

**SUBSTITUTE FOR
SENATE BILL NO. 1064**

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 14, 217, 217c, 226, 226a, 233a, 235, 245, 248,
248d, 250, 251, 803, and 807 (MCL 257.14, 257.217, 257.217c,
257.226, 257.226a, 257.233a, 257.235, 257.245, 257.248, 257.248d,
257.250, 257.251, 257.803, and 257.807), section 14 as amended by
2021 PA 90, section 217 as amended by 2021 PA 71, section 217c as
amended by 2018 PA 108, section 226 as amended by 2021 PA 112,
section 226a as amended by 2006 PA 516, section 233a as amended by
2020 PA 304, sections 235 and 251 as amended and section 248d as
added by 2012 PA 498, section 245 as amended by 1988 PA 276,
section 248 as amended by 2018 PA 420, section 803 as amended by
2002 PA 490, and section 807 as amended by 2003 PA 152.



THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) Except as provided in subsections (2), ~~and (3),~~
2 **and (4)**, "established place of business" means premises actually
3 occupied either continuously or at regular periods by a dealer or
4 manufacturer at which the dealer or manufacturer keeps its books
5 and records and at which the dealer or manufacturer transacts a
6 large share of its business.

7 (2) For a class (a) or class (b) dealer, "established place of
8 business" means premises that meet all of the following
9 requirements:

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

23 (b) The premises have land space of not less than 1,300 square
24 feet to accommodate the display of a minimum of 10 vehicles of the
25 kind and type that the dealer is licensed to sell and an additional
26 650 square feet for customer parking.

27 (c) The display and customer parking areas described in
28 subdivision (b) are adequately surfaced and well-lit during



1 business hours.

2 (d) The premises are identified by an exterior sign displaying
3 the name of the dealership that is permanently affixed to the
4 building or land with letters clearly visible from the roadway.

5 (e) The premises contain a conspicuous posting of the dealer's
6 regular hours of operation. The posted hours must not be less than
7 30 hours per week for not less than 48 weeks per year. Fifteen of
8 the 30 hours per week must be between the hours of 8 a.m. and 5
9 p.m., Monday through Friday. The dealer may change its posted hours
10 of operation to be less than 30 hours per week for not more than 4
11 weeks per year if the dealer notifies the department not less than
12 7 days prior to the change. The department shall waive the 7-day
13 notification requirement under this subdivision for good cause,
14 including, but not limited to, a medical emergency or other
15 extenuating circumstances.

16 (f) The premises contain a registered repair facility on site
17 for the repair and servicing of motor vehicles of a type sold at
18 the established place of business, unless the dealer has entered
19 into a written servicing agreement with a registered repair
20 facility at a location that is located within a 10-mile radius of
21 the established place of business. If repairs are conducted under a
22 servicing agreement, the dealer shall conspicuously post the
23 servicing agreement in the dealer's office.

24 (g) The premises meet all applicable zoning requirements and
25 any other applicable municipal requirements.

26 (3) For a wholesaler, "established place of business" means
27 premises that meet all of the following requirements:

28 (a) The premises contain a permanently enclosed building or
29 structure that is either owned, leased, or rented and is not a



1 commercial mailbox, tent, temporary stand, or other temporary
2 quarters.

3 (b) All books, records, and files necessary to conduct the
4 business of the wholesaler are maintained in the building or
5 structure described in subdivision (a).

6 (c) The premises are not used for the display of vehicles.
7 However, the premises may be used for the storage of vehicles
8 purchased by the wholesaler before sale to a licensed vehicle
9 dealer.

10 (d) The premises are identified by an exterior sign displaying
11 the name of the wholesaler that is permanently affixed to the
12 building or land with letters clearly visible from the roadway.

13 (e) The premises meet all applicable zoning requirements and
14 any other applicable municipal requirements.

15 **(f) The premises contain a conspicuous posting of the**
16 **wholesaler's regular hours of operation that include at least 15**
17 **regular business hours each week between the hours of 8 a.m. and 5**
18 **p.m., Monday through Friday.**

19 (g) If a wholesaler receives its initial license on or after
20 January 1, 2023, the premises are not located within 200 feet of an
21 established place of business for another licensed wholesaler.

22 **(4) For a used or secondhand vehicle parts dealer, vehicle**
23 **scrap metal processor, vehicle salvage pool operator, distressed**
24 **vehicle transporter, broker, and automotive recycler, "established**
25 **place of business" means premises that meet all of the following**
26 **requirements:**

27 **(a) The premises contain a permanently enclosed building or**
28 **structure that is either owned, leased, or rented by the business**
29 **and that is not a commercial mailbox, tent, temporary stand, or**



1 other temporary quarters.

2 (b) All books, records, and files necessary to conduct the
3 business of the dealer are maintained in the building or structure
4 described in subdivision (a).

5 (c) The premises are identified by an exterior sign displaying
6 the name of the dealer that is permanently affixed to the building
7 or land with letters clearly visible from the roadway.

8 (d) The premises meet all applicable zoning requirements and
9 any other applicable municipal requirements.

10 (e) The premises contain a conspicuous posting of the
11 business's regular hours of operation. The posted hours must not be
12 less than 15 hours per week for not less than 48 weeks per year.
13 Five of the 15 hours per week must be between the hours of 8 a.m.
14 and 5 p.m., Monday through Friday.

15 Sec. 217. (1) An owner of a vehicle that is subject to
16 registration under this act shall apply to the secretary of state,
17 on an appropriate form furnished by the secretary of state, for the
18 registration of the vehicle and issuance of a certificate of title
19 for the vehicle. A vehicle brought into this state from another
20 state or jurisdiction that has a rebuilt, salvage, scrap, flood, or
21 comparable certificate of title issued by that other state or
22 jurisdiction must be issued a rebuilt, salvage, scrap, or flood
23 certificate of title by the secretary of state. The application
24 must be accompanied by the required fee. An application for a
25 certificate of title must bear the signature or verification and
26 certification of the owner. The application must contain all of the
27 following:

28 (a) The owner's name, the owner's bona fide residence, and
29 either of the following:



1 (i) If the owner is an individual, the owner's mailing address.

2 (ii) If the owner is a firm, association, partnership, limited
3 liability company, or corporation, the owner's business address.

4 (b) A description of the vehicle including the make or name,
5 style of body, and model year; the number of miles, not including
6 the tenths of a mile, registered on the vehicle's odometer at the
7 time of transfer; whether the vehicle is a flood vehicle or another
8 state previously issued the vehicle a flood certificate of title;
9 whether the vehicle is to be or has been used as a taxi or police
10 vehicle, or by a political subdivision of this state, unless the
11 vehicle is owned by a dealer and loaned or leased to a political
12 subdivision of this state for use as a driver education vehicle;
13 whether the vehicle has previously been issued a salvage or rebuilt
14 certificate of title from this state or a comparable certificate of
15 title from any other state or jurisdiction; **the** vehicle
16 identification number; and the vehicle's weight fully equipped, if
17 a passenger vehicle registered in accordance with section
18 801(1)(a), and, if a trailer coach or pickup camper, in addition to
19 the weight, the manufacturer's serial number, or in the absence of
20 the serial number, a number assigned by the secretary of state. A
21 number assigned by the secretary of state ~~shall~~**must** be permanently
22 placed on the trailer coach or pickup camper in the manner and
23 place designated by the secretary of state.

24 (c) A statement of the applicant's title and the names and
25 addresses of the holders of security interests in the vehicle and
26 in an accessory to the vehicle, in the order of their priority.

27 (d) Further information that the secretary of state reasonably
28 requires to enable the secretary of state to determine whether the
29 vehicle is lawfully entitled to registration and the owner entitled



1 to a certificate of title. If the secretary of state is not
2 satisfied as to the ownership of a vehicle having a value over
3 \$2,500.00 or that is less than 10 years old, before registering the
4 vehicle and issuing a certificate of title, the secretary of state
5 may require the applicant to file a properly executed surety bond
6 in a form prescribed by the secretary of state and executed by the
7 applicant and a company authorized to conduct a surety business in
8 this state. The bond must be in an amount equal to twice the value
9 of the vehicle as determined by the secretary of state and shall be
10 conditioned to indemnify or reimburse the secretary of state, any
11 prior owner, and any subsequent purchaser or lessee of the vehicle
12 and their successors in interest against any expense, loss, or
13 damage, including reasonable attorney fees, because of the issuance
14 of a certificate of title for the vehicle or on account of any
15 defect in the right, title, or interest of the applicant in the
16 vehicle. An interested person has a right of action to recover on
17 the bond for a breach of the conditions of the bond, but the
18 aggregate liability of the surety to all persons must not exceed
19 the amount of the bond. If the secretary of state is not satisfied
20 as to the ownership of a vehicle that is valued at \$2,500.00 or
21 less and that is 10 years old or older, the secretary of state
22 shall require the applicant to certify that the applicant is the
23 owner of the vehicle and entitled to register and title the
24 vehicle.

25 (e) Except as provided in subdivision (f), an application for
26 a commercial vehicle shall also have attached a scale weight
27 receipt of the motor vehicle fully equipped as of the time the
28 application is made. A scale weight receipt is not necessary if
29 there is presented with the application a registration receipt of



1 the previous year that shows on its face the empty weight of the
2 motor vehicle as registered with the secretary of state that is
3 accompanied by a statement of the applicant that there has not been
4 structural change in the motor vehicle that has increased the empty
5 weight and that the previous registered weight is the true weight.

6 (f) An application for registration of a vehicle on the basis
7 of elected gross weight must include a declaration by the applicant
8 specifying the elected gross weight for which application is being
9 made.

10 (g) If the application is for a certificate of title of a
11 motor vehicle registered in accordance with section 801(1)(p), the
12 application must include the manufacturer's suggested base list
13 price for the model year of the vehicle. The base list price must
14 be the manufacturer's suggested retail price as shown on the label
15 required to be affixed to the vehicle under 15 USC 1232. If the
16 manufacturer's suggested retail price is unavailable, the
17 application must list the purchase price of the vehicle. As used in
18 this subdivision, "purchase price" means that term as defined in
19 section 801.

20 (2) An applicant for registration of a leased pickup truck or
21 passenger vehicle that is subject to registration under this act,
22 except a vehicle that is subject to a registration fee under
23 section 801g, shall disclose in writing to the secretary of state
24 the lessee's name, the lessee's bona fide residence, and either of
25 the following:

26 (a) If the lessee is an individual, the lessee's Michigan
27 driver license number or Michigan personal identification number
28 or, if the lessee does not have a Michigan driver license or
29 Michigan personal identification number, the lessee's mailing



1 address.

2 (b) If the lessee is a firm, association, partnership, limited
3 liability company, or corporation, the lessee's business address.

4 (3) The secretary of state shall maintain the information
5 described in subsection (2) on the secretary of state's computer
6 records.

