

SUBSTITUTE FOR
SENATE BILL NO. 391

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 223, 227, and 328 (MCL 257.223, 257.227, and
257.328), section 223 as amended by 2007 PA 143, section 227 as
amended by 2011 PA 92, and section 328 as amended by 2004 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 223. (1) A registration certificate shall at all times be
2 carried in the vehicle to which it refers or shall be carried by **OR**
3 **ELECTRONICALLY ACCESSIBLE TO** the person driving or in control of
4 the vehicle, who shall display **A PAPER OR ELECTRONIC COPY OF** the
5 registration certificate upon demand of a police officer. **IF A**
6 **PERSON DISPLAYS AN ELECTRONIC COPY OF HIS OR HER REGISTRATION**
7 **CERTIFICATE USING AN ELECTRONIC DEVICE, THE POLICE OFFICER SHALL**

1 ONLY VIEW THE ELECTRONIC COPY OF THE REGISTRATION CERTIFICATE AND
2 SHALL NOT MANIPULATE THE ELECTRONIC DEVICE TO VIEW ANY OTHER
3 INFORMATION ON THE ELECTRONIC DEVICE. A PERSON WHO DISPLAYS AN
4 ELECTRONIC COPY OF HIS OR HER REGISTRATION CERTIFICATE USING AN
5 ELECTRONIC DEVICE AS PROVIDED IN THIS SUBSECTION SHALL NOT BE
6 PRESUMED TO HAVE CONSENTED TO A SEARCH OF THE ELECTRONIC DEVICE.
7 THIS STATE, A LAW ENFORCEMENT AGENCY, OR AN EMPLOYEE OF THIS STATE
8 OR A LAW ENFORCEMENT AGENCY IS NOT LIABLE FOR DAMAGE TO AN
9 ELECTRONIC DEVICE THAT OCCURS AS A RESULT OF A POLICE OFFICER'S
10 VIEWING AN ELECTRONIC COPY OF A REGISTRATION CERTIFICATE IN THE
11 MANNER PROVIDED IN THIS SECTION, REGARDLESS OF WHETHER THE POLICE
12 OFFICER OR THE PERSON DRIVING OR IN CONTROL OF THE VEHICLE WAS IN
13 POSSESSION OF THE ELECTRONIC DEVICE AT THE TIME THE DAMAGE
14 OCCURRED.

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

17 Sec. 227. (1) Application for renewal of a vehicle
18 registration shall be made by the owner upon proper application and
19 by payment of the registration fee for the vehicle, as provided by
20 law.

21 (2) Every application shall be accompanied by the certificate
22 of title pertaining to the vehicle, showing ownership in the person
23 applying for registration at the time of the application. The
24 secretary of state may waive the presentation of the certificate of
25 title.

26 (3) Every application for renewal of a motor vehicle
27 registration shall be accompanied by proof of vehicle insurance in

1 ~~a-PAPER, ELECTRONIC, OR OTHER~~ form **AS** determined by the secretary
2 of state.

3 (4) Notwithstanding subsection (3), the secretary of state
4 shall accept as proof of vehicle insurance a transmission of the
5 applicant's vehicle policy information for an insured vehicle for
6 which vehicle registration is sought. The secretary of state may
7 determine in what format and on what timeline the secretary of
8 state will receive vehicle policy information, which shall not be
9 required more frequently than every 14 days. In determining the
10 format under this subsection, the secretary of state shall consult
11 with insurers. The transmission to the secretary of state of the
12 vehicle policy information is proof of insurance to the secretary
13 of state for motor vehicle registration purposes only and is not
14 evidence that a policy of insurance actually exists between an
15 insurer and an individual. Vehicle policy information submitted by
16 an insurer and received by the secretary of state under this
17 subsection is confidential, is not subject to the freedom of
18 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
19 be disclosed to any person except the department of community
20 health for purposes of 2006 PA 593, MCL 550.281 to 550.289, or
21 under an order by a court of competent jurisdiction in connection
22 with a claim or fraud investigation or prosecution.

23 (5) ~~(6)~~ As used in this section, "policy information" means
24 the information an automobile insurer is required to supply to the
25 secretary of state under section 3101a of the insurance code of
26 1956, 1956 PA 218, MCL 500.3101a.

