

**HOUSE 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 **heated and electrified and that is** either owned,



1 leased, or rented and is not a commercial mailbox, tent, temporary
2 stand, or other temporary 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).~~ **an office that meets all of**
6 **the following requirements:**

7 (i) Is not less than 8 feet by 8 feet with a door.

8 (ii) Has no fewer than 4 rigid walls.

9 (iii) Has working utilities including, but not limited to,
10 lighting and telephone that are listed in the name of the business
11 on the wholesaler's license.

12 (iv) Has a working restroom.

13 (v) Has standard office furniture including, but not limited
14 to, a desk and a locking filing cabinet.

15 (c) The premises are not used for the display of vehicles.
16 However, the premises may be used for the storage of vehicles
17 purchased by the wholesaler before sale to a licensed vehicle
18 dealer.

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

22 (e) The premises meet all applicable zoning requirements and
23 any other applicable municipal requirements.

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

28 (g) If a wholesaler receives its initial license on or after
29 January 1, 2023, the premises are not located within 200 feet of an



1 established place of business for another licensed wholesaler.

2 (4) For a used or secondhand vehicle parts dealer, vehicle
3 scrap metal processor, vehicle salvage pool operator, distressed
4 vehicle transporter, broker, and automotive recycler, "established
5 place of business" means premises that meet all of the following
6 requirements:

7 (a) The premises contain a permanently enclosed building or
8 structure that is heated and electrified and that is either owned,
9 leased, or rented by the business and that is not a commercial
10 mailbox, tent, temporary stand, or other temporary quarters.

11 (b) All books, records, and files necessary to conduct the
12 business of the dealer, processor, operator, transporter, broker,
13 or recycler are maintained in an office that meets all of the
14 following requirements:

15 (i) Is not less than 8 feet by 8 feet with a door.

16 (ii) Has no fewer than 4 rigid walls.

17 (iii) Has working utilities including, but not limited to,
18 lighting and telephone that are listed in the name of the business
19 on the dealer's, processor's, operator's, transporter's, broker's,
20 or recycler's license.

21 (iv) Has a working restroom.

22 (v) Has standard office furniture including, but not limited
23 to, a desk and a locking filing cabinet.

24 (c) The premises are identified by an exterior sign displaying
25 the name of the dealer, processor, operator, transporter, broker,
26 or recycler that is permanently affixed to the building or land
27 with letters clearly visible from the roadway.

28 (d) The premises meet all applicable zoning requirements and
29 any other applicable municipal requirements.



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

6 Sec. 217. (1) An owner of a vehicle that is subject to
7 registration under this act shall apply to the secretary of state,
8 on an appropriate form furnished by the secretary of state, for the
9 registration of the vehicle and issuance of a certificate of title
10 for the vehicle. A vehicle brought into this state from another
11 state or jurisdiction that has a rebuilt, salvage, scrap, flood, or
12 comparable certificate of title issued by that other state or
13 jurisdiction must be issued a rebuilt, salvage, scrap, or flood
14 certificate of title by the secretary of state. The application
15 must be accompanied by the required fee. An application for a
16 certificate of title must bear the signature or verification and
17 certification of the owner. The application must contain all of the
18 following:

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

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

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

24 (b) A description of the vehicle including the make or name,
25 style of body, and model year; the number of miles, not including
26 the tenths of a mile, registered on the vehicle's odometer at the
27 time of transfer; whether the vehicle is a flood vehicle or another
28 state previously issued the vehicle a flood certificate of title;
29 whether the vehicle is to be or has been used as a taxi or police



1 vehicle, or by a political subdivision of this state, unless the
2 vehicle is owned by a dealer and loaned or leased to a political
3 subdivision of this state for use as a driver education vehicle;
4 whether the vehicle has previously been issued a salvage or rebuilt
5 certificate of title from this state or a comparable certificate of
6 title from any other state or jurisdiction; **the** vehicle
7 identification number; and the vehicle's weight fully equipped, if
8 a passenger vehicle registered in accordance with section
9 801(1)(a), and, if a trailer coach or pickup camper, in addition to
10 the weight, the manufacturer's serial number, or in the absence of
11 the serial number, a number assigned by the secretary of state. A
12 number assigned by the secretary of state ~~shall~~**must** be permanently
13 placed on the trailer coach or pickup camper in the manner and
14 place designated by the secretary of state.

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

18 (d) Further information that the secretary of state reasonably
19 requires to enable the secretary of state to determine whether the
20 vehicle is lawfully entitled to registration and the owner entitled
21 to a certificate of title. If the secretary of state is not
22 satisfied as to the ownership of a vehicle having a value over
23 \$2,500.00 or that is less than 10 years old, before registering the
24 vehicle and issuing a certificate of title, the secretary of state
25 may require the applicant to file a properly executed surety bond
26 in a form prescribed by the secretary of state and executed by the
27 applicant and a company authorized to conduct a surety business in
28 this state. The bond must be in an amount equal to twice the value
29 of the vehicle as determined by the secretary of state and shall be



1 conditioned to indemnify or reimburse the secretary of state, any
2 prior owner, and any subsequent purchaser or lessee of the vehicle
3 and their successors in interest against any expense, loss, or
4 damage, including reasonable attorney fees, because of the issuance
5 of a certificate of title for the vehicle or on account of any
6 defect in the right, title, or interest of the applicant in the
7 vehicle. An interested person has a right of action to recover on
8 the bond for a breach of the conditions of the bond, but the
9 aggregate liability of the surety to all persons must not exceed
10 the amount of the bond. If the secretary of state is not satisfied
11 as to the ownership of a vehicle that is valued at \$2,500.00 or
12 less and that is 10 years old or older, the secretary of state
13 shall require the applicant to certify that the applicant is the
14 owner of the vehicle and entitled to register and title the
15 vehicle.

16 (e) Except as provided in subdivision (f), an application for
17 a commercial vehicle shall also have attached a scale weight
18 receipt of the motor vehicle fully equipped as of the time the
19 application is made. A scale weight receipt is not necessary if
20 there is presented with the application a registration receipt of
21 the previous year that shows on its face the empty weight of the
22 motor vehicle as registered with the secretary of state that is
23 accompanied by a statement of the applicant that there has not been
24 structural change in the motor vehicle that has increased the empty
25 weight and that the previous registered weight is the true weight.

26 (f) An application for registration of a vehicle on the basis
27 of elected gross weight must include a declaration by the applicant
28 specifying the elected gross weight for which application is being
29 made.



1 (g) If the application is for a certificate of title of a
2 motor vehicle registered in accordance with section 801(1)(p), the
3 application must include the manufacturer's suggested base list
4 price for the model year of the vehicle. The base list price must
5 be the manufacturer's suggested retail price as shown on the label
6 required to be affixed to the vehicle under 15 USC 1232. If the
7 manufacturer's suggested retail price is unavailable, the
8 application must list the purchase price of the vehicle. As used in
9 this subdivision, "purchase price" means that term as defined in
10 section 801.

