 NOT ACT AS, ATTEMPT TO ACT AS, OR REPRESENT HIMSELF OR HERSELF AS
3 BEING A RECOVERY AGENT UNLESS THAT INDIVIDUAL OBTAINS A LICENSE
4 FROM THE DEPARTMENT UNDER THIS ACT.

5 (2) AS USED IN THIS SECTION AND SECTIONS 261A TO 261E,
6 "RECOVERY AGENT" MEANS AN INDIVIDUAL OR AN AGENCY WHO, FOR CON-
7 sideration, recovers motor vehicles for which the security
8 required by chapter 31 of the insurance code of 1956, 1956
9 PA 218, MCL 500.3101 TO 500.3179, HAS NOT BEEN PROVIDED.

1 SEC. 261A. (1) A PERSON SEEKING LICENSURE AS A RECOVERY
2 AGENT SHALL DO ALL OF THE FOLLOWING:

3 (A) APPLY TO THE SECRETARY OF STATE ON A FORM SUPPLIED BY
4 THE SECRETARY OF STATE AND PAY AN ANNUAL LICENSE FEE IN THE
5 AMOUNT DETERMINED BY THE SECRETARY OF STATE IN RULES PROMULGATED
6 UNDER SUBSECTION (5).

7 (B) BE AT LEAST 18 YEARS OF AGE.

8 (C) SUPPLY A COPY OF THE APPLICANT'S FINGERPRINTS ACCEPTABLE
9 TO THE SECRETARY OF STATE. THE APPLICANT SHALL SIGN AN AUTHORI-
10 ZATION FOR A CRIMINAL HISTORY CHECK BY THE CRIMINAL HISTORY
11 RECORDS DIVISION OF THE DEPARTMENT OF STATE POLICE, INCLUDING THE
12 RECORDS OF THE FEDERAL BUREAU OF INVESTIGATION, AND PAY A FEE
13 DETERMINED APPROPRIATE BY THE SECRETARY OF STATE TO COVER THE
14 COST OF THE CRIMINAL HISTORY CHECK.

15 (D) IF APPLICABLE, DEMONSTRATE TO THE SECRETARY OF STATE
16 THAT AT LEAST 10 YEARS HAVE PASSED AFTER ALL OF THE FOLLOWING
17 CONDITIONS WERE SATISFIED REGARDING ANY FELONY CONVICTIONS:

18 (i) THE PAYMENT OF ALL FINES, COSTS, AND RESTITUTION.

19 (ii) THE SERVING OF ALL TERMS OF IMPRISONMENT.

20 (iii) THE COMPLETION OF ALL CONDITIONS OF PROBATION OR
21 PAROLE.

22 (2) UPON THE ISSUANCE OF A LICENSE, THE SECRETARY OF STATE
23 SHALL ISSUE A PICTURE IDENTIFICATION CARD STATING THE NAME AND
24 ANY ALIAS OF THE LICENSEE, THE DATE OF ISSUANCE AND EXPIRATION
25 DATE OF THE LICENSE, AND THE PRINCIPAL BUSINESS ADDRESS OF THE
26 LICENSEE. FOR A CHARGE OF AT LEAST \$10.00 BUT NOT TO EXCEED THE

1 COST OR ISSUANCE, THE SECRETARY OF STATE SHALL ISSUE A NEW CARD
2 TO A LICENSEE WHOSE CARD IS LOST OR DESTROYED.

3 (3) A LICENSE IS VALID FOR A PERIOD OF 12 MONTHS FROM THE
4 DATE OF ITS ISSUANCE AND IS RENEWABLE BY FILING A RENEWAL APPLI-
5 CATION NOT LESS THAN 30 DAYS BEFORE THE EXPIRATION DATE AND
6 ENCLOSING THE ANNUAL LICENSE FEE.