7 (4) Except as provided in subsections (5), (11), and (12), a
8 dealer selling, leasing, or exchanging vehicles required to be
9 titled, within ~~15-21~~ days after delivering a vehicle to the
10 purchaser or lessee, and a person engaged in the sale of vessels
11 required to be numbered by part 801 of the natural resources and
12 environmental protection act, 1994 PA 451, MCL 324.80101 to
13 324.80199, within ~~15-21~~ days after delivering a boat trailer
14 weighing less than 2,500 pounds to the purchaser or lessee, shall
15 apply to the secretary of state for a new title, if required, and
16 transfer or secure registration plates and secure a certificate of
17 registration for the vehicle or boat trailer, in the name of the
18 purchaser or lessee. Subject to subsection (11), the dealer's
19 license may be suspended or revoked in accordance with section 249
20 for failure to apply for a title when required or for failure to
21 transfer or secure registration plates and certificate of
22 registration within the ~~15-21~~ days required by this section.
23 Subject to subsection (11), if the dealer or person fails to apply
24 for a title when required, and to transfer or secure registration
25 plates and secure a certificate of registration and pay the
26 required fees within ~~15-21~~ days of delivery of the vehicle or boat
27 trailer, a title and registration for the vehicle or boat trailer
28 may subsequently be acquired only on the payment of a late transfer
29 fee of ~~\$15.00~~ **\$50.00** for an individual or a dealer other than a



1 dealer subject to section 235b in addition to the fees specified in
2 section 806. Subject to subsection (11), for a used or secondhand
3 vehicle dealer subject to section 235b, the late transfer fee is
4 \$100.00 in addition to the fees specified in section 806. The
5 purchaser or lessee of the vehicle or the purchaser of the boat
6 trailer shall sign the application, including, if applicable, the
7 declaration specifying the maximum elected gross weight as required
8 by subsection (1)(f), and other necessary papers to enable the
9 dealer or person to secure the title, registration plates, and
10 transfers from the secretary of state. If the secretary of state
11 mails or delivers a purchaser's certificate of title to a dealer,
12 the dealer shall mail or deliver the certificate of title to the
13 purchaser not more than 5 days after receiving the certificate of
14 title from the secretary of state. However, as provided under
15 section 238, the secretary of state is not required to issue a
16 title to the owner of a vehicle or lienholder if the title is
17 subject to a security interest.

18 (5) Except as provided in subsection (12), a dealer selling or
19 exchanging an off lease or buy back vehicle shall apply to the
20 secretary of state for a new title for the vehicle within ~~15~~**21**
21 days after it receives the certificate of title from the lessor or
22 manufacturer under section 235 or section 235b and transfer or
23 secure registration plates and secure a certificate of registration
24 for the vehicle in the name of the purchaser. Subject to subsection
25 (12), the dealer's license may be suspended or revoked in
26 accordance with section 249 for failure to apply for a title when
27 required or for failure to transfer or secure registration plates
28 and certificate of registration within the ~~15-day~~**21-day** period.
29 Subject to subsection (12), if the dealer or person fails to apply



1 for a title when required, and to transfer or secure registration
2 plates and secure a certificate of registration and pay the
3 required fees within the ~~15-day~~ **21-day** time period, a title and
4 registration for the vehicle may subsequently be acquired only on
5 the payment of a late transfer fee of ~~\$15.00~~ **\$50.00** for an
6 individual or dealer other than a used or secondhand vehicle dealer
7 subject to section 235b in addition to the fees specified in
8 section 806. Subject to subsection (12), the late transfer fee for
9 a used or secondhand vehicle dealer subject to section 235b is
10 \$100.00 in addition to the fees specified in section 806. The
11 purchaser of the vehicle shall sign the application, including, if
12 applicable, the declaration specifying the maximum elected gross
13 weight as required by subsection (1)(f), and other necessary papers
14 to enable the dealer or person to secure the title, registration
15 plates, and transfers from the secretary of state. If the secretary
16 of state mails or delivers a purchaser's certificate of title to a
17 dealer, the dealer shall mail or deliver the certificate of title
18 to the purchaser not more than 5 days after receiving the
19 certificate of title from the secretary of state. However, as
20 provided under section 238, the secretary of state is not required
21 to issue a title to the owner of a vehicle if the title is subject
22 to a security interest.

23 (6) If a vehicle is delivered to a purchaser or lessee who has
24 valid Michigan registration plates that are to be transferred to
25 the vehicle, and an application for title, if required, and
26 registration for the vehicle is not made before delivery of the
27 vehicle to the purchaser or lessee, the registration plates must be
28 affixed to the vehicle immediately, and the dealer shall provide
29 the purchaser or lessee with an instrument in writing, on a form



1 prescribed by the secretary of state, which serves as a temporary
2 registration for the vehicle for a period of 15 days from the date
3 the vehicle is delivered.

4 (7) If the seller does not prepare the credit information,
5 contract note, and mortgage, and the holder, finance company,
6 credit union, or banking institution requires the installment
7 seller to record the lien on the title, the holder, finance
8 company, credit union, or banking institution shall pay the seller
9 a service fee of not more than \$10.00. The service fee must be paid
10 from the finance charges and must not be charged to the buyer in
11 addition to the finance charges. The holder, finance company,
12 credit union, or banking institution must issue its check or bank
13 draft for the principal amount financed, payable jointly to the
14 buyer and seller, and the following must be imprinted on the back
15 side of the check or bank draft:

16 "Under Michigan law, the seller must record a first lien in
17 favor of (name of lender) _____ on the vehicle with
18 vehicle identification number _____ and title the vehicle
19 only in the name(s) shown on the reverse side."

20 (8) On the front of the check or draft described under
21 subsection (7), the holder, finance company, credit union, or
22 banking institution shall note the name or names of the prospective
23 owners. Failure of the holder, finance company, credit union, or
24 banking institution to comply with these requirements frees the
25 seller from any obligation to record the lien or from any liability
26 that may arise as a result of the failure to record the lien. A
27 service fee must not be charged to the buyer.

28 (9) In the absence of actual malice proved independently and
29 not inferred from lack of probable cause, a person who in any



1 manner causes a prosecution for larceny of a motor vehicle; for
2 embezzlement of a motor vehicle; for any crime an element of which
3 is the taking of a motor vehicle without authority; or for buying,
4 receiving, possessing, leasing, or aiding in the concealment of a
5 stolen, embezzled, or converted motor vehicle knowing that the
6 motor vehicle has been stolen, embezzled, or converted, is not
7 liable for damages in a civil action for causing the prosecution.
8 This subsection does not relieve a person from proving any other
9 element necessary to sustain his or her cause of action.

10 (10) Receipt by the secretary of state of a properly tendered
11 application for a certificate of title on which a security interest
12 in a vehicle is to be indicated is a condition of perfection of a
13 security interest in the vehicle and is equivalent to filing a
14 financing statement under the uniform commercial code, 1962 PA 174,
15 MCL 440.1101 to 440.9994, with respect to the vehicle. When a
16 security interest in a vehicle is perfected, it has priority over
17 the rights of a lien creditor as lien creditor is defined in
18 section 9102 of the uniform commercial code, 1962 PA 174, MCL
19 440.9102.

20 (11) Notwithstanding subsection (4), a dealer selling,
21 leasing, or exchanging vehicles, required to be titled, after March
22 31, 2021 but before August 1, 2021, may apply to the secretary of
23 state for a new title, if required, and transfer or secure
24 registration plates and secure a certificate of registration for
25 the vehicle in the name of the purchaser within 30 days. Both of
26 the following apply to a dealer that complies with this subsection:

27 (a) The dealer's license must not be suspended or revoked in
28 accordance with section 249 for failure to apply for a title when
29 required or for failure to transfer or secure registration plates



1 and certificate of registration within the 15-day period required
2 ~~under subsection (4).~~**during the time period under this subsection.**

3 (b) The secretary of state shall not charge any applicable
4 late fees required under subsection (4) and shall, upon the
5 dealer's request, reimburse a late fee charged and collected after
6 March 31, 2021 to the end of the period described under this
7 subsection.

8 (12) Notwithstanding subsection (5), a dealer selling or
9 exchanging an off lease or buy back vehicle after March 31, 2021
10 but before August 1, 2021 may apply to the secretary of state for a
11 new title for the vehicle within 30 days after the dealer receives
12 the certificate of title from the lessor or manufacturer under
13 section 235 or 235b and transfer or secure registration plates and
14 secure a certificate of registration for the vehicle in the name of
15 the purchaser. Both of the following apply to a dealer that
16 complies with this subsection:

17 (a) The dealer's license must not be suspended or revoked in
18 accordance with section 249 for failure to apply for a title when
19 required or for failure to transfer or secure registration plates
20 and certificate of registration within the 15-day period required
21 ~~under subsection (5).~~**during the time period under this subsection.**

22 (b) The secretary of state shall not charge any applicable
23 late fees required under subsection (5) and shall, upon the
24 dealer's request, reimburse a late fee charged and collected after
25 March 31, 2021 to the end of the period described under this
26 subsection.

27 Sec. 217c. (1) The secretary of state may conduct periodic
28 reviews of the records of a dealer to determine whether adequate
29 notice is given to a transferee or lessee of a rebuilt salvage



1 vehicle of that vehicle's prior designation as a salvage vehicle.
2 The secretary of state may request an insurance company to provide
3 copies of salvage title documents and claims reports involving
4 major component parts to assist the secretary of state in
5 monitoring compliance with this act.

6 (2) Except for a late model vehicle that has been stolen and
7 recovered and that has no major component part removed, missing, or
8 destroyed, or damaged and not salvageable, an insurance company
9 licensed to conduct business in this state that acquires ownership
10 of a late model vehicle through the payment of a claim shall
11 proceed under either of the following:

12 (a) If the insurance company acquires ownership of the vehicle
13 through payment of a claim, the owner of the vehicle must assign
14 the certificate of title to the insurance company which shall do
15 all of the following:

16 (i) Surrender a properly assigned certificate of title to the
17 secretary of state.

18 (ii) If the estimated cost of repair, including parts and
19 labor, is equal to or more than 75% but less than 91% of the
20 predamaged actual cash value of the vehicle, apply for a salvage
21 certificate of title, and if the estimated cost of repair,
22 including parts and labor, is equal to or greater than 91% of the
23 predamaged actual cash value of the vehicle, apply for a scrap
24 certificate of title. The insurance company shall not sell the
25 vehicle without first receiving a salvage or scrap certificate of
26 title, which shall be assigned to the buyer. An insurance company
27 may assign a salvage or scrap certificate of the title only to an
28 automotive recycler, used or secondhand vehicle parts dealer,
29 foreign salvage vehicle dealer, or vehicle scrap metal processor.



1 (b) If after payment of a total loss claim the insurance
2 company permits the owner of the vehicle to retain ownership, the
3 insurance company shall do all of the following:

4 (i) If the estimated cost of repair, including parts and labor,
5 is equal to or greater than 75% but less than 91% of the predamaged
6 actual cash value of the vehicle, require each owner of the vehicle
7 to sign an application for a salvage certificate of title, or if
8 the estimated cost of repair, including parts and labor, is equal
9 to or greater than 91% of the predamaged actual cash value of the
10 vehicle, require each owner of the vehicle to sign an application
11 for a scrap vehicle certificate of title.

12 (ii) Attach the owner's certificate of title to the application
13 for a salvage or scrap certificate of title or have the owner
14 certify that the certificate of title is lost.

15 (iii) On behalf of the owner, apply to the secretary of state
16 for a salvage or scrap certificate of title in the name of the
17 owner. The owner shall not sell or otherwise dispose of the vehicle
18 without first receiving a salvage or scrap certificate of title,
19 which ~~shall~~**must** be assigned to the buyer. An insurance company may
20 assign a salvage or scrap certificate of title only to an
21 automotive recycler, used or secondhand vehicle parts dealer,
22 foreign salvage vehicle dealer, or vehicle scrap metal processor.