11 (2) An applicant for registration of a leased pickup truck or
12 passenger vehicle that is subject to registration under this act,
13 except a vehicle that is subject to a registration fee under
14 section 801g, shall disclose in writing to the secretary of state
15 the lessee's name, the lessee's bona fide residence, and either of
16 the following:

17 (a) If the lessee is an individual, the lessee's Michigan
18 driver license number or Michigan personal identification number
19 or, if the lessee does not have a Michigan driver license or
20 Michigan personal identification number, the lessee's mailing
21 address.

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

24 (3) The secretary of state shall maintain the information
25 described in subsection (2) on the secretary of state's computer
26 records.

27 (4) Except as provided in subsections (5), (11), and (12), a
28 dealer selling, leasing, or exchanging vehicles required to be
29 titled, within ~~15~~ 21 days after delivering a vehicle to the



1 purchaser or lessee, and a person engaged in the sale of vessels
2 required to be numbered by part 801 of the natural resources and
3 environmental protection act, 1994 PA 451, MCL 324.80101 to
4 324.80199, within ~~15~~**21** days after delivering a boat trailer
5 weighing less than 2,500 pounds to the purchaser or lessee, shall
6 apply to the secretary of state for a new title, if required, and
7 transfer or secure registration plates and secure a certificate of
8 registration for the vehicle or boat trailer, in the name of the
9 purchaser or lessee. Subject to subsection (11), the dealer's
10 license may be suspended or revoked in accordance with section 249
11 for failure to apply for a title when required or for failure to
12 transfer or secure registration plates and certificate of
13 registration within the ~~15~~**21** days required by this section.
14 Subject to subsection (11), if the dealer or person fails to apply
15 for a title when required, and to transfer or secure registration
16 plates and secure a certificate of registration and pay the
17 required fees within ~~15~~**21** days of delivery of the vehicle or boat
18 trailer, a title and registration for the vehicle or boat trailer
19 may subsequently be acquired only on the payment of a late transfer
20 fee of ~~\$15.00~~**\$50.00** for an individual or a dealer other than a
21 dealer subject to section 235b in addition to the fees specified in
22 section 806. Subject to subsection (11), for a used or secondhand
23 vehicle dealer subject to section 235b, the late transfer fee is
24 \$100.00 in addition to the fees specified in section 806. The
25 purchaser or lessee of the vehicle or the purchaser of the boat
26 trailer shall sign the application, including, if applicable, the
27 declaration specifying the maximum elected gross weight as required
28 by subsection (1)(f), and other necessary papers to enable the
29 dealer or person to secure the title, registration plates, and



1 transfers from the secretary of state. If the secretary of state
2 mails or delivers a purchaser's certificate of title to a dealer,
3 the dealer shall mail or deliver the certificate of title to the
4 purchaser not more than 5 days after receiving the certificate of
5 title from the secretary of state. However, as provided under
6 section 238, the secretary of state is not required to issue a
7 title to the owner of a vehicle or lienholder if the title is
8 subject to a security interest.

9 (5) Except as provided in subsection (12), a dealer selling or
10 exchanging an off lease or buy back vehicle shall apply to the
11 secretary of state for a new title for the vehicle within ~~15~~**21**
12 days after it receives the certificate of title from the lessor or
13 manufacturer under section 235 or section 235b and transfer or
14 secure registration plates and secure a certificate of registration
15 for the vehicle in the name of the purchaser. Subject to subsection
16 (12), the dealer's license may be suspended or revoked in
17 accordance with section 249 for failure to apply for a title when
18 required or for failure to transfer or secure registration plates
19 and certificate of registration within the ~~15-day~~**21-day** period.
20 Subject to subsection (12), if the dealer or person fails to apply
21 for a title when required, and to transfer or secure registration
22 plates and secure a certificate of registration and pay the
23 required fees within the ~~15-day~~**21-day** time period, a title and
24 registration for the vehicle may subsequently be acquired only on
25 the payment of a late transfer fee of ~~\$15.00~~**\$50.00** for an
26 individual or dealer other than a used or secondhand vehicle dealer
27 subject to section 235b in addition to the fees specified in
28 section 806. Subject to subsection (12), the late transfer fee for
29 a used or secondhand vehicle dealer subject to section 235b is



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

14 (6) If a vehicle is delivered to a purchaser or lessee who has
15 valid Michigan registration plates that are to be transferred to
16 the vehicle, and an application for title, if required, and
17 registration for the vehicle is not made before delivery of the
18 vehicle to the purchaser or lessee, the registration plates must be
19 affixed to the vehicle immediately, and the dealer shall provide
20 the purchaser or lessee with an instrument in writing, on a form
21 prescribed by the secretary of state, which serves as a temporary
22 registration for the vehicle for a period of ~~15~~30 days from the
23 date the vehicle is delivered.

24 (7) If the seller does not prepare the credit information,
25 contract note, and mortgage, and the holder, finance company,
26 credit union, or banking institution requires the installment
27 seller to record the lien on the title, the holder, finance
28 company, credit union, or banking institution shall pay the seller
29 a service fee of not more than \$10.00. The service fee must be paid



1 from the finance charges and must not be charged to the buyer in
2 addition to the finance charges. The holder, finance company,
3 credit union, or banking institution must issue its check or bank
4 draft for the principal amount financed, payable jointly to the
5 buyer and seller, and the following must be imprinted on the back
6 side of the check or bank draft:

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

11 (8) On the front of the check or draft described under
12 subsection (7), the holder, finance company, credit union, or
13 banking institution shall note the name or names of the prospective
14 owners. Failure of the holder, finance company, credit union, or
15 banking institution to comply with these requirements frees the
16 seller from any obligation to record the lien or from any liability
17 that may arise as a result of the failure to record the lien. A
18 service fee must not be charged to the buyer.

19 (9) In the absence of actual malice proved independently and
20 not inferred from lack of probable cause, a person who in any
21 manner causes a prosecution for larceny of a motor vehicle; for
22 embezzlement of a motor vehicle; for any crime an element of which
23 is the taking of a motor vehicle without authority; or for buying,
24 receiving, possessing, leasing, or aiding in the concealment of a
25 stolen, embezzled, or converted motor vehicle knowing that the
26 motor vehicle has been stolen, embezzled, or converted, is not
27 liable for damages in a civil action for causing the prosecution.
28 This subsection does not relieve a person from proving any other
29 element necessary to sustain ~~his or her~~ **the person's** cause of



1 action.

2 (10) Receipt by the secretary of state of a properly tendered
3 application for a certificate of title on which a security interest
4 in a vehicle is to be indicated is a condition of perfection of a
5 security interest in the vehicle and is equivalent to filing a
6 financing statement under the uniform commercial code, 1962 PA 174,
7 MCL 440.1101 to 440.9994, with respect to the vehicle. When a
8 security interest in a vehicle is perfected, it has priority over
9 the rights of a lien creditor as lien creditor is defined in
10 section 9102 of the uniform commercial code, 1962 PA 174, MCL
11 440.9102.