27 Sec. 328. (1) The owner of a motor vehicle who operates or

1 permits the operation of the motor vehicle upon the highways of
2 this state or the operator of the motor vehicle shall produce,
3 pursuant to subsection (2), upon the request of a police officer,
4 evidence that the motor vehicle is insured under chapter 31 of the
5 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.
6 Subject to section ~~907(16)~~, **907(15)**, an owner or operator of a
7 motor vehicle who fails to produce evidence of insurance **UPON**
8 **REQUEST** under this subsection ~~when requested to produce that~~
9 ~~evidence~~ or who fails to have motor vehicle insurance for the
10 vehicle as required under chapter 31 of the insurance code of 1956,
11 1956 PA 218, MCL 500.3101 to 500.3179, is responsible for a civil
12 infraction. **IF A PERSON DISPLAYS AN ELECTRONIC COPY OF HIS OR HER**
13 **CERTIFICATE OF INSURANCE USING AN ELECTRONIC DEVICE, THE POLICE**
14 **OFFICER SHALL ONLY VIEW THE ELECTRONIC COPY OF THE CERTIFICATE OF**
15 **INSURANCE AND SHALL NOT MANIPULATE THE ELECTRONIC DEVICE TO VIEW**
16 **ANY OTHER INFORMATION ON THE ELECTRONIC DEVICE. A PERSON WHO**
17 **DISPLAYS AN ELECTRONIC COPY OF HIS OR HER CERTIFICATE OF INSURANCE**
18 **USING AN ELECTRONIC DEVICE AS PROVIDED IN THIS SUBSECTION SHALL NOT**
19 **BE PRESUMED TO HAVE CONSENTED TO A SEARCH OF THE ELECTRONIC DEVICE.**
20 **THIS STATE, A LAW ENFORCEMENT AGENCY, OR AN EMPLOYEE OF THIS STATE**
21 **OR A LAW ENFORCEMENT AGENCY IS NOT LIABLE FOR DAMAGE TO AN**
22 **ELECTRONIC DEVICE THAT OCCURS AS A RESULT OF A POLICE OFFICER'S**
23 **VIEWING AN ELECTRONIC COPY OF A CERTIFICATE OF INSURANCE IN THE**
24 **MANNER PROVIDED IN THIS SECTION, REGARDLESS OF WHETHER THE POLICE**
25 **OFFICER OR THE OWNER OR OPERATOR OF THE VEHICLE WAS IN POSSESSION**
26 **OF THE ELECTRONIC DEVICE AT THE TIME THE DAMAGE OCCURRED.**

27 (2) A certificate of insurance, **IN PAPER OR ELECTRONIC FORM**

1 **AND** issued by an insurance company, that certifies that the
 2 security that meets the requirements of sections 3101 and 3102 of
 3 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,
 4 is in force ~~shall be accepted as~~ **IS** prima facie evidence that
 5 insurance is in force for the motor vehicle described in the
 6 certificate of insurance until the expiration date shown on the
 7 certificate. The certificate, in addition to describing the motor
 8 vehicles for which insurance is in effect, ~~shall~~ **MUST, IF**
 9 **APPLICABLE**, state the name of each person named on the policy,
 10 policy declaration, or a declaration certificate whose operation of
 11 the vehicle would cause the liability coverage of that insurance to
 12 become void.

13 (3) If, before the appearance date on ~~the~~ **A** citation **ISSUED**
 14 **UNDER SUBSECTION (1)**, the ~~person~~ **DEFENDANT** submits proof to the
 15 court that the motor vehicle had insurance meeting the requirements
 16 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA
 17 218, MCL 500.3101 and 500.3102, at the time the violation of
 18 subsection (1) occurred, all of the following apply:

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

20 (b) The court shall not ~~cause~~ **FORWARD** an abstract of the court
 21 record ~~to be forwarded~~ to the secretary of state.

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

24 (4) If an owner or operator of a motor vehicle is determined
 25 to be responsible for a violation of subsection (1), the court in
 26 which the civil infraction determination is entered may require the
 27 person to surrender his or her operator's or chauffeur's license

1 unless proof that the vehicle has insurance meeting the
2 requirements of sections 3101 and 3102 of the insurance code of
3 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the
4 court. If the court requires the license to be surrendered, the
5 court shall order the secretary of state to suspend the person's
6 license. The court shall immediately destroy the license and shall
7 forward **AN ABSTRACT OF THE COURT RECORD** to the secretary of state
8 ~~an abstract of the court record~~ as required by section 732. Upon
9 receipt of the abstract, the secretary of state shall suspend the
10 person's license beginning with the date on which ~~a~~ **THE** person is
11 determined to be responsible for the civil infraction for a period
12 of 30 days or until proof of insurance meeting the requirements of
13 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,
14 MCL 500.3101 and 500.3102, is submitted to the secretary of state,
15 whichever occurs later. A person who submits proof of insurance to
16 the secretary of state under this subsection shall pay a service
17 fee of \$25.00 to the secretary of state. The person shall not be
18 required to be examined ~~as set forth in~~ **UNDER** section 320c and
19 shall not be required to pay a replacement license fee.

20 (5) If an owner or operator of a motor vehicle is determined
21 to be responsible for a violation of subsection (1), the court in
22 which the civil infraction determination is entered shall notify
23 the secretary of state of the vehicle registration number and the
24 year and make of the motor vehicle being operated at the time of
25 the violation. ~~This~~ **A** notification **UNDER THIS SUBSECTION** shall be
26 made on the abstract or on a form approved by the supreme court
27 administrator. Upon receipt, the secretary of state shall

1 immediately enter this information in the records of the
2 department. The secretary of state shall not renew, transfer, or
3 replace the registration plate of the vehicle involved in the
4 violation or allow the purchase of a new registration plate for the
5 vehicle involved in the violation until the owner meets the
6 requirements of section 227a or unless the vehicle involved in the
7 violation is transferred or sold to a person other than the owner's
8 spouse, mother, father, sister, brother, or child.

9 (6) An owner or operator of a motor vehicle who knowingly
10 produces false evidence under this section is guilty of a
11 misdemeanor, punishable by imprisonment for not more than 1 year,
12 or a fine of not more than \$1,000.00, or both.

13 (7) Points shall not be entered on a driver's record pursuant
14 ~~to~~ **UNDER** section 320a for a violation of this section.

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

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. 392 of the 97th Legislature is enacted into
20 law.