23 (3) If an insurance company pays a claim for total loss to the
24 owner or lienholder of record as kept by the secretary of state, or
25 both, if applicable, of a vehicle but the owner or lienholder of
26 record as kept by the secretary of state fails to surrender the
27 certificate of title or other document necessary for the transfer
28 of ownership of the vehicle to the insurance company within the
29 expiration of 30 days after the claim payment, the insurance



1 company, without having obtained the surrender of the title or
 2 other document otherwise necessary for the transfer of ownership
 3 for the vehicle from the owner or lienholder of record as kept by
 4 the secretary of state, or both, if applicable, may apply to the
 5 secretary of state for a title as provided under this section. The
 6 insurance company shall, at the time of application, provide proof
 7 of the payment and that the insurance company has requested in
 8 writing, by certified mail or by another commercially available
 9 delivery service providing proof of delivery, on at least 2
 10 separate occasions that the owner or lienholder of record as kept
 11 by the secretary of state surrender to the insurance company the
 12 certificate of title or other document necessary for the transfer
 13 of ownership to the insurance company. The application ~~shall~~ **must**
 14 be signed under the penalty of perjury. Subject to subsection
 15 (2) (a) (ii), upon meeting the requirements of this subsection, the
 16 secretary of state shall issue to the insurance company the
 17 appropriate certificate of title free of all liens. ~~and shall~~
 18 ~~notify the prior vehicle owner and lienholder of record as kept by~~
 19 ~~the secretary of state, if any, of that action in writing.~~ Proof of
 20 payment of the claim is satisfied only by 1 of the following:

21 (a) In the case of payment by check, either of the following:

22 (i) A copy of the front and back of the endorsed check.

23 (ii) Evidence that the check has cleared the account of the
 24 payer.

25 (b) In the case of payment by electronic transfer, evidence
 26 that the payment was charged to the account of the payer.

27 (4) Except as provided in subsection (3), if an insurance
 28 company acquires ownership of a vehicle other than a late model
 29 vehicle through payment of damages due to an accident, the company



1 shall surrender a properly assigned title to the buyer upon
2 delivery.

3 (5) If a dealer acquires ownership of a late model vehicle
4 that is a distressed vehicle from an owner, the dealer shall
5 receive an assigned certificate of title. If the assigned
6 certificate of title is not a salvage or scrap certificate of
7 title, the dealer, other than a vehicle scrap metal processor,
8 shall surrender the assigned certificate of title to the secretary
9 of state, and if the estimated cost of repair, including parts and
10 labor, is equal to or greater than 75% but less than 91% of the
11 predamaged actual cash value of the vehicle, apply for a salvage
12 certificate of title, or if the estimated cost of repair, including
13 parts and labor, is equal to or greater than 91% of the predamaged
14 actual cash value of the vehicle, apply for a scrap certificate of
15 title within 5 days after the dealer receives the assigned
16 certificate of title. The dealer may sell a salvage vehicle to
17 another automotive recycler, used or secondhand vehicle parts
18 dealer, foreign salvage vehicle dealer, or vehicle scrap metal
19 processor by assigning the salvage certificate of title to the
20 buyer. Unless the vehicle is rebuilt, inspected, and recertified
21 under this section, if the vehicle is sold to a buyer other than a
22 dealer, application ~~shall~~**must** be made for a salvage certificate in
23 the name of the buyer in the manner provided in this act. The
24 dealer may sell a scrap vehicle only to a vehicle scrap metal
25 processor. A vehicle scrap metal processor shall surrender an
26 assigned certificate of title to the secretary of state within 30
27 days after acquiring a vehicle for which a certificate of title was
28 received. A vehicle scrap metal processor shall surrender an
29 assigned salvage or scrap certificate of title to the secretary of



1 state within 30 days after acquiring a vehicle for which a salvage
2 or scrap certificate of title was received and report that the
3 vehicle was destroyed or scrapped.

4 (6) An application for a scrap certificate of title ~~shall~~**must**
5 be made on a form prescribed by the secretary of state accompanied
6 by a fee of \$15.00. The application ~~shall~~**must** contain all of the
7 following:

8 (a) The complete name and current address of the owner.

9 (b) A description of the vehicle, including its make, style of
10 body, model year, fee category or weight, color, and vehicle
11 identification number.

12 (c) If the vehicle is a late model vehicle, a listing of each
13 major component part that was not salvageable.

14 (d) Further information as may reasonably be required by the
15 secretary of state.

16 (7) The scrap certificate of title ~~shall~~**must** authorize the
17 holder of the document to transport but not drive ~~upon~~**on** a highway
18 the vehicle or parts of a vehicle, and assign ownership to a
19 vehicle scrap metal processor, automotive recycler, used or
20 secondhand vehicle parts dealer, or foreign salvage vehicle dealer.
21 A certificate of title ~~shall~~**must** not again be issued for this
22 vehicle. A person shall not rebuild or repair a scrap vehicle and
23 allow it to retain the original vehicle identification number.

24 (8) If a person, other than a dealer or insurance company that
25 is subject to subsection (2) or (5), acquires ownership of a
26 distressed, late model vehicle, the person must surrender the title
27 or assigned certificate of title to the secretary of state, and if
28 the estimated cost of repair, including parts and labor, is equal
29 to or greater than 75% but less than 91% of the predamaged actual



1 cash value of the vehicle, apply for a salvage certificate of
2 title, or if the estimated cost of repair, including parts and
3 labor, is equal to or greater than 91% of the predamaged actual
4 cash value of the vehicle, apply for a scrap certificate of title
5 before the vehicle may be transported.

6 (9) An owner of a vehicle may determine that a vehicle is a
7 scrap vehicle or a salvage vehicle without making any determination
8 as to the actual cash value of the vehicle.

9 (10) If a leasing company, vehicle manufacturer, insurance
10 company not licensed to do business in this state, association,
11 repossession company, self-insured owner, financial institution,
12 governmental entity, or other company, institution, or entity, owns
13 a distressed, late model vehicle, the titleholder shall surrender
14 the title or assigned certificate of title to the secretary of
15 state and apply for a salvage certificate of title if the retail
16 cost of repair, including parts and labor, is equal to or greater
17 than 75% but less than 91% of the predamaged actual cash value of
18 the vehicle, or if the retail cost of repair, including parts and
19 labor, is equal to or greater than 91% of the predamaged actual
20 cash value of the vehicle, apply for a scrap certificate of title,
21 before the vehicle may be transported or sold. If ownership is
22 transferred, the owner must sell the vehicle only to a dealer ~~who~~
23 **that** is eligible to buy a salvage or scrap vehicle in this state
24 unless the owner complies with subsection (13). When a leasing
25 company, vehicle manufacturer, insurance company not licensed to do
26 business in this state, association, repossession company, self-
27 insured owner, financial institution, governmental entity, or other
28 company, institution, or entity, estimates the repair of a
29 distressed, late model vehicle for the purpose of determining



whether to apply for a salvage or scrap certificate of title, a complete record of the estimate and, if the vehicle is repaired before a transfer of ownership, a complete record of the actual cost of the repairs performed and ~~by whom shall be~~ **who performed the repairs must be** maintained for a minimum of 5 years by the leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity. The estimates and repair records required by this subsection ~~shall~~ **must** be available for unannounced inspections by a law enforcement agency or a representative of the secretary of state. The secretary of state may request a leasing company, vehicle manufacturer, insurance company not licensed to do business in this state, association, repossession company, self-insured owner, financial institution, governmental entity, or other company, institution, or entity to provide copies of title documents, repair estimates, claims reports involving major component parts, and actual cash value determination documents to assist the secretary of state in monitoring compliance with this act.

(11) An application for a salvage certificate of title ~~shall~~ **must** be made on a form prescribed by the secretary of state accompanied by a fee of \$10.00. The application ~~shall~~ **must** contain all of the following:

(a) The complete name and current address of the owner.

(b) A description of the vehicle, including its make, style of body, model year, fee category or weight, color, and vehicle identification number.

(c) An estimate of the cost repair, including parts and labor,



1 and an estimate of the predamaged actual cash value of the vehicle.

2 (d) If the vehicle is a late model vehicle, a listing of each
3 major component part that was not salvageable.

4 (e) Further information as may reasonably be required by the
5 secretary of state.

6 (12) The secretary of state shall issue and mail the salvage
7 certificate within 5 business days after the time the application
8 is received at the secretary of state's office in Lansing. Each
9 salvage certificate of title ~~shall~~**must** include a listing of each
10 major component part that was not salvageable.

11 (13) A salvage certificate of title authorizes the holder of
12 the title to possess, transport, but not drive ~~upon~~**on** a highway,
13 and transfer ownership in, a vehicle. The secretary of state shall
14 not issue a certificate of title or registration plates for a
15 vehicle for which a salvage certificate of title was issued unless
16 a specially trained officer described in subsection (15) certifies
17 all of the following:

18 (a) That the vehicle identification numbers and parts
19 identification numbers are correct.

20 (b) That the applicant has proof of ownership of repair parts
21 used.

22 (c) That the vehicle complies with the equipment standards of
23 this act.

24 (d) That any repairs performed on the vehicle were done in a
25 workmanlike manner, as certified on a form provided by the
26 department by a properly licensed mechanic in the appropriate
27 specialty. A properly licensed mechanic described in this
28 subdivision ~~shall~~**must** not be the same individual as the specially
29 trained officer making the certification of the vehicle as required



1 under this subsection.

2 (14) The certification required by subsection (13) ~~shall~~**must**
3 be made on a form prescribed and furnished by the secretary of
4 state in conjunction with the department of state police and ~~shall~~
5 **must** accompany the application that is submitted to the secretary
6 of state for a certificate of title. An application for a
7 certificate of title ~~shall~~**must** contain a description of each
8 salvageable part used to repair the vehicle and any identification
9 number affixed to or inscribed ~~upon~~**on** the part as required by
10 state or federal law. Upon satisfactory completion of the
11 inspection as required by the secretary of state and other
12 requirements for application, the secretary of state shall issue a
13 certificate of title for the vehicle bearing the legend "rebuilt
14 salvage".

15 (15) An officer specially trained as provided by the secretary
16 of state and authorized by the secretary of state to conduct a
17 salvage vehicle inspection is any of the following:

18 (a) An employee of the department of state.

19 (b) An on-duty or off-duty police officer.

20 (c) A previously certified police officer who is appointed by
21 the local police agency as a limited enforcement officer to conduct
22 salvage vehicle inspections. The local police agency shall give
23 this officer access to the agency's law enforcement information
24 network system and the authority to confiscate any stolen vehicle
25 or vehicle parts discovered during an inspection. The local police
26 agency may give the officer the authority to arrest a person
27 suspected of having unlawful possession of a stolen vehicle or
28 vehicle parts. The local police agency shall not appoint a
29 previously certified police officer whose certificate has been



1 suspended, revoked, or denied under subsection (16).

2 (16) The secretary of state shall issue a certificate to an
3 officer who is specially trained as provided by the secretary of
4 state to conduct salvage vehicle inspections. Only a person who has
5 a valid certification from the secretary of state may perform
6 salvage inspections. The secretary of state on his or her own
7 initiative or in response to complaints shall make reasonable and
8 necessary public or private investigations within or outside of
9 this state and gather evidence against an officer who was issued a
10 certificate and who violated or is about to violate this act or a
11 rule promulgated under this act. Subject to subsection (17), the
12 secretary of state may suspend, revoke, or deny a certificate after
13 an investigation if the secretary of state determines that the
14 officer committed 1 or more of the following:

15 (a) Violated this act or a rule promulgated under this act.

16 (b) Was, after an investigation, found responsible for a
17 fraudulent act in connection with the inspection, purchase, sale,
18 lease, or transfer of a salvage vehicle.

19 (c) Was found guilty of the theft, embezzlement, or
20 misappropriation of salvage vehicle inspection fees.

21 (d) Performed improper, careless, or negligent salvage vehicle
22 inspections.

23 (e) Ceased to function as a police officer because of
24 suspension, retirement, dismissal, disability, or termination of
25 employment.

26 (f) Was convicted of a violation or attempted violation of
27 1986 PA 119, MCL 257.1351 to 257.1355.

28 (g) Made a false statement of a material fact in his or her
29 certification of a salvage vehicle inspection or any record



1 concerning a salvage vehicle inspection.

2 (h) Charged a fee in excess of the fee described in subsection
3 (26).