12 (11) Notwithstanding subsection (4), a dealer selling,
13 leasing, or exchanging vehicles, required to be titled, after March
14 31, 2021 but before August 1, 2021, may apply to the secretary of
15 state for a new title, if required, and transfer or secure
16 registration plates and secure a certificate of registration for
17 the vehicle in the name of the purchaser within 30 days. Both of
18 the following apply to a dealer that complies with this subsection:

19 (a) The dealer's license must not be suspended or revoked in
20 accordance with section 249 for failure to apply for a title when
21 required or for failure to transfer or secure registration plates
22 and certificate of registration within the ~~15-day~~**21-day** period
23 required under subsection (4).

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

29 (12) Notwithstanding subsection (5), a dealer selling or



1 exchanging an off lease or buy back vehicle after March 31, 2021
2 but before August 1, 2021 may apply to the secretary of state for a
3 new title for the vehicle within 30 days after the dealer receives
4 the certificate of title from the lessor or manufacturer under
5 section 235 or 235b and transfer or secure registration plates and
6 secure a certificate of registration for the vehicle in the name of
7 the purchaser. Both of the following apply to a dealer that
8 complies with this subsection:

9 (a) The dealer's license must not be suspended or revoked in
10 accordance with section 249 for failure to apply for a title when
11 required or for failure to transfer or secure registration plates
12 and certificate of registration within the ~~15-day~~ **21-day** period
13 required under subsection (5).

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

19 Sec. 217c. (1) The secretary of state may conduct periodic
20 reviews of the records of a dealer to determine whether adequate
21 notice is given to a transferee or lessee of a rebuilt salvage
22 vehicle of that vehicle's prior designation as a salvage vehicle.
23 The secretary of state may request an insurance company to provide
24 copies of salvage title documents and claims reports involving
25 major component parts to assist the secretary of state in
26 monitoring compliance with this act.

27 (2) Except for a late model vehicle that has been stolen and
28 recovered and that has no major component part removed, missing, or
29 destroyed, or damaged and not salvageable, an insurance company



1 licensed to conduct business in this state that acquires ownership
2 of a late model vehicle through the payment of a claim shall
3 proceed under either of the following:

4 (a) If the insurance company acquires ownership of the vehicle
5 through payment of a claim, the owner of the vehicle must assign
6 the certificate of title to the insurance company which shall do
7 all of the following:

8 (i) Surrender a properly assigned certificate of title to the
9 secretary of state.

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

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

25 (i) If the estimated cost of repair, including parts and labor,
26 is equal to or greater than 75% but less than 91% of the predamaged
27 actual cash value of the vehicle, require each owner of the vehicle
28 to sign an application for a salvage certificate of title, or if
29 the estimated cost of repair, including parts and labor, is equal



1 to or greater than 91% of the predamaged actual cash value of the
2 vehicle, require each owner of the vehicle to sign an application
3 for a scrap vehicle certificate of title.

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

7 (iii) On behalf of the owner, apply to the secretary of state
8 for a salvage or scrap certificate of title in the name of the
9 owner. The owner shall not sell or otherwise dispose of the vehicle
10 without first receiving a salvage or scrap certificate of title,
11 which ~~shall~~**must** be assigned to the buyer. An insurance company may
12 assign a salvage or scrap certificate of title only to an
13 automotive recycler, used or secondhand vehicle parts dealer,
14 foreign salvage vehicle dealer, or vehicle scrap metal processor.

15 (3) If an insurance company pays a claim for total loss to the
16 owner or lienholder of record as kept by the secretary of state, or
17 both, if applicable, of a vehicle but the owner or lienholder of
18 record as kept by the secretary of state fails to surrender the
19 certificate of title or other document necessary for the transfer
20 of ownership of the vehicle to the insurance company within the
21 expiration of 30 days after the claim payment, the insurance
22 company, without having obtained the surrender of the title or
23 other document otherwise necessary for the transfer of ownership
24 for the vehicle from the owner or lienholder of record as kept by
25 the secretary of state, or both, if applicable, may apply to the
26 secretary of state for a title as provided under this section. The
27 insurance company shall, at the time of application, provide proof
28 of the payment and that the insurance company has requested in
29 writing, by certified mail or by another commercially available



1 delivery service providing proof of delivery, on at least 2
2 separate occasions that the owner or lienholder of record as kept
3 by the secretary of state surrender to the insurance company the
4 certificate of title or other document necessary for the transfer
5 of ownership to the insurance company. The application ~~shall~~**must**
6 be signed under the penalty of perjury. Subject to subsection
7 (2) (a) (ii), upon meeting the requirements of this subsection, the
8 secretary of state shall issue to the insurance company the
9 appropriate certificate of title free of all liens. ~~and shall~~
10 ~~notify the prior vehicle owner and lienholder of record as kept by~~
11 ~~the secretary of state, if any, of that action in writing.~~ Proof of
12 payment of the claim is satisfied only by 1 of the following:

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

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

15 (ii) Evidence that the check has cleared the account of the
16 payer.

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

19 (4) Except as provided in subsection (3), if an insurance
20 company acquires ownership of a vehicle other than a late model
21 vehicle through payment of damages due to an accident, the company
22 shall surrender a properly assigned title to the buyer upon
23 delivery.

24 (5) If a dealer acquires ownership of a late model vehicle
25 that is a distressed vehicle from an owner, the dealer shall
26 receive an assigned certificate of title. If the assigned
27 certificate of title is not a salvage or scrap certificate of
28 title, the dealer, other than a vehicle scrap metal processor,
29 shall surrender the assigned certificate of title to the secretary



1 of state, and if the estimated cost of repair, including parts and
 2 labor, is equal to or greater than 75% but less than 91% of the
 3 predamaged actual cash value of the vehicle, apply for a salvage
 4 certificate of title, or if the estimated cost of repair, including
 5 parts and labor, is equal to or greater than 91% of the predamaged
 6 actual cash value of the vehicle, apply for a scrap certificate of
 7 title within 5 days after the dealer receives the assigned
 8 certificate of title. The dealer may sell a salvage vehicle to
 9 another automotive recycler, used or secondhand vehicle parts
 10 dealer, foreign salvage vehicle dealer, or vehicle scrap metal
 11 processor by assigning the salvage certificate of title to the
 12 buyer. Unless the vehicle is rebuilt, inspected, and recertified
 13 under this section, if the vehicle is sold to a buyer other than a
 14 dealer, application ~~shall~~**must** be made for a salvage certificate in
 15 the name of the buyer in the manner provided in this act. The
 16 dealer may sell a scrap vehicle only to a vehicle scrap metal
 17 processor. A vehicle scrap metal processor shall surrender an
 18 assigned certificate of title to the secretary of state within 30
 19 days after acquiring a vehicle for which a certificate of title was
 20 received. A vehicle scrap metal processor shall surrender an
 21 assigned salvage or scrap certificate of title to the secretary of
 22 state within 30 days after acquiring a vehicle for which a salvage
 23 or scrap certificate of title was received and report that the
 24 vehicle was destroyed or scrapped.

