

Act No. 98
Public Acts of 1990
Approved by the Governor
June 6, 1990
Filed with the Secretary of State
June 6, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Rep. Hertel

ENROLLED HOUSE BILL No. 5418

AN ACT to amend sections 216, 217, 254, 686, and 688 of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of vehicles operated upon the public highways of this state or any other place open to the general public and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 216 as amended by Act No. 286 of the Public Acts of 1989, section 217 as amended by Act No. 136 of the Public Acts of 1989, section 686 as amended by Act No. 90 of the Public Acts of 1987, and section 688 as amended by Act No. 383 of the Public Acts of 1988, being sections 257.216, 257.217, 257.254, 257.686, and 257.688 of the Michigan Compiled Laws; and to add sections 40a and 217g.

The People of the State of Michigan enact:

Section 1. Sections 216, 217, 254, 686, and 688 of Act No. 300 of the Public Acts of 1949, section 216 as amended by Act No. 286 of the Public Acts of 1989, section 217 as amended by Act No. 136 of the Public Acts of 1989, section 686 as amended by Act No. 90 of the Public Acts of 1987, and section 688 as amended by Act No. 383 of the Public Acts of 1988, being sections 257.216, 257.217, 257.254, 257.686, and 257.688 of the Michigan Compiled Laws, are amended and sections 40a and 217g are added to read as follows:

Sec. 40a. "Pickup camper" means a nonself-propelled recreational vehicle, without wheels for road use, that is designed to rest all of its weight upon, and be attached to, a motor vehicle, and is primarily intended for use as temporary living quarters in connection with recreational, camping, or travel purposes. A pickup camper does not include truck covers or caps consisting of walls and a roof but that do not have floors and facilities for using the camper as a dwelling.

Sec. 216. Every motor vehicle, pickup camper, trailer coach, trailer, semitrailer, and pole trailer, when driven or moved upon a highway, shall be subject to the registration and certificate of title provisions of this act except the following:

(a) A vehicle driven or moved upon a highway in conformance with the provisions of this act relating to manufacturers, transporters, dealers, or nonresidents.

(b) A vehicle which is driven or moved upon a highway only for the purpose of crossing that highway from 1 property to another.

(c) An implement of husbandry.

(d) Special mobile equipment for which the secretary of state may issue a special registration to an individual, partnership, corporation, or association not licensed as a dealer to identify the equipment when being moved over the streets and highways upon payment of the required fee.

(e) A vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails.

(f) Any vehicle subject to registration, but owned by the government of the United States.

(g) A certificate of title need not be obtained for a trailer, semitrailer, or pole trailer weighing less than 2,500 pounds respectively.

(h) A vehicle driven or moved upon the highway only for the purpose of securing a weight receipt from a weighmaster as is required in section 801, or for obtaining a vehicle inspection by a law enforcement agency before titling or registration, and then only by the most direct route.

(i) A certificate of title need not be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration.

(j) A bus or school bus, as defined in section 4b or 57, which is not self-propelled and used exclusively as a construction shanty.

(k) A certificate of title need not be obtained for a moped.

(l) For 3 days immediately following the date of a properly assigned title from any person other than a vehicle dealer, a registration need not be obtained for a motor vehicle driven or moved upon the highway for the sole purpose of transporting the vehicle in the most direct route from the place of purchase to a place of storage if the driver has in his or her possession the assigned title and a dated bill of sale.

(m) A certificate of registration need not be obtained for a pickup camper. However, a certificate of title shall be obtained for a pickup camper purchased after January 1, 1991.

Sec. 217. (1) An owner of a vehicle subject to registration under this act shall apply to the secretary of state, upon an appropriate form furnished by the secretary of state, for the registration of the vehicle and issuance of a certificate of title for the vehicle. The application shall be accompanied by the required fee. An application for a certificate of title shall bear the signature of the owner written with pen and ink. The application shall contain all of the following:

(a) The name, bona fide residence, and mailing address of the owner or business address of a firm, association, or corporation.

(b) A description of the vehicle including the make or name, style of body, and model year; if the vehicle is a motor vehicle, the number of miles, not including the tenths of a mile, registered on the vehicle's odometer at the time of transfer; whether the vehicle is to be or has been used as a taxi or police vehicle, or by a political subdivision of this state; whether the vehicle has previously been issued a salvage or rebuilt certificate of title; vehicle identification number; and the vehicle's weight fully equipped, if a passenger vehicle registered pursuant to section 801(1)(a), and, if a trailer coach or pickup camper, in addition to the weight the manufacturer's serial number, or in the absence of the serial number, a number assigned by the secretary of state. A number assigned by the secretary of state shall be permanently placed on the trailer coach or pickup camper in the manner and place designated by the secretary of state.