4 (17) If the secretary of state revokes, suspends, or denies a
5 certificate under subsection (16)(a), (d), (g), or (h), the
6 secretary of state shall, at the time of revocation, suspension, or
7 denial, notify the officer and the law enforcement agency on behalf
8 of which the officer is performing inspections of the law
9 enforcement agency's right to appeal the revocation, suspension, or
10 denial. The notification ~~shall~~**must** include a statement that a
11 request for an appeal under this subsection ~~shall~~**must** be made no
12 later than 30 days after the revocation, suspension, or denial. An
13 agency making an appeal under this subsection may request a hearing
14 at the time the appeal is made. The secretary of state or any
15 person designated by the secretary of state to act in his or her
16 place shall deny or grant an appeal made under this subsection
17 within a reasonable period, in writing or stated in the record if a
18 hearing is held. If the secretary of state revokes a certificate
19 under subsection (16)(a), (d), (g), or (h) and denies an appeal of
20 the revocation under this subsection, the officer may apply for a
21 new certificate no earlier than 5 years after the revocation.

22 (18) Upon receipt of the appropriate abstract of conviction
23 from a court and without any investigation, the secretary of state
24 shall immediately revoke the certificate of an officer who has been
25 convicted of a violation or attempted violation of section 413,
26 414, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA
27 328, MCL 750.413, 750.414, 750.415, 750.535, 750.535a, and
28 750.536a, or has been convicted in federal court or in another
29 state of a violation or attempted violation of a law substantially



corresponding to 1 of those sections.

(19) If a dealer acquires ownership of an older model vehicle from an owner, the dealer shall receive an assigned certificate of title and shall retain it as long as he or she retains the vehicle. A vehicle scrap metal processor shall surrender an assigned certificate of title to the secretary of state within 30 days after the vehicle is destroyed or scrapped.

(20) A dealer selling or assigning a vehicle to a vehicle scrap metal processor shall make a record in triplicate on a form to be provided by the secretary of state in substantially the following form:

Scrap Vehicle Inventory:

SELLER: Dealer name _____

Dealer address _____

Dealer license number _____

PURCHASER: Conveyed to: _____ Date _____

(Vehicle scrap metal processor)

Dealer address _____

Dealer license number _____

Vehicles

Dealer's

Stock

Model Year	Vehicle Make	VIN	Title Number	Number	Color
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
etc.					

One copy ~~shall~~**must** be retained as a permanent record by the

dealer, 1 copy ~~shall~~**must** be forwarded with the vehicle to be



1 retained by the vehicle scrap metal processor, and 1 copy ~~shall~~
2 **must** be forwarded to the secretary of state.

3 (21) A person, other than an automotive recycler, used or
4 secondhand vehicle parts dealer, or a foreign salvage dealer,
5 receiving a salvage certificate of title shall not sell the vehicle
6 to anyone other than 1 of the following:

7 (a) The vehicle's former owner.

8 (b) A used or secondhand vehicle parts dealer.

9 (c) A vehicle scrap metal processor.

10 (d) A foreign salvage vehicle dealer licensed under this act.

11 (e) An automotive recycler.

12 (22) A person receiving a scrap certificate of title shall not
13 sell the vehicle to anyone other than 1 of the following:

14 (a) An automotive recycler.

15 (b) A vehicle scrap metal processor.

16 (c) A foreign salvage vehicle dealer licensed under this act.

17 (d) A used or secondhand vehicle parts dealer.

18 (23) The secretary of state may conduct periodic reviews of
19 the records of a dealer to determine whether adequate notice is
20 given to a transferee or lessee of a rebuilt salvage vehicle of
21 that vehicle's prior designation as a salvage vehicle. The
22 secretary of state may request an insurance company to provide
23 copies of salvage title documents and claims reports involving
24 major component parts to assist the secretary of state in
25 monitoring compliance with this act.

26 (24) A licensed automotive recycler, used or secondhand
27 vehicle parts dealer, vehicle scrap metal processor, vehicle
28 salvage pool operator, distressed vehicle transporter, foreign
29 salvage vehicle dealer, or broker ~~who~~ **that** has removed a scrap



1 vehicle from this state for the purpose of rebuilding the vehicle
2 or selling or leasing the vehicle to a person other than a vehicle
3 scrap metal processor, shall receive an automatic suspension of its
4 dealer license and of any salvage vehicle agent's license assigned
5 to that dealer for a period of 30 days. Upon receipt by the
6 secretary of state of a written request from the dealer, the dealer
7 shall have the right to an immediate hearing on the matter within
8 that 30-day period.

9 (25) For the purpose of this section, the estimated costs of
10 the repair parts ~~shall~~**must** be determined by using the current
11 published retail cost of original manufacturer equipment parts or
12 an estimate of the actual cost of the repair parts. The estimated
13 labor costs ~~shall~~**must** be computed by using the hourly rate and
14 time allocations ~~which~~**that** are reasonable and commonly assessed in
15 the repair industry in the community where the repairs are
16 performed.

17 (26) A police agency shall charge a fee for an inspection of a
18 vehicle under subsection (13). Each local authority with a police
19 agency shall determine the amount of the fee for inspections by
20 that police agency, ~~which shall~~**that must** not exceed \$100.00.
21 Except as otherwise provided in this subsection, a fee collected
22 under this subsection ~~shall~~**must** be deposited with the local
23 authority for that police agency. The records of the local
24 authority regarding the collection and disposition of inspection
25 fees is subject to review or audit by the local unit of government
26 and ~~shall~~**must** be made available upon request to the department. If
27 an inspection was conducted by an employee of the department of
28 state, the fee ~~shall~~**must** be deposited with the department of
29 state. A fee collected by a local authority ~~shall~~**must** be used



1 ~~solely~~ for law enforcement purposes related to stolen vehicles,
 2 including, but not limited to, equipment and road patrol services
 3 that increase the likelihood of recovering stolen vehicles or
 4 stolen vehicle parts, and salvage vehicle inspections. A fee
 5 collected by the department of state ~~shall~~**must** be used by the
 6 department for the administration of the salvage vehicle inspection
 7 program and ~~shall~~**must** not lapse to the general fund. A local
 8 police agency may compensate an off-duty and limited enforcement
 9 police officer for a salvage vehicle inspection.

10 (27) For the purpose of this section, "actual cash value"
 11 means the retail dollar value of a vehicle as determined by an
 12 objective vehicle evaluation using local market resources such as
 13 dealers or want ads or by an independent vehicle evaluation or
 14 vehicle appraisal service or by a current issue of a nationally
 15 recognized used vehicle guide for financial institution appraisal
 16 purposes in this state.

17 Sec. 226. (1) Except as otherwise provided in subsection (13)
 18 or (14), a vehicle registration issued by the secretary of state
 19 expires on the owner's birthday, unless another expiration date is
 20 provided for under this act or unless the registration is for **any**
 21 **of** the following vehicles, in which case registration expires on
 22 the last day of February:

23 (a) A commercial vehicle except for a commercial vehicle
 24 issued a registration under the international registration plan or
 25 a pickup truck or van owned by an individual.

26 (b) Except for a trailer or semitrailer issued a registration
 27 under the international registration plan, a trailer or semitrailer
 28 owned by a business, corporation, or person other than an
 29 individual; or a pole trailer.



1 (2) Except as otherwise provided in subsection (13) or (14),
2 the expiration date for a registration issued for a motorcycle is
3 the motorcycle owner's birthday.

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

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

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

10 (a) After the October 1 immediately preceding the year
11 designated on the registration, issue a registration upon
12 application and payment of the proper fee for a commercial vehicle,
13 other than a pickup or van owned by an individual; or a trailer
14 owned by a business, corporation, or person other than an
15 individual.

16 (b) Beginning 60 days before the expiration date assigned on
17 an international registration plan registration plate, issue a
18 registration under section 801g upon application and payment of the
19 proper apportioned fee for a commercial vehicle engaged in
20 interstate commerce.

21 (c) Beginning 45 days before the owner's birthday or, if the
22 owner has requested the expiration date described in subsection
23 (14), 45 days before the expiration date, and 120 days before the
24 expiration date assigned by the secretary of state, issue a
25 registration for a vehicle other than those designated in
26 subsection (1) (a) or (b). However, if an owner whose registration
27 period begins 45 days before his or her birthday or expiration date
28 will be out of the state during the 45 days immediately preceding
29 expiration of a registration or for other good cause shown cannot



1 apply for a renewal registration within the 45-day period,
2 application for a renewal registration may be made not more than 6
3 months before expiration.

4 (6) Except as otherwise provided in this subsection and
5 subsection (14), the secretary of state, upon application and
6 payment of the proper fee, shall issue a registration for a vehicle
7 or a motorcycle to a resident that expires on the owner's birthday
8 or, if applicable, on the expiration date described in subsection
9 (14). If the owner's next birthday is at least 6 months but not
10 more than 12 months in the future, the owner shall receive a
11 registration valid until the owner's next birthday or, if
12 applicable, the expiration date described in subsection (14). If
13 the owner's next birthday is less than 6 months in the future, the
14 owner shall receive a registration valid until the owner's birthday
15 following the owner's next birthday or, if applicable, the
16 expiration date described in subsection (14). The tax required
17 under this act for a registration described in this subsection is
18 either of the following:

19 (a) For an original registration, the tax must bear the same
20 relationship to the tax required under section 801 for a 12-month
21 registration as the length of the registration bears to 12 months.

22 (b) For a renewal of a registration, either of the following:

23 (i) For a registration that is for at least 6 months but not
24 more than 12 months, the same amount as for 12 months.

25 (ii) For a renewal of a registration that is for more than 12
26 months, 2 times the amount for 12 months.

27 Partial months must be considered as whole months in the
28 calculation of the required tax and in the determination of the
29 length of time between the application for a registration and the



1 owner's next birthday or, if applicable, the expiration date
2 described in subsection (14). The tax required for that
3 registration must be rounded off to whole dollars as provided in
4 section 801.

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

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

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

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

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

29 (10) A special registration issued under subsection (9) is



1 valid for not more than ~~30~~60 days after the date of issuance, and
2 a fee must be collected for each special registration as provided
3 in section 802(3). The special registration may be in the form
4 determined by the secretary of state. If a dealer makes a retail
5 sale or lease of a vehicle to a purchaser or lessee who is
6 qualified and eligible to obtain a special registration, the dealer
7 shall apply for the special registration for the purchaser or
8 lessee. If a person other than a dealer sells or leases a vehicle
9 to a purchaser or lessee who is qualified and eligible to obtain a
10 special registration, the purchaser or lessee shall appear in
11 person, or by a person exercising the purchaser's or lessee's power
12 of attorney, at an office of the secretary of state and furnish a
13 certification that the person is the bona fide purchaser or lessee
14 or that the person has granted the power of attorney, together with
15 other forms required for the issuance of the special registration
16 and provide the secretary of state with proof that the vehicle is
17 covered by an automobile insurance policy issued under section 3101
18 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof
19 that the vehicle is covered by a policy of insurance issued by an
20 insurer under section 3163 of the insurance code of 1956, 1956 PA
21 218, MCL 500.3163. The certification required in this subsection
22 must contain all of the following:

23 (a) The address of the purchaser or lessee.

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

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

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



1 **(e) The name and address of the lien holder.**

2 **(f) ~~(e)~~**Other information requested by the secretary of state.