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

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



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

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

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

8 (7) The scrap certificate of title ~~shall~~**must** authorize the
9 holder of the document to transport but not drive ~~upon~~**on** a highway
10 the vehicle or parts of a vehicle, and assign ownership to a
11 vehicle scrap metal processor, automotive recycler, used or
12 secondhand vehicle parts dealer, or foreign salvage vehicle dealer.
13 A certificate of title ~~shall~~**must** not again be issued for this
14 vehicle. A person shall not rebuild or repair a scrap vehicle and
15 allow it to retain the original vehicle identification number.

16 (8) If a person, other than a dealer or insurance company that
17 is subject to subsection (2) or (5), acquires ownership of a
18 distressed, late model vehicle, the person must surrender the title
19 or assigned certificate of title to the secretary of state, and if
20 the estimated cost of repair, including parts and labor, is equal
21 to or greater than 75% but less than 91% of the predamaged actual
22 cash value of the vehicle, apply for a salvage certificate of
23 title, or if the estimated cost of repair, including parts and
24 labor, is equal to or greater than 91% of the predamaged actual
25 cash value of the vehicle, apply for a scrap certificate of title
26 before the vehicle may be transported.

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



(10) If 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, owns a distressed, late model vehicle, the titleholder shall surrender the title or assigned certificate of title to the secretary of state and apply for a salvage certificate of title if the retail cost of repair, including parts and labor, is equal to or greater than 75% but less than 91% of the predamaged actual cash value of the vehicle, or if the retail cost of repair, including parts and labor, is equal to or greater than 91% of the predamaged actual cash value of the vehicle, apply for a scrap certificate of title, before the vehicle may be transported or sold. If ownership is transferred, the owner must sell the vehicle only to a dealer ~~who~~ **that** is eligible to buy a salvage or scrap vehicle in this state unless the owner complies with subsection (13). When 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, estimates the repair of a 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



1 entity, or other company, institution, or entity. The estimates and
2 repair records required by this subsection ~~shall~~**must** be available
3 for unannounced inspections by a law enforcement agency or a
4 representative of the secretary of state. The secretary of state
5 may request a leasing company, vehicle manufacturer, insurance
6 company not licensed to do business in this state, association,
7 repossession company, self-insured owner, financial institution,
8 governmental entity, or other company, institution, or entity to
9 provide copies of title documents, repair estimates, claims reports
10 involving major component parts, and actual cash value
11 determination documents to assist the secretary of state in
12 monitoring compliance with this act.

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

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

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

21 (c) An estimate of the cost repair, including parts and labor,
22 and an estimate of the predamaged actual cash value of the vehicle.

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

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

27 (12) The secretary of state shall issue and mail the salvage
28 certificate within 5 business days after the time the application
29 is received at the secretary of state's office in Lansing. Each



1 salvage certificate of title ~~shall~~**must** include a listing of each
2 major component part that was not salvageable.

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

10 (a) That the vehicle identification numbers and parts
11 identification numbers are correct.

12 (b) That the applicant has proof of ownership of repair parts
13 used.

14 (c) That the vehicle complies with the equipment standards of
15 this act.

16 (d) That any repairs performed on the vehicle were done in a
17 workmanlike manner, as certified on a form provided by the
18 department by a properly licensed mechanic in the appropriate
19 specialty. A properly licensed mechanic described in this
20 subdivision ~~shall~~**must** not be the same individual as the specially
21 trained officer making the certification of the vehicle as required
22 under this subsection.

23 (14) The certification required by subsection (13) ~~shall~~**must**
24 be made on a form prescribed and furnished by the secretary of
25 state in conjunction with the department of state police and ~~shall~~
26 **must** accompany the application that is submitted to the secretary
27 of state for a certificate of title. An application for a
28 certificate of title ~~shall~~**must** contain a description of each
29 salvageable part used to repair the vehicle and any identification



1 number affixed to or inscribed ~~upon~~**on** the part as required by
2 state or federal law. Upon satisfactory completion of the
3 inspection as required by the secretary of state and other
4 requirements for application, the secretary of state shall issue a
5 certificate of title for the vehicle bearing the legend "rebuilt
6 salvage".

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

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

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

12 (c) A previously certified police officer who is appointed by
13 the local police agency as a limited enforcement officer to conduct
14 salvage vehicle inspections. The local police agency shall give
15 this officer access to the agency's law enforcement information
16 network system and the authority to confiscate any stolen vehicle
17 or vehicle parts discovered during an inspection. The local police
18 agency may give the officer the authority to arrest a person
19 suspected of having unlawful possession of a stolen vehicle or
20 vehicle parts. The local police agency shall not appoint a
21 previously certified police officer whose certificate has been
22 suspended, revoked, or denied under subsection (16).

23 (16) The secretary of state shall issue a certificate to an
24 officer who is specially trained as provided by the secretary of
25 state to conduct salvage vehicle inspections. Only a person who has
26 a valid certification from the secretary of state may perform
27 salvage inspections. The secretary of state on ~~his or her~~**the**
28 **secretary of state's** own initiative or in response to complaints
29 shall make reasonable and necessary public or private



1 investigations within or outside of this state and gather evidence
2 against an officer who was issued a certificate and who violated or
3 is about to violate this act or a rule promulgated under this act.
4 Subject to subsection (17), the secretary of state may suspend,
5 revoke, or deny a certificate after an investigation if the
6 secretary of state determines that the officer committed 1 or more
7 of the following:

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

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

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

14 (d) Performed improper, careless, or negligent salvage vehicle
15 inspections.

16 (e) Ceased to function as a police officer because of
17 suspension, retirement, dismissal, disability, or termination of
18 employment.

19 (f) Was convicted of a violation or attempted violation of
20 1986 PA 119, MCL 257.1351 to 257.1355.

21 (g) Made a false statement of a material fact in ~~his or her~~
22 **the officer's** certification of a salvage vehicle inspection or any
23 record concerning a salvage vehicle inspection.

24 (h) Charged a fee in excess of the fee described in subsection
25 (26).

26 (17) If the secretary of state revokes, suspends, or denies a
27 certificate under subsection (16) (a), (d), (g), or (h), the
28 secretary of state shall, at the time of revocation, suspension, or
29 denial, notify the officer and the law enforcement agency on behalf



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

16 (18) Upon receipt of the appropriate abstract of conviction
17 from a court and without any investigation, the secretary of state
18 shall immediately revoke the certificate of an officer who has been
19 convicted of a violation or attempted violation of section 413,
20 414, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA
21 328, MCL 750.413, 750.414, 750.415, 750.535, 750.535a, and
22 750.536a, or has been convicted in federal court or in another
23 state of a violation or attempted violation of a law substantially
24 corresponding to 1 of those sections.

25 (19) If a dealer acquires ownership of an older model vehicle
26 from an owner, the dealer shall receive an assigned certificate of
27 title and shall retain it as long as ~~he or she~~**the dealer** retains
28 the vehicle. A vehicle scrap metal processor shall surrender an
29 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 retained by the vehicle scrap metal processor, and 1 copy ~~shall~~**must** be forwarded to the secretary of state.

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



1 (a) The vehicle's former owner.

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

3 (c) A vehicle scrap metal processor.

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

5 (e) An automotive recycler.