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

(d) Further information which the secretary of state reasonably requires to enable the secretary of state to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title. If the secretary of state is not satisfied as to the ownership of a late model vehicle or other vehicle having a value over \$1,500.00, before registering the vehicle and issuing a certificate of title, the secretary of state may require the applicant to file a properly executed surety bond in a form prescribed by the secretary of state and executed by the applicant and a company authorized to conduct a surety business in this state. The bond shall be in an amount equal to twice the value of the vehicle as determined by the secretary of state and shall be conditioned to indemnify or reimburse the secretary of state, any prior owner, and any subsequent purchaser of the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of a certificate of title to the vehicle or on account of any defect in the right, title, or interest of the applicant in the vehicle. An interested person has a right of action to recover on the bond for a

breach of the conditions of the bond, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of 3 years, or before 3 years if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the secretary of state, unless the secretary of state has received notification of the pendency of an action to recover on the bond. If the secretary of state is not satisfied as to the ownership of a vehicle which is not a late model vehicle and whose value does not exceed \$1,500.00, the secretary of state shall require the applicant to certify that the applicant is the owner of the vehicle and entitled to register and title the vehicle.

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

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

(g) If the application is for a certificate of title of a motor vehicle registered pursuant to section 801(1)(q), the application shall include the manufacturer's suggested base list price for the model year of the vehicle. Annually, the secretary of state shall publish a list of the manufacturer's suggested base list price for each vehicle being manufactured. Once a base list price is published by the secretary of state for a model year for a vehicle, the base list price shall not be affected by subsequent increases in the manufacturer's suggested base list price but shall remain the same throughout the model year unless changed in the annual list published by the secretary of state. If the secretary of state's list has not been published for that vehicle by the time of the application for registration, the base list price shall be the manufacturer's suggested retail price as shown on the label required to be affixed to the vehicle under section 3 of the automobile information disclosure act, 15 U.S.C. 1232. If the manufacturer's suggested retail price is unavailable, the application shall list the purchase price of the vehicle as defined in section 801(4).

(2) A dealer selling or exchanging vehicles required to be titled, within 15 days after delivering a vehicle to the purchaser, and a person engaged in the sale of vessels required to be numbered by the marine safety act, Act No. 303 of the Public Acts of 1967, being sections 281.1001 to 281.1199 of the Michigan Compiled Laws, within 15 days after delivering a boat trailer weighing less than 2,500 pounds to the purchaser, shall apply to the secretary of state for a new title, if required, and transfer or secure registration plates and secure a certificate of registration for the vehicle or boat trailer, in the name of the purchaser. The dealer's license may be suspended or revoked as provided in section 249, for failure to apply for a title when required, or for failure to transfer or secure registration plates and certificate of registration within the 15 days provided. If the dealer or person fails to apply for a title when required, and to transfer or secure registration plates and secure a certificate of registration and pay the required fees within 15 days of delivery of the vehicle or boat trailer, a title and registration for the vehicle or boat trailer may be acquired thereafter only upon the payment of a transfer fee of \$15.00 in addition to the fees provided for in section 806. The purchaser of the vehicle or boat trailer shall sign the application, including, when applicable, the declaration specifying the maximum elected gross weight as required by subsection (1)(f), and other necessary papers to enable the dealer or person to secure the title, registration plates, and transfers from the secretary of state.

(3) If a vehicle is delivered to a purchaser who has valid Michigan registration plates which are to be transferred to the vehicle, and an application for title, if required, and registration for the vehicle is not made before delivery of the vehicle to the purchaser, the registration plates shall be affixed to the vehicle immediately, and the dealer shall provide the purchaser with an instrument in writing, on a form prescribed by the secretary of state, which shall serve as a temporary registration for the vehicle for a period of 15 days from the date the vehicle is delivered.

(4) An application for a certificate of title which indicates the existence of a security interest in the vehicle or in an accessory to the vehicle shall, if requested by the security interest holder, be accompanied by a copy of the security agreement which need not be signed. The request may be made of the seller on an annual basis. The secretary of state shall indicate on the copy the date and place of filing of the application and return the copy to the person submitting the application who shall forward it to the holder of the security interest named in the application.

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

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

On the front of the sales check or draft, the holder, finance company, credit union, or banking institution shall note the name(s) of the prospective owner(s). Failure of the holder, finance company, credit union, or banking institution to comply with these requirements shall free the seller from any obligation to record the lien or from any and all liability that may arise as a result of the failure to record the lien. A service fee shall not be charged to the buyer.