3 (11) In the case of a commercial vehicle, trailer, or
4 semitrailer issued a registration under the international
5 registration plan, the secretary of state in mutual agreement with
6 the owner may assign or reassign the expiration date of the
7 registration. However, the expiration date agreed to must be either
8 March 31, June 30, September 30, or December 31 or beginning on
9 February 19, 2019, the last day of a calendar month. Renewals
10 expiring on or after June 30, 2020 must be for a minimum of at
11 least 12 months if there is a change in the established expiration
12 date. Notwithstanding the provisions of this subsection, a
13 commercial vehicle, trailer, or semitrailer registration issued
14 under this subsection that expires on or after March 1, 2020 is
15 valid until March 31, 2021. Notwithstanding the provisions of this
16 subsection, a commercial vehicle, trailer, or semitrailer
17 registration issued under this subsection that expires after March
18 31, 2021 but before August 1, 2021 is valid until 120 days after
19 the date of the expiration.

20 (12) The expiration date for a multiyear registration issued
21 for a leased vehicle must be the date the lease expires but must
22 not be for a period longer than 24 months.

23 (13) A vehicle registration described in subsection (1) or a
24 motorcycle registration described in subsection (2) that expires on
25 or after March 1, 2020 is valid until March 31, 2021. A vehicle
26 registration described in subsection (1) or a motorcycle
27 registration described in subsection (2) that expires after March
28 31, 2021 but before August 1, 2021 is valid until 120 days after
29 the date of the expiration.



1 (14) ~~In~~ **Beginning October 1, 2022, in** the case of a vehicle
 2 owned by an individual, upon request of that individual, a vehicle
 3 registration issued by the secretary of state expires 2 years after
 4 the owner's birthday.

5 Sec. 226a. (1) Temporary registration plates or markers may be
 6 issued to licensed dealers in vehicles and to persons engaged in
 7 the sale of vessels required to be numbered by part 801 of the
 8 natural resources and environmental protection act, 1994 PA 451,
 9 MCL 324.80101 to 324.80199, upon application accompanied by the
 10 proper fee, for use by purchasers or lessees of vehicles, for **a**
 11 **period** not to exceed ~~15~~ **30** days pending receipt of regular
 12 registration plates from the dealer or person. Only 1 temporary
 13 plate or marker may be issued to a purchaser or lessee of a
 14 vehicle. If a dealer or person requires a purchaser or lessee of a
 15 vehicle or purchaser or lessee of a vessel to pay for a temporary
 16 plate or marker, the dealer or person shall not charge the
 17 purchaser or lessee more than the dealer or person was charged by
 18 the secretary of state for the individual plate or marker. The
 19 secretary of state shall determine the composition and design of
 20 the temporary registration plates or markers.

21 (2) A temporary registration plate or marker ~~shall~~ **must** show
 22 in ink the date of issue, a description of the vehicle for which
 23 issued, and any other information required by the secretary of
 24 state. A dealer or person shall immediately notify the secretary of
 25 state of each temporary registration plate or marker issued by the
 26 dealer or person, on a form prescribed by the secretary of state.
 27 ~~Upon the attachment of~~ **When** the regular plate **is attached** to a
 28 vehicle for which a temporary registration plate or marker ~~has been~~
 29 **was** issued, the temporary plate ~~shall~~ **must** be destroyed.



1 (3) All temporary registration plates or markers ~~shall~~**must** be
 2 serially numbered and upon issuance the number ~~shall~~**must** be noted
 3 on the statement of vehicle sale form or in the case of a boat
 4 trailer on a form prescribed by the secretary of state.

5 (4) A dealer or person, upon demand, shall immediately
 6 surrender any temporary registration plates or markers in his or
 7 her possession if the secretary of state finds, after
 8 investigation, that the dealer or person has violated this section,
 9 and the dealer or person shall immediately forfeit any right to the
 10 temporary registration plates or markers.

11 (5) The secretary of state may issue a registration plate upon
 12 application and payment of the proper fee to an individual,
 13 partnership, corporation, or association who in the ordinary course
 14 of business has occasion to legally repossess a vehicle in which a
 15 security interest is held. A registration plate issued ~~pursuant to~~
 16 **under** this subsection ~~shall~~**must** be used to move and dispose of a
 17 vehicle.

18 (6) The secretary of state may issue a registration plate upon
 19 application and payment of the proper fee to an individual,
 20 partnership, corporation, or association ~~who~~**that** in the ordinary
 21 course of business has occasion to legally pick up or deliver a
 22 vehicle not required to be titled under this act, to legally pick
 23 up or deliver a commercial motor vehicle being driven to a facility
 24 to undergo aftermarket modification, or to repair or service a
 25 vehicle, or to ~~persons defined as dealers under part 801~~**a dealer**
 26 **as defined in section 80102** of the natural resources and
 27 environmental protection act, 1994 PA 451, MCL 324.80101 to
 28 ~~324.80199, for the purpose of delivering~~**324.80102 to deliver** a
 29 vessel or trailer to a customer or to and from a boat show or



1 exposition. A registration plate issued under this subsection ~~shall~~
 2 **must** be used to move the vehicle.

3 (7) The secretary of state may issue a registration plate upon
 4 application and payment of the proper fee to an individual,
 5 partnership, corporation, or association ~~who~~**that** in the ordinary
 6 course of business operates an auto auction, and ~~who~~**that** in the
 7 ordinary course of business has occasion to legally pick up a
 8 vehicle ~~which~~**that** will be offered for sale at the auction, or
 9 deliver a vehicle ~~which~~**that** has been offered for sale at the
 10 auction. The registration plate ~~shall~~**must** be used only to move
 11 vehicles as provided in this subsection. Auto auctions that ~~make~~
 12 ~~application~~**apply** for a registration plate under this subsection
 13 shall furnish a surety bond as required by the secretary of state.

14 Sec. 233a. (1) When the owner of a registered motor vehicle
 15 transfers his or her title or interest in that vehicle, the
 16 transferor shall present to the transferee before delivery of the
 17 vehicle, written disclosure of odometer mileage by means of the
 18 certificate of title or a written statement signed by the
 19 transferor including the transferor's printed name, containing all
 20 of the following:

21 (a) The odometer reading at the time of transfer, not ~~to~~
 22 ~~include~~**including** the tenths of a mile or kilometer.

23 (b) The date of transfer.

24 (c) The transferor's name and current address.

25 (d) The transferee's name and current address.

26 (e) The identity of the vehicle, including its make, model,
 27 body type, year, and vehicle identification number.

28 (f) A reference to this section and comparable federal law,
 29 and a statement that failing to complete the title or form or



1 providing false information may result in civil liability and civil
2 or criminal penalties being imposed on the transferor.

3 (g) One of the following:

4 (i) A statement by the transferor certifying that to the best
5 of his or her knowledge the odometer reading reflects the actual
6 mileage of the vehicle.

7 (ii) If the transferor knows that the odometer reading reflects
8 the amount of mileage in excess of the designed mechanical odometer
9 limit, a statement to that effect.

10 (iii) If the transfer knows that the odometer reading differs
11 from the mileage and the difference is greater than that caused by
12 odometer calibration error, a statement that the odometer reading
13 does not reflect the actual mileage and should not be relied upon.
14 This notice must include a warning notice to alert the transferee
15 that a discrepancy exists between the odometer and the actual
16 mileage.

17 (h) Space for the signature and printed name of the
18 transferee, and the date of presentation to the transferee.

19 (2) A certificate of title and a dealer reassignment form must
20 contain a place for the information required by subsection (1)(a)
21 to (h). If the vehicle is not titled or the title does not contain
22 a space for the required information, a written statement must be
23 provided as a separate document.

24 (3) A dealer selling or exchanging vehicles required to be
25 titled under this act shall present the certificate of title or
26 written statement and any reassigned titles in his or her
27 possession to the transferee. The transferee or the transferee's
28 agent shall inspect, print his or her name, sign, and date **on** the
29 certificate or statement and return it to the transferor for



1 submission to the secretary of state. If neither the transferee nor
2 transferor is a dealer licensed under this act, completing the
3 odometer information on the certificate of title must be considered
4 to comply with subsection (1). A person shall not sign an odometer
5 disclosure statement as both the transferor and transferee in the
6 same transaction.

7 (4) A new or used vehicle dealer shall obtain from the
8 transferor a completed odometer mileage statement which meets the
9 requirements of subsection (1) with each motor vehicle acquired by
10 the dealer. ~~The~~ **Except as provided in subsection (16),** the dealer
11 shall not accept ~~nor~~ **or** provide an odometer mileage statement or a
12 title which contains a place for odometer information which has not
13 been completely filled in by the transferor.

14 (5) The odometer information described in subsection (1) must
15 not be required for any of the following:

16 (a) Vehicles having a gross vehicle weight rating of more than
17 16,000 pounds.

18 (b) A vehicle that is not self-propelled.

19 (c) A vehicle manufactured in or before the 2010 model year
20 that is transferred at least 10 years after January 1 of the
21 calendar year that is included in the model year in which the
22 vehicle is manufactured.

23 (d) A vehicle manufactured in or after the 2011 model year
24 that is transferred at least 20 years after January 1 of the
25 calendar year that is included in the model year in which the
26 vehicle was manufactured.

27 (e) A new vehicle transferred from a manufacturer to a dealer.

28 (f) A vehicle sold directly by the manufacturer to an agency
29 of the United States in conformity with contractual specifications.



1 (g) A low-speed vehicle.

2 **(h) A scrap vehicle.**

3 (6) A person shall not alter, set back, or disconnect an
4 odometer; cause or allow an odometer to be altered, set back, or
5 disconnected; or advertise for sale, sell, use, install, or cause
6 or allow to be installed a device which causes an odometer to
7 register other than the actual mileage driven. This subsection does
8 not prohibit the service, repair, or replacement of an odometer if
9 the mileage indicated on the odometer remains the same as before
10 the service, repair, or replacement. If the odometer is incapable
11 of registering the same mileage as before the service, repair, or
12 replacement, the odometer must be adjusted to read zero and a
13 notice in writing must be attached to the left door frame of the
14 vehicle by the owner or his or her agent specifying the mileage
15 prior to service, repair, or replacement of the odometer and the
16 date on which it was serviced, repaired, or replaced. A person
17 shall not remove, deface, or alter any notice affixed to a motor
18 vehicle ~~pursuant to~~ **under** this subsection.

19 (7) A person who violates subsection (6) is guilty of a
20 felony.

21 (8) Before executing a transfer of ownership document, a
22 lessor of a leased vehicle shall notify the lessee in writing that
23 ownership of the vehicle is being transferred and that the lessee
24 is required to provide a written statement to the lessor regarding
25 the mileage of the vehicle. This notice must inform the lessee of
26 the penalties for failure to comply with the requirement.

27 (9) Upon receiving notification from the lessor of a leased
28 vehicle that ownership of the vehicle is to be transferred, the
29 lessee shall furnish to the lessor a written statement regarding



1 the mileage of the vehicle. This statement must be signed by the
2 lessee and must contain all of the following:

3 (a) The printed name of the person making the statement.

4 (b) The current odometer reading, not including tenths of
5 miles.

6 (c) The date of the statement.

7 (d) The lessee's name and current address.

8 (e) The lessor's name and current address.

9 (f) The identity of the vehicle, including its make, model,
10 year, body type, and vehicle identification number.

11 (g) The date that the lessor notified the lessee of the
12 requirements of this subsection.

13 (h) The date that the completed disclosure statement was
14 received by lessor.

15 (i) The signature of the lessor.

16 (j) One of the following:

17 (i) A statement by the lessee certifying that to the best of
18 his or her knowledge the odometer reading reflects the actual
19 mileage of the vehicle.

20 (ii) If the lessee knows that the odometer reading reflects the
21 amount of mileage in excess of the designed mechanical odometer
22 limit, a statement to that effect.

23 (iii) If the lessee knows that the odometer reading differs from
24 the mileage and that the difference is greater than that caused by
25 odometer calibration error, a statement that the odometer reading
26 is not the actual mileage and should not be relied upon.