7 (4) WITHIN 30 DAYS AFTER A CHANGE OF HOME OR BUSINESS
8 ADDRESS, THE LICENSEE SHALL NOTIFY THE SECRETARY OF STATE IN
9 WRITING OF THE CHANGE. UPON RECEIPT OF SUCH A CHANGE, THE SECRE-
10 TARY OF STATE SHALL ENTER THE CHANGE INTO ITS RECORDS AND SEND A
11 STICKER TO THE LICENSEE WITH THE CORRECTED INFORMATION TO BE
12 PLACED ON THE LICENSEE'S IDENTIFICATION CARD.

13 (5) THE SECRETARY OF STATE SHALL PROMULGATE RULES UNDER THE
14 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
15 24.328, TO SET FEES FOR LICENSURE. THE FEES SHALL BE IN AN
16 AMOUNT DETERMINED BY THE SECRETARY OF STATE TO COVER THE ACTUAL
17 COSTS OF PROCESSING THE APPLICATION AND ISSUING THE LICENSE.

18 SEC. 261B. A RECOVERY AGENT SHALL HAVE IN HIS OR HER POS-
19 SESSION HIS OR HER RECOVERY AGENT LICENSE ISSUED UNDER THIS ACT
20 OR A RECOVERY AGENT LICENSE ISSUED BY ANOTHER JURISDICTION AND AT
21 LEAST 1 ADDITIONAL PICTURE IDENTIFICATION OTHER THAN THE RECOVERY
22 AGENT LICENSEE IDENTIFICATION ISSUED UNDER THIS OR ANOTHER ACT.
23 THIS ADDITIONAL PICTURE IDENTIFICATION SHALL BE AN OPERATOR'S OR
24 CHAUFFEUR'S LICENSE OR AN OFFICIAL IDENTIFICATION ISSUED BY THIS
25 STATE OR ANY OTHER JURISDICTION.

1 SEC. 261C. AN INDIVIDUAL LICENSED AS A RECOVERY AGENT IN
2 ANOTHER JURISDICTION MAY ACT AS A RECOVERY AGENT IN THIS STATE SO
3 LONG AS HE OR SHE ACTS IN COMPLIANCE WITH SECTION 261B.

4 SEC. 261D. (1) A PERSON DETERMINED BY A COURT OF COMPETENT
5 JURISDICTION TO HAVE DONE ANY OF THE FOLLOWING IS GUILTY OF A
6 FELONY AND SUBJECT TO A FINE OF NOT MORE THAN \$2,000.00 OR
7 IMPRISONMENT FOR NOT MORE THAN 2 YEARS:

8 (A) ACTED AS, ATTEMPTED TO ACT AS, OR REPRESENTED HIMSELF OR
9 HERSELF AS BEING A RECOVERY AGENT WITHOUT BEING LICENSED UNDER
10 THIS ACT.

11 (B) KNOWINGLY POSSESSED AN ALTERED OR FORGED RECOVERY AGENT
12 LICENSE OR KNOWINGLY ALTERED OR FORGED A RECOVERY AGENT LICENSE.

13 (C) IN THE CASE OF A PERSON NOT LICENSED UNDER THIS ACT BUT
14 LICENSED BY ANOTHER JURISDICTION, FAILED TO COMPLY WITH
15 SECTION 261B.

16 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1), A PERSON
17 DETERMINED BY A COURT OF COMPETENT JURISDICTION TO HAVE, WHILE
18 LICENSED UNDER THIS ACT, VIOLATED ANY OTHER SECTION OF THIS ACT
19 IS GUILTY OF A MISDEMEANOR AND SUBJECT TO A FINE OF NOT MORE THAN
20 \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

21 SEC. 261E. AFTER A NOTICE AND AN OPPORTUNITY FOR A HEARING
22 UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
23 24.201 TO 24.328, THE SECRETARY OF STATE MAY SUSPEND OR REVOKE A
24 RECOVERY AGENT LICENSE ISSUED UNDER THIS ACT OF AN INDIVIDUAL
25 DETERMINED TO HAVE VIOLATED THIS ACT.