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

8 (a) An automotive recycler.

9 (b) A vehicle scrap metal processor.

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

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

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

20 (24) A licensed automotive recycler, used or secondhand
21 vehicle parts dealer, vehicle scrap metal processor, vehicle
22 salvage pool operator, distressed vehicle transporter, foreign
23 salvage vehicle dealer, or broker ~~who~~**that** has removed a scrap
24 vehicle from this state for the purpose of rebuilding the vehicle
25 or selling or leasing the vehicle to a person other than a vehicle
26 scrap metal processor, shall receive an automatic suspension of its
27 dealer license and of any salvage vehicle agent's license assigned
28 to that dealer for a period of 30 days. Upon receipt by the
29 secretary of state of a written request from the dealer, the dealer



1 shall have the right to an immediate hearing on the matter within
2 that 30-day period.

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

11 (26) A police agency shall charge a fee for an inspection of a
12 vehicle under subsection (13). Each local authority with a police
13 agency shall determine the amount of the fee for inspections by
14 that police agency, ~~which shall~~**that must** not exceed \$100.00.
15 Except as otherwise provided in this subsection, a fee collected
16 under this subsection ~~shall~~**must** be deposited with the local
17 authority for that police agency. The records of the local
18 authority regarding the collection and disposition of inspection
19 fees is subject to review or audit by the local unit of government
20 and ~~shall~~**must** be made available upon request to the department. If
21 an inspection was conducted by an employee of the department of
22 state, the fee ~~shall~~**must** be deposited with the department of
23 state. A fee collected by a local authority ~~shall~~**must** be used
24 ~~solely~~ for law enforcement purposes related to stolen vehicles,
25 including, but not limited to, equipment and road patrol services
26 that increase the likelihood of recovering stolen vehicles or
27 stolen vehicle parts, and salvage vehicle inspections. A fee
28 collected by the department of state ~~shall~~**must** be used by the
29 department for the administration of the salvage vehicle inspection



1 program and ~~shall~~**must** not lapse to the general fund. A local
2 police agency may compensate an off-duty and limited enforcement
3 police officer for a salvage vehicle inspection.

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

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

17 (a) A commercial vehicle except for a commercial vehicle
18 issued a registration under the international registration plan or
19 a pickup truck or van owned by an individual.

20 (b) Except for a trailer or semitrailer issued a registration
21 under the international registration plan, a trailer or semitrailer
22 owned by a business, corporation, or person other than an
23 individual; or a pole trailer.

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

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

29 (4) In the case of a vehicle owned by a business, corporation,



1 or an owner other than an individual, the secretary of state may
2 assign or reassign the expiration date of the registration.

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

4 (a) After the October 1 immediately preceding the year
5 designated on the registration, issue a registration upon
6 application and payment of the proper fee for a commercial vehicle,
7 other than a pickup or van owned by an individual; or a trailer
8 owned by a business, corporation, or person other than an
9 individual.

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

15 (c) Beginning 45 days before the owner's birthday or, if the
16 owner has requested the expiration date described in subsection
17 (14), 45 days before the expiration date, and 120 days before the
18 expiration date assigned by the secretary of state, issue a
19 registration for a vehicle other than those designated in
20 subsection (1)(a) or (b). However, if an owner whose registration
21 period begins 45 days before ~~his or her~~ **the owner's** birthday or
22 expiration date will be out of the state during the 45 days
23 immediately preceding expiration of a registration or for other
24 good cause shown cannot apply for a renewal registration within the
25 45-day period, application for a renewal registration may be made
26 not more than 6 months before expiration.

27 (6) Except as otherwise provided in this subsection and
28 subsection (14), the secretary of state, upon application and
29 payment of the proper fee, shall issue a registration for a vehicle



1 or a motorcycle to a resident that expires on the owner's birthday
2 or, if applicable, on the expiration date described in subsection
3 (14). If the owner's next birthday is at least 6 months but not
4 more than 12 months in the future, the owner shall receive a
5 registration valid until the owner's next birthday or, if
6 applicable, the expiration date described in subsection (14). If
7 the owner's next birthday is less than 6 months in the future, the
8 owner shall receive a registration valid until the owner's birthday
9 following the owner's next birthday or, if applicable, the
10 expiration date described in subsection (14). The tax required
11 under this act for a registration described in this subsection is
12 either of the following:

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

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

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

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

21 Partial months must be considered as whole months in the
22 calculation of the required tax and in the determination of the
23 length of time between the application for a registration and the
24 owner's next birthday or, if applicable, the expiration date
25 described in subsection (14). The tax required for that
26 registration must be rounded off to whole dollars as provided in
27 section 801.

28 (7) A certificate of title remains valid until canceled by the
29 secretary of state for cause or upon a transfer of an interest



1 shown on the certificate of title.

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

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

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

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

23 (10) A special registration issued under subsection (9) is
24 valid for not more than ~~30~~ 60 days after the date of issuance, and
25 a fee must be collected for each special registration as provided
26 in section 802(3). The special registration may be in the form
27 determined by the secretary of state. If a dealer makes a retail
28 sale or lease of a vehicle to a purchaser or lessee who is
29 qualified and eligible to obtain a special registration, the dealer



1 shall apply for the special registration for the purchaser or
 2 lessee. If a person other than a dealer sells or leases a vehicle
 3 to a purchaser or lessee who is qualified and eligible to obtain a
 4 special registration, the purchaser or lessee shall appear in
 5 person, or by a person exercising the purchaser's or lessee's power
 6 of attorney, at an office of the secretary of state and furnish a
 7 certification that the person is the bona fide purchaser or lessee
 8 or that the person has granted the power of attorney, together with
 9 other forms required for the issuance of the special registration
 10 and provide the secretary of state with proof that the vehicle is
 11 covered by an automobile insurance policy issued under section 3101
 12 of the insurance code of 1956, 1956 PA 218, MCL 500.3101, or proof
 13 that the vehicle is covered by a policy of insurance issued by an
 14 insurer under section 3163 of the insurance code of 1956, 1956 PA
 15 218, MCL 500.3163. The certification required in this subsection
 16 must contain all of the following:

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

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

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

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

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

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

26 (11) In the case of a commercial vehicle, trailer, or
 27 semitrailer issued a registration under the international
 28 registration plan, the secretary of state in mutual agreement with
 29 the owner may assign or reassign the expiration date of the



1 registration. However, the expiration date agreed to must be either
2 March 31, June 30, September 30, or December 31 or beginning on
3 February 19, 2019, the last day of a calendar month. Renewals
4 expiring on or after June 30, 2020 must be for a minimum of at
5 least 12 months if there is a change in the established expiration
6 date. Notwithstanding the provisions of this subsection, a
7 commercial vehicle, trailer, or semitrailer registration issued
8 under this subsection that expires on or after March 1, 2020 is
9 valid until March 31, 2021. Notwithstanding the provisions of this
10 subsection, a commercial vehicle, trailer, or semitrailer
11 registration issued under this subsection that expires after March
12 31, 2021 but before August 1, 2021 is valid until 120 days after
13 the date of the expiration.