27 (10) If the lessor transfers a leased vehicle without
28 obtaining possession of the vehicle, the lessor may indicate on the
29 certificate of title the mileage disclosed by the lessee under



1 subsection (9), unless the lessor has reason to believe that the
2 mileage disclosed by the lessee does not reflect the actual mileage
3 of the vehicle.

4 (11) A dealer ~~who~~**that** is required by this section to execute
5 an odometer mileage statement shall retain for 5 years a
6 photostatic, carbon, or other facsimile copy of each odometer
7 mileage statement the dealer issues or receives. The dealer shall
8 retain the odometer mileage statements at his or her primary place
9 of business in an order that is appropriate to business
10 requirements and that permits systematic retrieval.

11 (12) A lessor shall retain for 5 years following the date of
12 transfer of ownership of each leased vehicle, the odometer mileage
13 statement received from the lessee. The lessor shall retain the
14 odometer mileage statements at his or her primary place of business
15 in an order that is appropriate to business requirements and that
16 permits systematic retrieval.

17 (13) An auction dealer or vehicle salvage pool operator shall
18 establish and retain at his or her primary place of business in an
19 order that is appropriate to business requirements and that permits
20 systematic retrieval, for 5 years following the date of sale of
21 each motor vehicle, the following records:

22 (a) The name and the most recent owner, other than the auction
23 dealer or salvage pool operator.

24 (b) The name of the buyer.

25 (c) The vehicle identification number.

26 (d) The odometer reading, not including the tenths of a mile,
27 on the date the auction dealer or salvage pool operator took
28 possession of the motor vehicle.

29 (14) A violation of subsection (1) or (6) by any dealer



1 licensed under this act is prima facie evidence of a fraudulent act
2 as provided in section 249.

3 (15) A person who, with intent to defraud, violates any
4 requirement under subsection (1) or (6), or a dealer ~~who~~**that** fails
5 to retain for 5 years each odometer mileage statement the dealer
6 receives and each odometer mileage statement furnished by the
7 dealer upon the sale of a vehicle, is liable in an amount equal to
8 3 times the amount of actual damages sustained or \$1,500.00
9 whichever is greater, and in the case of a successful recovery of
10 damages, the costs of the action together with reasonable attorney
11 fees.

12 (16) For the purposes of this section, the department may
13 accept an electronically signed odometer disclosure document that
14 complies with all of the following:

15 (a) Is submitted on a form that is approved by the department.

16 (b) Is electronically signed using software that provides
17 antitamper and identification verification technology and is
18 approved for this use by the department.

19 (c) Is otherwise fully compliant with 49 CFR 580.

20 Sec. 235. (1) If the transferee of a vehicle is a new motor
21 vehicle dealer or a used or secondhand vehicle dealer that acquires
22 the vehicle for resale, the dealer is not required to obtain a new
23 registration of the vehicle or forward the certificate of title to
24 the secretary of state, but shall retain and have in the dealer's
25 immediate possession **or, upon providing prior written notice to the**
26 **department, at a secondary location owned by the dealer that is**
27 **located in the same county** the assigned certificate of title with
28 the odometer information properly completed, except as otherwise
29 provided in section 235b. A dealer shall obtain a certificate of



1 title for a vehicle ~~having~~**that has** a salvage certificate of title
2 before the dealer may operate the vehicle under dealer's license
3 plates. Upon transferring title or interest to another person that
4 is not a dealer, the dealer shall complete an assignment and
5 warranty of title upon the certificate of title, salvage
6 certificate of title, or dealer reassignment of title form and ~~make~~
7 ~~an application~~**apply** for **a** registration and a new title as provided
8 in section 217(4).

9 (2) The dealer or transferee is liable for all damages arising
10 from the operation of the vehicle while the vehicle is in the
11 dealer's or transferee's possession.

12 (3) Upon transferring title or interest to another dealer, the
13 dealer shall complete an assignment and warranty of title ~~upon~~**on**
14 the certificate of title, salvage certificate of title, or dealer
15 reassignment of title form and deliver it to the licensed dealer ~~to~~
16 ~~which~~**receiving** the transfer. ~~is made.~~

17 (4) The secretary of state shall prescribe the dealer
18 reassignment of title form. The form ~~shall~~**must** contain the title
19 number of the accompanying title; the name, address, and, if
20 applicable, dealer license number of the transferee; the year,
21 make, model, body type, and vehicle identification number of the
22 vehicle; the name, address, dealer number, and signature of the
23 transferor; an odometer mileage statement as prescribed under
24 section 233a; and any other information the secretary of state
25 requires.

26 (5) This section does not prohibit a dealer from selling a buy
27 back vehicle while the certificate of title is in the possession of
28 a manufacturer that obtained the certificate of title under the
29 manufacturer's buy back vehicle program. The manufacturer shall



1 mail the certificate of title to the dealer within 5 business days
 2 after the manufacturer's receipt of a signed statement from the
 3 purchaser of the vehicle acknowledging he or she was informed by
 4 the dealer that the manufacturer acquired title to the vehicle as
 5 the result of an arbitration proceeding, under a customer
 6 satisfaction policy adopted by the manufacturer, or under 1986 PA
 7 87, MCL 257.1401 to 257.1410, or a similar law of another state.

8 (6) This section does not prohibit a dealer from selling an
 9 off lease vehicle while the certificate of title is in the
 10 possession of a lessor. The lessor shall mail the certificate of
 11 title to the dealer within 21 days after the lessor receives the
 12 purchase price of the vehicle and any other fees and charges due
 13 under the lease.

14 Sec. 245. (1) ~~Any~~**A** manufacturer, transporter, or dealer may
 15 ~~make application~~**apply** to the department ~~upon~~**on** the appropriate
 16 form for a general distinguishing number and for 1 or more special
 17 plates. The applicant shall ~~also~~ submit proof of his status as a
 18 bona fide manufacturer, transporter, or dealer as may reasonably be
 19 required by the department.

20 (2) The department, upon granting the application, shall issue
 21 a special plate with a general distinguishing number assigned to
 22 the applicant and displayed on the special plate. The
 23 distinguishing number for a special plate ~~shall~~**must** be different
 24 from every other special plate.

25 (3) A manufacturer or transporter may make application on a
 26 form prescribed by the secretary of state for 1 or more special
 27 plates, which ~~special plates shall be~~**are** valid for 3 years. Upon
 28 approval of the application, the fee for 1 or more special plates
 29 ~~shall be~~**is** 3 times the annual fee assessed under section 803.



1 (4) A dealer may make application on a form prescribed by the
2 secretary of state for 1 or more special plates, which are valid
3 for the term of the license held by the dealer. Upon approval of
4 the application, the fee for 1 or more special plates is the term
5 of years of the license held by the dealer times the fee assessed
6 under section 803.

7 Sec. 248. (1) The secretary of state shall not grant a dealer
8 license under this section until the secretary conducts an
9 investigation of the applicant's qualifications under this act,
10 except that this subsection does not apply to a license renewal.
11 The secretary of state shall conduct the investigation within 15
12 days after receiving the application and prepare a report on the
13 investigation.

14 (2) An applicant for a new vehicle dealer or a used or
15 secondhand vehicle dealer or broker license shall include a
16 properly executed bond or a bond renewal certificate, approved by
17 the secretary of state, with the license application. If a renewal
18 certificate is used, the bond is considered renewed for each
19 succeeding year in the same amount and with the same effect as an
20 original bond. The bond ~~shall~~**must** be in the amount of ~~\$10,000.00.~~
21 **\$25,000.00.** The bond ~~shall~~**must** indemnify or reimburse a purchaser,
22 seller, lessee, financing agency, or governmental agency for
23 monetary loss caused through fraud, cheating, or misrepresentation
24 in the conduct of the vehicle business whether the fraud, cheating,
25 or misrepresentation was made by the dealer or by an employee,
26 agent, or salesperson of the dealer. The surety shall make
27 indemnification or reimbursement for a monetary loss only after a
28 judgment based on fraud, cheating, or misrepresentation is entered
29 in a court of record against the licensee or a final order that the



1 licensee has engaged in fraud, cheating, or misrepresentation is
2 issued by the secretary of state after an administrative hearing.
3 The bond ~~shall~~**must** also indemnify or reimburse the state for any
4 sales tax deficiency as provided in the general sales tax act, 1933
5 PA 167, MCL 205.51 to 205.78, or use tax deficiency as provided in
6 the use tax act, 1937 PA 94, MCL 205.91 to 205.111, for the year in
7 which the bond is in force. The surety shall make indemnification
8 or reimbursement only after a final judgment is entered in a court
9 of record against the licensee or a final order is issued by the
10 secretary of state after an administrative hearing. A dealer or
11 applicant that provides proof that is satisfactory to the secretary
12 of state that a bond similar to the bond required by this
13 subsection is executed and in force is exempt from the bond
14 requirements of this subsection. The aggregate liability of the
15 surety ~~shall~~**must** not exceed the sum of the bond. The surety on the
16 bond may cancel the bond by giving notice in writing to the
17 secretary of state of the cancellation at least 30 days before the
18 effective date of the cancellation and is not liable for a breach
19 of condition occurring after the effective date of the
20 cancellation.

21 (3) An applicant for a new vehicle dealer or a used or
22 secondhand vehicle dealer license shall apply for not less than 2
23 dealer plates under section 245 and shall include with the
24 application the proper fee for those plates under section 803.

25 (4) As a condition precedent to the granting of a license, a
26 dealer ~~shall~~**must** file with the secretary of state an irrevocable
27 written stipulation, authenticated by the applicant, stipulating
28 and agreeing that legal process affecting the dealer, served on the
29 secretary of state or a deputy of the secretary of state, has the



1 same effect as if personally served on the dealer. This appointment
2 remains in force as long as the dealer has any outstanding
3 liability within this state.

4 (5) A person shall not carry on or conduct the business of
5 buying, selling, brokering, leasing, negotiating a lease, or
6 dealing in 5 or more vehicles of a type required to be titled under
7 this act in a 12-month period unless the person obtains a dealer
8 license from the secretary of state authorizing the carrying on or
9 conducting of that business. A person shall not carry on or conduct
10 the business of buying, selling, brokering, leasing, negotiating a
11 lease, or dealing in 5 or more distressed, late model vehicles or
12 salvageable parts to 5 or more of those vehicles in a 12-month
13 period unless the person obtains a used or secondhand vehicle parts
14 dealer, an automotive recycler, or a salvage pool license from the
15 secretary of state or is an insurance company admitted to conduct
16 business in this state. A person shall not carry on or conduct the
17 business of buying 5 or more vehicles in a 12-month period to
18 process into scrap metal or store or display 5 or more vehicles in
19 a 12-month period as an agent or escrow agent of an insurance
20 company unless the person obtains a dealer license from the
21 secretary of state. A vehicle scrap metal processor that does not
22 purchase vehicles or salvageable parts from unlicensed persons is
23 not required to obtain a dealer license. A person from another
24 state shall not purchase, sell, or otherwise deal in distressed,
25 late model vehicles or salvageable parts unless the person obtains
26 a foreign salvage vehicle dealer license from the secretary of
27 state under section 248b. A person, including a dealer, shall not
28 purchase or acquire a distressed, late model vehicle or a
29 salvageable part through a salvage pool, auction, or broker without



1 a license as a salvage vehicle agent. The secretary of state shall
2 investigate and seek prosecution, if necessary, of persons
3 allegedly conducting a business without a license.

4 (6) The application for a dealer license ~~shall~~**must** be in the
5 form prescribed by the secretary of state and ~~shall be~~ signed by
6 the applicant. In addition to **any** other information ~~as may be~~
7 required by the secretary of state, the application ~~shall~~**must**
8 include all of the following:

9 (a) The name of the applicant.