(6) In the absence of actual malice proved independently and not inferred from lack of probable cause, a person who in any manner causes a prosecution for larceny of a motor vehicle; for embezzlement of a motor vehicle; for any crime an element of which is the taking of a motor vehicle without authority; or for buying, receiving, possessing, or aiding in the concealment of a stolen, embezzled, or converted motor vehicle knowing the motor vehicle has been stolen, embezzled, or converted, shall not be liable for damages in a civil action for causing the prosecution. This subsection shall not be construed to relieve a person from proving any other element necessary to sustain his or her cause of action.

Sec. 217g. A pickup camper manufactured for sale in this state after January 1, 1991 shall have a manufacturer's identification number permanently affixed to its door.

Sec. 254. Any person who shall knowingly make any false statement of a material fact, either in his or her application for the certificate of title required by this act, or in any assignment of that title, or who, with intent to procure or pass title to a motor vehicle which he or she knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his or her possession any vehicle which he or she knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a felony, punishable by a fine of not more than \$5,000.00, or by imprisonment for not more than 10 years, or both. This provision shall not be exclusive of any other penalties prescribed by any law for the larceny of the unauthorized taking of a vehicle.

Sec. 686. (1) A motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn in a train of vehicles shall be equipped with at least 1 rear lamp mounted on the rear, which, when lighted as required by this act, shall emit a red light plainly visible from a distance of 500 feet to the rear.

(2) Either a tail lamp or a separate lamp shall be constructed and placed so as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. A tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be wired so as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) A motor vehicle licensed as an historic vehicle is exempt from the requirements of this section if the vehicle as originally equipped failed to meet these requirements.

(4) When operated or moved on a highway at the times specified in section 684, an implement of husbandry shall meet either of the following requirements:

(a) Display lighted rear lamps which meet the requirements of subsection (1).

(b) Be accompanied by a vehicle which follows behind the implement of husbandry at a distance of not more than 50 feet, illuminates the implement of husbandry with the vehicle's headlights, and displays on the rear of the vehicle lighted rear lamps as required by this section.

(5) A pickup camper shall be attached to the motor vehicle in a manner so that the registration plate of the motor vehicle is clearly visible.

Sec. 688. In addition to other equipment required in this chapter, the following vehicles shall be equipped as provided in this section under the conditions stated in section 687:

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, 2 red reflectors, 1 on each side, and 1 red or amber stop light.

(b) On every bus or truck 80 inches or more in overall width, in addition to the requirements in paragraph (a):

On the front, 2 clearance lamps, 1 at each side.

On the rear, 2 clearance lamps, 1 at each side.

On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

Three identification lamps, mounted on the vertical centerline of the vehicle or the vertical centerline of the cab where different from the centerline of the vehicle, except that, where the cab is not more than 42 inches wide at the front roofline, a single lamp at the center of the cab shall be considered to comply with the requirements for identification lamps. The identification lamps or their mounts shall not extend below the top of the vehicle windshield.

(c) On every truck tractor:

On the front, 2 clearance lamps, 1 at each side.

On the rear, 1 stop light.

(d) On every trailer, pickup camper, or semitrailer having a gross weight in excess of 3,000 pounds:

On the front, 2 clearance lamps, 1 at each side.

On each side, 2 side marker lamps, 1 at or near the front and 1 at or near the rear.

On each side, 2 reflectors, 1 at or near the front and 1 at or near the rear.

On the rear, 2 clearance lamps, 1 at each side, also 2 reflectors, 1 at each side, and 1 stop light.

(e) On every poletrailer:

On each side, 1 side marker lamp and 1 clearance lamp which may be in combination, to show to the front, side, or rear.

On the rear of the poletrailer or load, 2 reflectors, 1 on each side.

(f) On every trailer, pickup camper, or semitrailer weighing 3,000 pounds gross or less:

On the rear, 2 reflectors, 1 on each side if any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with 1 stop light.

(g) When operated on the highway, every vehicle which has a maximum potential speed of 25 miles an hour, implement of husbandry, farm tractor, or special mobile equipment shall be identified with a reflective device as follows:

An equilateral triangle in shape, at least 16 inches wide at the base and at least 14 inches in height: with a dark red border, at least 1-3/4 inches wide of highly reflective beaded material;

A center triangle, at least 12-1/4 inches on each side of yellow-orange fluorescent material.

The device shall be mounted on the rear of the vehicle, broad base down, not less than 3 feet nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow moving vehicles specified in this section, and use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited.

On the rear, at each side, red reflectors or reflectorized material visible from all distances within 500 to 50 feet to the rear when directly in front of lawful upper beams of headlamps.

Section 2. This amendatory act shall take effect January 1, 1991.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.