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

17 (13) A vehicle registration described in subsection (1) or a
18 motorcycle registration described in subsection (2) that expires on
19 or after March 1, 2020 is valid until March 31, 2021. A vehicle
20 registration described in subsection (1) or a motorcycle
21 registration described in subsection (2) that expires after March
22 31, 2021 but before August 1, 2021 is valid until 120 days after
23 the date of the expiration.

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

28 Sec. 226a. (1) Temporary registration plates or markers may be
29 issued to licensed dealers in vehicles and to persons engaged in



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

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

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

28 (4) A dealer or person, upon demand, shall immediately
 29 surrender any temporary registration plates or markers in his or



her possession if the secretary of state finds, after investigation, that the dealer or person has violated this section, and the dealer or person shall immediately forfeit any right to the temporary registration plates or markers.

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

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

(7) The secretary of state may issue a registration plate upon application and payment of the proper fee to an individual, partnership, corporation, or association ~~who~~ **that** in the ordinary course of business operates an auto auction, and ~~who~~ **that** in the



1 ordinary course of business has occasion to legally pick up a
 2 vehicle ~~which~~**that** will be offered for sale at the auction, or
 3 deliver a vehicle ~~which~~**that** has been offered for sale at the
 4 auction. The registration plate ~~shall~~**must** be used only to move
 5 vehicles as provided in this subsection. Auto auctions that ~~make~~
 6 ~~application~~**apply** for a registration plate under this subsection
 7 shall furnish a surety bond as required by the secretary of state.

8 Sec. 233a. (1) When the owner of a registered motor vehicle
 9 transfers ~~his or her~~**the owner's** title or interest in that vehicle,
 10 the transferor shall present to the transferee before delivery of
 11 the vehicle, written disclosure of odometer mileage by means of the
 12 certificate of title or a written statement signed by the
 13 transferor including the transferor's printed name, containing all
 14 of the following:

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

17 (b) The date of transfer.

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

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

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

22 (f) A reference to this section and comparable federal law,
 23 and a statement that failing to complete the title or form or
 24 providing false information may result in civil liability and civil
 25 or criminal penalties being imposed on the transferor.

26 (g) One of the following:

27 (i) A statement by the transferor certifying that to the best
 28 of ~~his or her~~**the transferor's** knowledge the odometer reading
 29 reflects the actual mileage of the vehicle.



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

4 (iii) If the transfer knows that the odometer reading differs
5 from the mileage and the difference is greater than that caused by
6 odometer calibration error, a statement that the odometer reading
7 does not reflect the actual mileage and should not be relied upon.
8 This notice must include a warning notice to alert the transferee
9 that a discrepancy exists between the odometer and the actual
10 mileage.

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

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

18 (3) A dealer selling or exchanging vehicles required to be
19 titled under this act shall present the certificate of title or
20 written statement and any reassigned titles in ~~his or her~~ **the**
21 **dealer's** possession to the transferee. The transferee or the
22 transferee's agent shall inspect, print his or her name, sign, and
23 date **on** the certificate or statement and return it to the
24 transferor for submission to the secretary of state. If neither the
25 transferee nor transferor is a dealer licensed under this act,
26 completing the odometer information on the certificate of title
27 must be considered to comply with subsection (1). A person shall
28 not sign an odometer disclosure statement as both the transferor
29 and transferee in the same transaction.



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

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

10 (a) Vehicles having a gross vehicle weight rating of more than
11 16,000 pounds.

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

13 (c) A vehicle manufactured in or before the 2010 model year
14 that is transferred at least 10 years after January 1 of the
15 calendar year that is included in the model year in which the
16 vehicle is manufactured.

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

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

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

24 (g) A low-speed vehicle.

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

26 (6) A person shall not alter, set back, or disconnect an
27 odometer; cause or allow an odometer to be altered, set back, or
28 disconnected; or advertise for sale, sell, use, install, or cause
29 or allow to be installed a device which causes an odometer to



1 register other than the actual mileage driven. This subsection does
2 not prohibit the service, repair, or replacement of an odometer if
3 the mileage indicated on the odometer remains the same as before
4 the service, repair, or replacement. If the odometer is incapable
5 of registering the same mileage as before the service, repair, or
6 replacement, the odometer must be adjusted to read zero and a
7 notice in writing must be attached to the left door frame of the
8 vehicle by the owner or ~~his or her~~ **the owner's** agent specifying the
9 mileage prior to service, repair, or replacement of the odometer
10 and the date on which it was serviced, repaired, or replaced. A
11 person shall not remove, deface, or alter any notice affixed to a
12 motor vehicle ~~pursuant to~~ **under** this subsection.

13 (7) A person who violates subsection (6) is guilty of a
14 felony.

15 (8) Before executing a transfer of ownership document, a
16 lessor of a leased vehicle shall notify the lessee in writing that
17 ownership of the vehicle is being transferred and that the lessee
18 is required to provide a written statement to the lessor regarding
19 the mileage of the vehicle. This notice must inform the lessee of
20 the penalties for failure to comply with the requirement.

21 (9) Upon receiving notification from the lessor of a leased
22 vehicle that ownership of the vehicle is to be transferred, the
23 lessee shall furnish to the lessor a written statement regarding
24 the mileage of the vehicle. This statement must be signed by the
25 lessee and must contain all of the following:

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

27 (b) The current odometer reading, not including tenths of
28 miles.

29 (c) The date of the statement.



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

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

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

5 (g) The date that the lessor notified the lessee of the
6 requirements of this subsection.

7 (h) The date that the completed disclosure statement was
8 received by lessor.

9 (i) The signature of the lessor.

10 (j) One of the following:

11 (i) A statement by the lessee certifying that to the best of
12 ~~his or her~~ **the lessee's** knowledge the odometer reading reflects the
13 actual mileage of the vehicle.

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

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

21 (10) If the lessor transfers a leased vehicle without
22 obtaining possession of the vehicle, the lessor may indicate on the
23 certificate of title the mileage disclosed by the lessee under
24 subsection (9), unless the lessor has reason to believe that the
25 mileage disclosed by the lessee does not reflect the actual mileage
26 of the vehicle.

27 (11) A dealer ~~who~~ **that** is required by this section to execute
28 an odometer mileage statement shall retain for 5 years a
29 photostatic, carbon, or other facsimile copy of each odometer



1 mileage statement the dealer issues or receives. The dealer shall
 2 retain the odometer mileage statements at ~~his or her~~ **the dealer's**
 3 primary place of business in an order that is appropriate to
 4 business requirements and that permits systematic retrieval.

5 (12) A lessor shall retain for 5 years following the date of
 6 transfer of ownership of each leased vehicle, the odometer mileage
 7 statement received from the lessee. The lessor shall retain the
 8 odometer mileage statements at ~~his or her~~ **the lessor's** primary
 9 place of business in an order that is appropriate to business
 10 requirements and that permits systematic retrieval.

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

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

18 (b) The name of the buyer.

19 (c) The vehicle identification number.

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

23 (14) A violation of subsection (1) or (6) by any dealer
 24 licensed under this act is prima facie evidence of a fraudulent act
 25 as provided in section 249.