10 (b) The location of the applicant's established place of
11 business in this state, together with written verification from the
12 appropriate governing or zoning authority that the established
13 place of business meets all applicable municipal and zoning
14 requirements.

15 (c) The name under which the dealer will conduct business.

16 (d) If the business is a corporation, the state of
17 incorporation.

18 (e) If the business is a sole proprietorship or partnership,
19 the name, address, and date of birth of each owner or partner; if
20 the business is a corporation, the name, address, and date of birth
21 of each of the principal officers.

22 (f) The county in which the applicant will conduct business
23 and the address of each place of business in that county.

24 (g) If the dealer's business is the sale of new vehicles, the
25 make or makes of those vehicles. Each new vehicle dealer shall send
26 with the application for license a certification that the dealer
27 holds a bona fide contract to act as factory representative,
28 factory distributor, or distributor representative to sell at
29 retail (the make of vehicle to be sold) and that the



1 contract meets the requirements for a dealer agreement under **the**
 2 **motor vehicle franchise act**, 1981 PA 118, MCL 445.1561 to 445.1583.

3 (h) A statement of the previous history, record, and
 4 associations of the applicant and of each owner, partner, officer,
 5 or director of the applicant. The statement ~~shall~~**must** be
 6 sufficient to establish to the satisfaction of the secretary of
 7 state the business reputation and character of the applicant.

8 (i) A statement showing whether the applicant has previously
 9 applied for a license, the result of the application, and whether
 10 the applicant has ever been the holder of a dealer license that was
 11 revoked or suspended.

12 (j) If the applicant is a corporation or partnership, a
 13 statement showing whether a partner, employee, officer, or director
 14 has been refused a license or has been the holder of a license that
 15 was revoked or suspended.

16 (k) If the application is for a used or secondhand vehicle
 17 parts dealer or an automotive recycler, all of the following:

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

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

23 (iii) Evidence of worker's compensation insurance coverage for
 24 employees classified under the North American ~~industry~~
 25 ~~classification system~~**Industry Classification System** number 42114,
 26 entitled "motor vehicle parts (used) merchant wholesalers" or under
 27 the National Council on Compensation Insurance classification code
 28 number 3821, entitled "automobile dismantling", if applicable.

29 (l) A certification that neither the applicant nor another



1 person named on the application is acting as the alter ego of any
2 other person or persons in seeking the license. For the purpose of
3 this subdivision, "alter ego" means a person that acts for and on
4 behalf of, or in the place of, another person for purposes of
5 obtaining a vehicle dealer license.

6 (m) A certification that the applicant if the applicant is an
7 individual or sole proprietorship, the partners of the applicant if
8 the applicant is a partnership, the principal officers of the
9 applicant if the applicant is a corporation, or any other
10 individual who is responsible for the daily operations of the
11 dealership, as applicable, has reviewed and understands the
12 requirements of this act, the rules promulgated under this act, the
13 dealer manual published by the secretary of state, and any other
14 applicable material provided by the department.

15 (n) For an application submitted by or on behalf of an
16 eligible used vehicle dealer for an original license, a
17 certification that within the 6-month period preceding the date of
18 the application, the applicant, the partners of the applicant, or
19 the principal officers of the applicant, as applicable, completed
20 the dealer training program described in section 248l(2). This
21 subdivision does not apply to an application to renew the license
22 of an eligible used vehicle dealer and does not apply to any
23 original license that was granted to an eligible used vehicle
24 dealer before, and that is valid on, ~~the effective date of section~~
25 ~~248l.~~ **March 20, 2019.** As used in this subdivision and subdivision
26 (o), "eligible used vehicle dealer" means that term as defined in
27 section 248l.

28 (o) For an application submitted by or on behalf of an
29 eligible used vehicle dealer for an original or renewal license, a



1 certification that each retail sales location of that dealer has an
2 employee that has completed the dealer training program required
3 under section 248(3) or (5), as applicable.

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

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

27 (a) New vehicle dealer.

28 (b) Used or secondhand vehicle dealer. A used or secondhand
29 vehicle dealer may be eligible for a mobility dealer endorsement



1 under section 248k.

2 (c) Used or secondhand vehicle parts dealer.

3 (d) Vehicle scrap metal processor.

4 (e) Vehicle salvage pool operator.

5 (f) Distressed vehicle transporter.

6 (g) Broker.

7 (h) Foreign salvage vehicle dealer.

8 (i) Automotive recycler.

9 (j) ~~Beginning April 1, 2005, wholesaler.~~ **Wholesaler.**

10 (9) All of the following apply to the issuance, renewal, and
11 expiration of a dealer license under this section:

12 (a) A dealer license expires on December 31 of the last year
13 ~~for which~~ **that** the license is valid.

14 (b) A dealer shall renew its dealer license annually. The
15 secretary of state may renew a dealer license for a period of not
16 more than 4 years if the secretary receives a renewal application
17 and payment of the fee required under section 807.

18 (c) To renew a dealer license, the dealer shall file an
19 application for renewal with the secretary of state at least 30
20 days before the expiration of its current license.

21 (d) If a dealer has not renewed its dealer license on or
22 before the expiration date of its current license, the secretary of
23 state within 10 business days after that expiration date must
24 notify the dealer that the secretary of state has not received its
25 renewal application. The notice ~~shall~~ **must** include the amount of
26 the late renewal fee.

27 (e) A dealer may continue to operate its dealer business after
28 the expiration of its dealer license, pending approval of the
29 renewal application, if the renewal application is delivered in



1 person or mailed to the secretary of state on or before the
2 expiration date of the license. If requested by the department, a
3 dealer that mails an application under this subdivision must
4 provide proof of mailing of the renewal application that is
5 satisfactory to the department.

6 (f) If an application to renew a dealer license is filed with
7 the secretary of state after the expiration of that license, the
8 dealer may operate its dealer business beginning on the date on
9 which the application is delivered or mailed to the secretary of
10 state, pending approval of the renewal application. If requested by
11 the department, a dealer that mails an application under this
12 subdivision must provide proof of mailing of the renewal
13 application that is satisfactory to the department. A dealer shall
14 pay a renewal fee equal to 150% of the normal renewal fee for a
15 renewal described in this subdivision.

16 (g) If a dealer files an application to renew a dealer license
17 more than 30 days after the expiration of that license, the dealer
18 is considered a new applicant for a dealer license under this
19 section.

20 (h) The secretary of state shall deposit the late renewal fees
21 collected under subdivisions (d) and (f) in the transportation
22 administration collection fund created in section 810b.

23 **(i) The secretary of state shall not renew a dealer's license**
24 **if the applicant has not bought or sold more than 5 vehicles during**
25 **the 12 months preceding the dealer's renewal application.**

26 (10) A dealer may conduct the business of buying, selling, or
27 dealing in motor homes, trailer coaches, trailers, or pickup
28 campers at a recreational vehicle show conducted at a location in
29 this state without obtaining a separate or supplemental license



1 under subsection (7) if all of the following apply:

2 (a) The dealer is licensed as a new vehicle dealer or used or
3 secondhand vehicle dealer.

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

6 (c) Not less than 14 days before the beginning date of the
7 recreational vehicle show, the show producer notifies the secretary
8 of state, in a manner and form prescribed by the secretary of
9 state, that the recreational vehicle show is scheduled, the
10 location, dates, and times of the recreational vehicle show, and
11 the name, address, and dealer license number of each dealer
12 participating in the recreational vehicle show.

13 **(11) Notwithstanding section 235, a dealer may advertise or**
14 **display to the public a vehicle that the dealer has acquired or**
15 **that is available to the dealer directly from the manufacturer or**
16 **distributor or the manufacturer's or distributor's subsidiary or**
17 **affiliate within a reasonable period of time, even though the**
18 **dealer is still waiting on possession of the vehicle's title. Such**
19 **a vehicle, if displayed on the dealer's lot, must be placed in a**
20 **dedicated area at the dealership and arranged in a manner that**
21 **clearly separates the vehicle from those available for immediate**
22 **sale to the public with signage placed on the vehicle indicating**
23 **the vehicle is not available for final sale until the title is in**
24 **the possession of the dealer.**

25 **(12) A dealer may park, store, hold, and repair vehicles owned**
26 **under 1 dealer license on the lot or property held by the same**
27 **dealer under a separate dealer license.**

28 Sec. 248d. All of the following requirements apply to a
29 wholesaler:



1 (a) A wholesaler shall not advertise vehicles for sale on the
 2 internet or any classified listing unless the advertisement clearly
 3 discloses the wholesaler's license classification and clearly
 4 states that ~~any~~**a** purchaser ~~shall~~**must** be a licensed vehicle
 5 dealer.

6 (b) A wholesaler shall **not** buy or sell ~~not less~~**fewer** than 24
 7 vehicles in this state each year to retain possession of a
 8 wholesaler license.

9 (c) A wholesaler shall maintain an established place of
 10 business in this state ~~that satisfies~~**in accordance with** the
 11 conditions listed in section 14(3).

12 (d) A wholesaler shall maintain and adhere to designated
 13 business hours that are filed with the secretary of state.

14 **(e) A wholesaler shall maintain regular hours of operation at**
 15 **an established place of business that include at least 15 regular**
 16 **business hours per week between the hours of 8 a.m. and 5 p.m.,**
 17 **Monday through Friday.**

18 Sec. 250. (1) ~~(a)~~**If the secretary of state receives a**
 19 **complaint against a licensee that merits an investigation, the**
 20 **secretary of state must notify the licensee, and the complaint must**
 21 **be made available to the licensee at no charge.** Before denying,
 22 revoking, suspending, or refusing to renew a dealer's license the
 23 secretary of state shall **do all of the following:**

24 **(a) 1.**~~Cause an investigation of~~**Investigate** the licensee
 25 after a complaint in writing of any person has been filed ~~in his~~
 26 ~~office.~~**with the secretary of state.**

27 **(b) 2.**~~Set a date for hearing and give said~~**the** licensee
 28 notice ~~thereof~~**of the hearing** at least 10 days in advance in the
 29 manner herein provided.



1 (c) ~~3. Cause a record to be taken of~~ **Record** the hearing
2 proceedings.

3 (d) ~~4. Enter a final order together with his~~ **the secretary of**
4 **state's** findings.

5 (2) ~~(b) Such~~ **A** final order of the secretary of state ~~shall be~~
6 **under subsection (1)(d) is** final unless, within 30 days after
7 notice of such order is mailed by the secretary of state to the
8 person whose application or license is denied, revoked, suspended
9 or refused, ~~such person shall claim an appeal from such~~ **the**
10 **licensee appeals the final** order to the circuit court for the
11 county in which ~~such person~~ **the licensee** resides or maintains a
12 place of business or to the circuit court for the county of Ingham.
13 On ~~such~~ appeal, the court shall review both law and facts as
14 disclosed by the record, and may in its discretion receive newly
15 discovered evidence, but shall not conduct a hearing de novo. The
16 court may confirm, modify, or set aside such order and make such
17 further orders ~~in respect thereto~~ as justice may require.

18 Sec. 251. (1) Each new vehicle dealer, used vehicle dealer,
19 broker, and wholesaler shall maintain a record in a manner
20 prescribed by the secretary of state of each vehicle of a type
21 subject to titling under this act that is bought, sold, leased, or
22 exchanged by the dealer or received or accepted by the dealer for
23 sale, lease, or exchange.

24 (2) Each record ~~shall~~ **must** contain the date of the purchase,
25 sale, lease, or exchange or receipt for the purpose of sale, lease,
26 or exchange, a description of the vehicle, the name and address of
27 the seller, the purchaser or lessee, and the alleged owner or other
28 persons from whom the vehicle was purchased or received, or to whom
29 it was sold, leased, or delivered. The record ~~shall~~ **must** contain a



1 copy of any odometer mileage statement received by the dealer when
 2 the dealer purchased or acquired a vehicle and a copy of the
 3 odometer mileage statement furnished by the dealer when the dealer
 4 sold, leased, or exchanged the vehicle as prescribed in section
 5 233a. If the vehicle is purchased, sold, leased, or exchanged
 6 through a broker, the record ~~shall~~**must** include the broker's name
 7 and dealer license number and the amount of the broker's fee,
 8 commission, compensation, or other valuable consideration paid by
 9 the purchaser or lessee or paid by the dealer, or both. The records
 10 of all vehicles purchased, sold, leased, or exchanged through a
 11 broker maintained by the secretary of state ~~shall~~**must** be in an
 12 electronic format determined by the secretary of state. A dealer
 13 shall retain for not less than 5 years each odometer mileage
 14 statement the dealer receives and each odometer mileage statement
 15 furnished by the dealer upon the sale, lease, or exchange of a
 16 vehicle. The description of the vehicle, in the case of a motor
 17 vehicle, ~~shall~~**must** also include the vehicle identification number
 18 and other numbers or identification marks as may be on the vehicle,
 19 and ~~shall~~**must** also include a statement that a number has been
 20 obliterated, defaced, or changed, if that is the fact. For a
 21 trailer or semitrailer, the record ~~shall~~**must** include the vehicle
 22 identification number and other numbers or identification marks as
 23 may be on the trailer or semitrailer.

24 (3) Not more than 20 days after the delivery of the vehicle,
 25 the seller shall deliver to the buyer in person, ~~or~~ by mail to the
 26 buyer's last known address, **or, with the agreement of the buyer, by**
 27 **electronic delivery**, a duplicate of a written statement, on a form
 28 prescribed by the secretary of state in conjunction with the
 29 department of treasury, describing clearly the name and address of



1 the seller, the name and address of the buyer, the vehicle sold to
 2 the buyer, the cash sale price of the vehicle, the cash paid down
 3 by the buyer, the amount credited the buyer for a trade-in, a
 4 description of the trade-in, the amount charged for vehicle
 5 insurance, stating the types of insurance covered by the insurance
 6 policy, the amount charged for a temporary registration plate, the
 7 amount of any other charge and ~~specifying its purpose~~, the net
 8 balance due from the buyer, and a summary of insurance coverage to
 9 be affected. If the vehicle sold is a new motor home, the written
 10 statement ~~shall~~**must** contain a description, including the year of
 11 manufacture, of every major component part of the vehicle that has
 12 its own manufacturer's certificate of origin. The written statement
 13 ~~shall~~**must** disclose if the vehicle sold is a vehicle that the
 14 seller had loaned or leased to a political subdivision of this
 15 state for use as a driver education vehicle. The written statement
 16 ~~shall~~**must** be dated, but not later than the actual date of delivery
 17 of the vehicle to the buyer. The original and all copies of the
 18 prescribed form ~~shall~~**must** contain identical information. The
 19 statement ~~shall be~~**is** furnished by the seller, ~~shall be~~ signed by
 20 the seller or the seller's agent and by the buyer, and ~~shall be~~
 21 filed with the application for new title or registration. Failure
 22 of the seller to deliver this written statement to the buyer does
 23 not invalidate the sale between the seller and the buyer.

24 (4) A retail vehicle sale is void unless both of the following
 25 conditions are met:

26 (a) The sale is evidenced by a written memorandum that
 27 contains the agreement of the parties and is signed by the buyer
 28 and the seller or the seller's agent.

29 (b) The agreement contains a place for acknowledgment by the



1 buyer of the receipt of a copy of the agreement or actual delivery
2 of the vehicle is made to the buyer.

3 (5) Each dealer record and inventory, including the record and
4 inventory of a vehicle scrap metal processor not required to obtain
5 a dealer license, ~~shall be~~ **is** open to inspection, **with 36 hours'**
6 **advance notice**, by a police officer or an authorized officer or
7 investigator of the secretary of state during reasonable or
8 established business hours.

9 (6) A dealer licensed as a distressed vehicle transporter
10 shall maintain records in a form as prescribed by the secretary of
11 state. The records ~~shall~~ **must** identify each distressed vehicle that
12 is bought, acquired, and sold by the dealer. The record ~~shall~~ **must**
13 identify the person from whom a distressed vehicle was bought or
14 acquired and the dealer to whom the vehicle was sold. The record
15 ~~shall~~ **must** indicate ~~whether~~ **if** a certificate of title or salvage
16 certificate of title was obtained by the dealer for each vehicle.

17 (7) A dealer licensed under this act shall maintain records
18 for a period of 5 years. The records ~~shall~~ **must** be made available
19 for inspection by the secretary of state or other law enforcement
20 officials. To determine or enforce compliance with this chapter or
21 other applicable law, the secretary of state or any law enforcement
22 official may inspect a dealer, **with 36 hours' advance notice**,
23 whenever he or she determines it is necessary. **The secretary of**
24 **state or other law enforcement officials must have proof of**
25 **providing the notice to the dealer in writing or verbally.** The
26 secretary of state may issue an order summarily suspending the
27 license of a dealer under section 92 of the administrative
28 procedures act of 1969, 1969 PA 306, MCL 24.292, based on an
29 affidavit by a person familiar with the facts set forth in the



1 affidavit that the dealer has failed to maintain the records
2 required by this act or failed to provide the records for
3 inspection as requested by the secretary of state, or has otherwise
4 hindered, obstructed, or prevented the inspection of records
5 authorized under this section. The dealer ~~to whom that~~ the order is
6 directed **to** shall comply immediately, but on application to the
7 department shall be afforded a hearing within 30 days under the
8 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
9 24.328. On the basis of the hearing, the summary order ~~shall must~~
10 be continued, modified, or held in abeyance not later than 30 days
11 after the hearing.

12 (8) A dealer licensed as a vehicle salvage pool operator or
13 broker shall maintain records in a form as prescribed by the
14 secretary of state. The records ~~shall must~~ contain a description of
15 each vehicle or salvageable part stored by the dealer, the name and
16 address of the insurance company or person storing the vehicle or
17 salvageable part, the period of time the vehicle or salvageable
18 part was stored, and the person acquiring the vehicle or
19 salvageable part. In the case of a late model vehicle, a record of
20 the purchase or sale of a major component part of the vehicle ~~shall~~
21 **must** be maintained identifying the part purchased or sold, the name
22 and address of the seller or purchaser, the date of the purchase or
23 sale, and the identification number assigned to the part by the
24 dealer. The record of the purchase or sale of a part ~~shall must~~ be
25 maintained in or attached to the dealer's police book or hard copy
26 of computerized data entries and reference codes and ~~shall must~~ be
27 accessible at the dealer's location. In addition, a dealer licensed
28 as a broker shall maintain a record of the odometer mileage reading
29 of each vehicle sold pursuant to an agreement between the broker



1 and the buyer or the broker and the seller. The record of odometer
2 mileage ~~shall~~**must** be maintained for 5 years and ~~shall~~ contain all
3 of the information required by section 233a.

4 (9) A dealer licensed as a used vehicle parts dealer or an
5 automotive recycler shall maintain records in a form prescribed by
6 the secretary of state. The records ~~shall~~**must** contain the date of
7 purchase or acquisition of the vehicle, a description of the
8 vehicle including the color, and the name and address of the person
9 from whom the vehicle was acquired. If the vehicle is sold, the
10 record ~~shall~~**must** contain the date of sale and the name and address
11 of the purchaser. The record ~~shall~~**must** indicate if the certificate
12 of title or salvage or scrap certificate of title was obtained by
13 the dealer. In the case of a late model vehicle, a record of the
14 purchase or sale of a major component of the vehicle ~~shall~~**must** be
15 maintained identifying the part purchased or sold, the name and
16 address of the seller or purchaser, the date of the purchase or
17 sale, and the identification number assigned to the part by the
18 dealer, except that a bumper remanufacturer is not required to
19 maintain a record of the purchase of a bumper. However, a bumper
20 remanufacturer shall assign and attach an identification number to
21 a remanufactured bumper and maintain a record of the sale of the
22 bumper. The record of the purchase or sale of a part ~~shall~~**must** be
23 maintained in or attached to the dealer's police book or hard copy
24 of computerized data entries and reference codes and ~~shall~~**must** be
25 accessible at the dealer's location.

26 (10) A dealer licensed as a vehicle scrap metal processor
27 shall maintain records as prescribed by the secretary of state. As
28 provided in section 217c, the records ~~shall~~**must** contain for a
29 vehicle purchased from a dealer a copy of the scrap vehicle



1 inventory, including the name and address of the dealer, a
2 description of the vehicle acquired, and the date of acquisition.
3 If a vehicle is purchased or acquired from a person other than a
4 dealer, the record ~~shall~~**must** contain the date of acquisition, a
5 description of the vehicle, including the color, the name and
6 address of the person from whom the vehicle was acquired, and
7 whether a certificate of title or salvage or scrap certificate of
8 title was obtained by the dealer.

9 (11) A dealer licensed as a foreign salvage vehicle dealer
10 shall maintain records in a form prescribed by the secretary of
11 state. The records ~~shall~~**must** contain the date of purchase or
12 acquisition of each distressed vehicle, a description of the
13 vehicle including the color, and the name and address of the person
14 from whom the vehicle was acquired. If the vehicle is sold, the
15 record ~~shall~~**must** contain the date of sale and the name and address
16 of the purchaser. The record ~~shall~~**must** indicate if the certificate
17 of title or salvage or scrap certificate of title was obtained by
18 the dealer. In the case of a late model vehicle, a record of the
19 purchase or sale of each salvageable part purchased or acquired in
20 this state ~~shall~~**must** be maintained and the record ~~shall~~**must**
21 contain the date of purchase or acquisition of the part, a
22 description of the part, the identification number assigned to the
23 part, and the name and address of the person to or from whom the
24 part was purchased, acquired, or sold. The record of the sale,
25 purchase, or acquisition of a part ~~shall~~**must** be maintained in the
26 dealer's police book. The police book ~~shall~~**must** only contain
27 vehicles and salvageable parts purchased in this state or used in
28 the repair of a vehicle purchased in this state. The police book
29 and the records of vehicle part sales, purchases, or acquisitions



1 ~~shall~~**must** be made available at a location within the state for
 2 inspection by the secretary of state within 48 hours after a
 3 request by the secretary of state.

4 (12) The secretary of state shall make periodic ~~unannounced~~
 5 inspections of the records, facilities, and inventories of
 6 automotive recyclers and used or secondhand vehicle parts dealers.

7 (13) The secretary of state may promulgate rules to implement
 8 this section under the administrative procedures act of 1969, 1969
 9 PA 306, MCL 24.201 to 24.328.

10 Sec. 803. ~~The~~**Except as otherwise provided in section 245, the**
 11 secretary of state shall charge a \$10.00 fee for each special plate
 12 issued under section 244. The secretary of state shall determine
 13 the number of special plates reasonably needed by a manufacturer,
 14 transporter, or dealer.

15 Sec. 807. (1) Except as provided in subsection (2), an
 16 applicant shall include with an application for a license under
 17 section 248 one of the following fees:

18 Full year's license.....	\$	75.00 160.00
19 Half year's license (after June 30).....		37.50 80.00
20 Multiple year license.....		75.00 160.00
21		per year.

22 (2) An applicant shall include with an application for a used
 23 or secondhand vehicle parts dealer, an automotive recycler, or
 24 foreign salvage vehicle dealer license 1 of the following fees:

25 Full year's license.....	\$	160.00
26 Half year's license (after June 30).....		80.00
27 Multiple year license.....		160.00
28		per year.