26 (15) A person who, with intent to defraud, violates any
 27 requirement under subsection (1) or (6), or a dealer ~~who~~ **that** fails
 28 to retain for 5 years each odometer mileage statement the dealer
 29 receives and each odometer mileage statement furnished by the



dealer upon the sale of a vehicle, is liable in an amount equal to 3 times the amount of actual damages sustained or \$1,500.00 whichever is greater, and in the case of a successful recovery of damages, the costs of the action together with reasonable attorney fees.

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

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

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

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

Sec. 235. (1) If the transferee of a vehicle is a new motor vehicle dealer or a used or secondhand vehicle dealer that acquires the vehicle for resale, the dealer is not required to obtain a new registration of the vehicle or forward the certificate of title to the secretary of state, but shall retain and have in the dealer's immediate possession, **or, upon providing prior written notice to the department and receiving the department's approval within 7 business days after the department receives the written notice, at a secondary location owned by the dealer that is located within a 15-mile radius,** the assigned certificate of title with the odometer information properly completed, except as otherwise provided in section 235b. A dealer shall obtain a certificate of title for a vehicle ~~having~~**that has** a salvage certificate of title before the dealer may operate the vehicle under dealer's license plates. Upon transferring title or interest to another person that is not a dealer, the dealer shall complete an assignment and warranty of



1 title upon the certificate of title, salvage certificate of title,
 2 or dealer reassignment of title form and ~~make an application apply~~
 3 for a registration and a new title as provided in section 217(4).

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

7 (3) Upon transferring title or interest to another dealer, the
 8 dealer shall complete an assignment and warranty of title ~~upon on~~
 9 the certificate of title, salvage certificate of title, or dealer
 10 reassignment of title form and deliver it to the licensed dealer ~~to~~
 11 ~~which receiving~~ the transfer. ~~is made.~~

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

21 (5) This section does not prohibit a dealer from selling a buy
 22 back vehicle while the certificate of title is in the possession of
 23 a manufacturer that obtained the certificate of title under the
 24 manufacturer's buy back vehicle program. The manufacturer shall
 25 mail the certificate of title to the dealer within 5 business days
 26 after the manufacturer's receipt of a signed statement from the
 27 purchaser of the vehicle acknowledging ~~he or she~~ **the purchaser** was
 28 informed by the dealer that the manufacturer acquired title to the
 29 vehicle as the result of an arbitration proceeding, under a



1 customer satisfaction policy adopted by the manufacturer, or under
2 1986 PA 87, MCL 257.1401 to 257.1410, or a similar law of another
3 state.

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

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

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

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

26 (4) **A dealer may make application on a form prescribed by the**
27 **secretary of state for 1 or more special plates, which are valid**
28 **for the term of the license held by the dealer. Upon approval of**
29 **the application, the fee for 1 or more special plates is the term**



1 of years of the license held by the dealer times the fee assessed
2 under section 803.

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

10 (2) An applicant for a new vehicle dealer or a used or
11 secondhand vehicle dealer or broker license shall include a
12 properly executed bond or a bond renewal certificate, approved by
13 the secretary of state, with the license application. If a renewal
14 certificate is used, the bond is considered renewed for each
15 succeeding year in the same amount and with the same effect as an
16 original bond. The bond ~~shall~~**must** be in the amount of ~~\$10,000.00.~~
17 **\$25,000.00.** The bond ~~shall~~**must** indemnify or reimburse a purchaser,
18 seller, lessee, financing agency, or governmental agency for
19 monetary loss caused through fraud, cheating, or misrepresentation
20 in the conduct of the vehicle business whether the fraud, cheating,
21 or misrepresentation was made by the dealer or by an employee,
22 agent, or salesperson of the dealer. The surety shall make
23 indemnification or reimbursement for a monetary loss only after a
24 judgment based on fraud, cheating, or misrepresentation is entered
25 in a court of record against the licensee or a final order that the
26 licensee has engaged in fraud, cheating, or misrepresentation is
27 issued by the secretary of state after an administrative hearing.
28 The bond ~~shall~~**must** also indemnify or reimburse the state for any
29 sales tax deficiency as provided in the general sales tax act, 1933



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

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

21 (4) As a condition precedent to the granting of a license, a
22 dealer ~~shall~~**must** file with the secretary of state an irrevocable
23 written stipulation, authenticated by the applicant, stipulating
24 and agreeing that legal process affecting the dealer, served on the
25 secretary of state or a deputy of the secretary of state, has the
26 same effect as if personally served on the dealer. This appointment
27 remains in force as long as the dealer has any outstanding
28 liability within this state.

29 (5) A person shall not carry on or conduct the business of



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

29 (6) The application for a dealer license ~~shall~~**must** be in the



1 form prescribed by the secretary of state and ~~shall be~~ signed by
2 the applicant. In addition to **any** other information ~~as may be~~
3 required by the secretary of state, the application ~~shall~~ **must**
4 include all of the following:

5 (a) The name of the applicant.

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

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

12 (d) If the business is a corporation, the state of
13 incorporation.

14 (e) If the business is a sole proprietorship or partnership,
15 the name, address, and date of birth of each owner or partner; if
16 the business is a corporation, the name, address, and date of birth
17 of each of the principal officers.

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

20 (g) If the dealer's business is the sale of new vehicles, the
21 make or makes of those vehicles. Each new vehicle dealer shall send
22 with the application for license a certification that the dealer
23 holds a bona fide contract to act as factory representative,
24 factory distributor, or distributor representative to sell at
25 retail (the make of vehicle to be sold) and that the
26 contract meets the requirements for a dealer agreement under **the**
27 **motor vehicle franchise act**, 1981 PA 118, MCL 445.1561 to 445.1583.

28 (h) A statement of the previous history, record, and
29 associations of the applicant and of each owner, partner, officer,



1 or director of the applicant. The statement ~~shall~~**must** be
2 sufficient to establish to the satisfaction of the secretary of
3 state the business reputation and character of the applicant.

4 (i) A statement showing whether the applicant has previously
5 applied for a license, the result of the application, and whether
6 the applicant has ever been the holder of a dealer license that was
7 revoked or suspended.

8 (j) If the applicant is a corporation or partnership, a
9 statement showing whether a partner, employee, officer, or director
10 has been refused a license or has been the holder of a license that
11 was revoked or suspended.

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

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

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

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

25 (l) A certification that neither the applicant nor another
26 person named on the application is acting as the alter ego of any
27 other person or persons in seeking the license. For the purpose of
28 this subdivision, "alter ego" means a person that acts for and on
29 behalf of, or in the place of, another person for purposes of



1 obtaining a vehicle dealer license.

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

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

24 (o) For an application submitted by or on behalf of an
 25 eligible used vehicle dealer for an original or renewal license, a
 26 certification that each retail sales location of that dealer has an
 27 employee that has completed the dealer training program required
 28 under section 248l(3) or (5), as applicable.

29 (7) A person shall apply separately for a dealer license for



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

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

23 (a) New vehicle dealer.

24 (b) Used or secondhand vehicle dealer. A used or secondhand
25 vehicle dealer may be eligible for a mobility dealer endorsement
26 under section 248k.

27 (c) Used or secondhand vehicle parts dealer.

28 (d) Vehicle scrap metal processor.

29 (e) Vehicle salvage pool operator.



1 (f) Distressed vehicle transporter.

2 (g) Broker.

3 (h) Foreign salvage vehicle dealer.

4 (i) Automotive recycler.

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

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

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

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

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

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

23 (e) A dealer may continue to operate its dealer business after
24 the expiration of its dealer license, pending approval of the
25 renewal application, if the renewal application is delivered in
26 person or mailed to the secretary of state on or before the
27 expiration date of the license. If requested by the department, a
28 dealer that mails an application under this subdivision must
29 provide proof of mailing of the renewal application that is



1 satisfactory to the department.

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

12 (g) If a dealer files an application to renew a dealer license
13 more than 30 days after the expiration of that license, the dealer
14 is considered a new applicant for a dealer license under this
15 section.

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

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

22 (10) A dealer may conduct the business of buying, selling, or
23 dealing in motor homes, trailer coaches, trailers, or pickup
24 campers at a recreational vehicle show conducted at a location in
25 this state without obtaining a separate or supplemental license
26 under subsection (7) if all of the following apply:

27 (a) The dealer is licensed as a new vehicle dealer or used or
28 secondhand vehicle dealer.

29 (b) The duration of the recreational vehicle show is not more



1 than 14 days.

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

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

21 **(12) A dealer may park, store, hold, and repair vehicles owned**
22 **under 1 dealer license on the lot or property held by the same**
23 **dealer under a separate dealer license that is located within a 15-**
24 **mile radius.**

25 Sec. 248d. All of the following requirements apply to a
26 wholesaler:

27 (a) A wholesaler shall not advertise vehicles for sale on the
28 internet or any classified listing unless the advertisement clearly
29 discloses the wholesaler's license classification and clearly



1 states that ~~any~~**a** purchaser ~~shall~~**must** be a licensed vehicle
2 dealer.

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

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

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

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

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

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

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

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

29 (d) ~~4. Enter a final order together with his~~**the secretary of**



1 **state's** findings.

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

15 Sec. 251. (1) Each new vehicle dealer, used vehicle dealer,
 16 broker, and wholesaler shall maintain a record in a manner
 17 prescribed by the secretary of state of each vehicle of a type
 18 subject to titling under this act that is bought, sold, leased, or
 19 exchanged by the dealer or received or accepted by the dealer for
 20 sale, lease, or exchange. **Each dealer, broker, and wholesaler must**
 21 **retain and have in the dealer's, broker's, or wholesaler's**
 22 **immediate possession, or, upon providing prior written notice to**
 23 **the department and receiving the department's approval within 7**
 24 **business days after the department receives the written notice, at**
 25 **a secondary location owned by the dealer, broker, or wholesaler**
 26 **that is located within a 15-mile radius, each record described in**
 27 **this subsection.**

28 (2) Each record ~~shall~~ **must** contain the date of the purchase,
 29 sale, lease, or exchange or receipt for the purpose of sale, lease,



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

28 (3) Not more than 20 days after the delivery of the vehicle,
29 the seller shall deliver to the buyer in person, ~~or~~ by mail to the



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

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



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

4 (b) The agreement contains a place for acknowledgment by the
 5 buyer of the receipt of a copy of the agreement or actual delivery
 6 of the vehicle is made to the buyer.

7 (5) ~~Each~~ **Subject to subsection (12), each** dealer record and
 8 inventory, including the record and inventory of a vehicle scrap
 9 metal processor not required to obtain a dealer license, ~~shall be~~
 10 **is** open to inspection by a police officer or an authorized officer
 11 or investigator of the secretary of state during reasonable or
 12 established business hours.

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

21 (7) A dealer licensed under this act shall maintain records
 22 for a period of 5 years. The records ~~shall~~ **must** be made available
 23 for inspection by the secretary of state or other law enforcement
 24 officials. ~~To~~ **Subject to subsection (12), to** determine or enforce
 25 compliance with this chapter or other applicable law, the secretary
 26 of state or any law enforcement official may inspect a dealer.
 27 ~~whenever he or she determines it is necessary.~~ The secretary of
 28 state may issue an order summarily suspending the license of a
 29 dealer under section 92 of the administrative procedures act of



1 1969, 1969 PA 306, MCL 24.292, based on an affidavit by a person
 2 familiar with the facts set forth in the affidavit that the dealer
 3 has failed to maintain the records required by this act or failed
 4 to provide the records for inspection as requested by the secretary
 5 of state, or has otherwise hindered, obstructed, or prevented the
 6 inspection of records authorized under this section. The dealer ~~to~~
 7 ~~whom~~ **that** the order is directed **to** shall comply immediately, but on
 8 application to the department shall be afforded a hearing within 30
 9 days under the administrative procedures act of 1969, 1969 PA 306,
 10 MCL 24.201 to 24.328. On the basis of the hearing, the summary
 11 order ~~shall~~ **must** be continued, modified, or held in abeyance not
 12 later than 30 days after the hearing.

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



1 of each vehicle sold pursuant to an agreement between the broker
2 and the buyer or the broker and the seller. The record of odometer
3 mileage ~~shall~~**must** be maintained for 5 years and ~~shall~~ contain all
4 of the information required by section 233a.

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

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



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

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



1 and the records of vehicle part sales, purchases, or acquisitions
 2 ~~shall must~~ be made available at a location within the state for
 3 inspection by the secretary of state within 48 hours after a
 4 request by the secretary of state.

5 (12) The secretary of state ~~shall may~~ make **inspections of the**
 6 **records, facilities, and inventories of dealers licensed under**
 7 **section 248 as follows:**

8 (a) For a general compliance inspection, including, but not
 9 limited to, a record and inventory inspection, the secretary of
 10 state shall provide at least 36 hours written notice of the
 11 inspection to the dealer and the inspection must occur during the
 12 dealer's reasonable or established business hours. The secretary of
 13 state shall maintain a record of each written notice of inspection
 14 provided to the dealer and shall maintain proof that actual notice
 15 of the inspection was provided to the dealer. As used in this
 16 subdivision, "written notice" includes, but is not limited to,
 17 notice by email or text.

18 (b) For the purposes of investigating an official complaint
 19 made available to the dealer or a substantive violation of this
 20 chapter or other applicable law directly involving the dealer, the
 21 **secretary of state may make** periodic unannounced inspections. ~~of~~
 22 ~~the records, facilities, and inventories of automotive recyclers~~
 23 ~~and used or secondhand vehicle parts dealers.~~

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

27 Sec. 803. ~~The~~ **Except as otherwise provided in section 245, the**
 28 secretary of state shall charge a \$10.00 fee for each special plate
 29 issued under section 244. The secretary of state shall determine



the number of special plates reasonably needed by a manufacturer, transporter, or dealer.

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

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

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

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

Enacting section 1. This amendatory act takes effect January 23, 2023.

