

**SUBSTITUTE FOR
HOUSE BILL NO. 4960**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219 and 233 (MCL 257.219 and 257.233), section 219 as amended by 1985 PA 67 and section 233 as amended by 1980 PA 398, and by adding section 904c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 219. (1) The secretary of state shall refuse issuance
2 of a registration or a transfer of registration upon any of the
3 following grounds:

4 (a) The application contains a false or fraudulent state-
5 ment, the applicant has failed to furnish required information or
6 reasonable additional information requested by the secretary of
7 state, or the applicant is not entitled to the registration of
8 the vehicle under this act.

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

2

1 (b) The secretary of state has reasonable ground to believe
2 that the vehicle is a stolen or embezzled vehicle, or that the
3 granting of registration would constitute a fraud against the
4 rightful owner or other person having a valid lien upon the
5 vehicle.

6 (c) The registration of the vehicle is suspended or revoked
7 for any reason provided in the motor vehicle laws of this state.

8 (D) EXCEPT AS PROVIDED IN SECTION 904D(7), THE OPERATOR'S OR
9 CHAUFFEUR'S LICENSE OF THE OWNER OR LESSEE IS SUSPENDED, REVOKED,
10 OR DENIED AT THE TIME OF THE APPLICATION FOR A VIOLATION OF THIS
11 ACT OR THE OWNER OR LESSEE HAS NEVER BEEN LICENSED BY THIS STATE
12 AFTER HIS OR HER LICENSE WAS SUSPENDED, REVOKED, OR DENIED FOR A
13 SECOND OR SUBSEQUENT VIOLATION OF SECTION 625 OR 904. THIS SUB-
14 DIVISION TAKES EFFECT JANUARY 1, 2000.

15 (E) ~~(d)~~ The required fee has not been paid.

16 (F) ~~(e)~~ The applicant, at the time of applying for regis-
17 tration or a transfer of registration other than a temporary reg-
18 istration issued pursuant to section 226b, fails to present a
19 certificate of compliance or waiver for a motor vehicle as
20 required under ~~the vehicle emissions inspection and maintenance~~
21 ~~act~~ EITHER PART 63 OR PART 65 OF THE NATURAL RESOURCES AND ENVI-
22 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.6301 TO 324.6321
23 AND 324.6501 TO 324.6539.

24 (G) ~~(f)~~ The application for registration of a vehicle with
25 an elected gross weight of 55,000 pounds or more is not accom-
26 panied with proof of payment of the federal highway use tax

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

3

1 levied pursuant to the surface transportation assistance act of
2 1982, Public Law 97-424, 96 Stat. 2097.

3 (2) The secretary of state shall refuse issuance of a cer-
4 tificate of title or a salvage certificate of title upon any of
5 the following grounds:

6 (a) The application contains a false or fraudulent state-
7 ment, the applicant has failed to furnish required information or
8 reasonable additional information requested by the secretary of
9 state, or the applicant is not entitled to the issuance of a cer-
10 tificate of title or salvage certificate of title under this
11 act.

12 (b) The secretary of state has reasonable ground to believe
13 that the vehicle is a stolen or embezzled vehicle or that the
14 issuance of a certificate of title or a salvage certificate of
15 title would constitute a fraud against the rightful owner or
16 other person having a valid security interest upon the vehicle.

17 (c) The required fee has not been paid.

18 (D) EXCEPT AS PROVIDED IN SECTION 904D(7), THE OPERATOR'S OR
19 CHAUFFEUR'S LICENSE OF THE OWNER OR LESSEE IS SUSPENDED, REVOKED,
20 OR DENIED AT THE TIME OF THE APPLICATION FOR A VIOLATION OF THIS
21 ACT OR THE OWNER OR LESSEE HAS NEVER BEEN LICENSED BY THIS STATE
22 AFTER HIS OR HER LICENSE WAS SUSPENDED, REVOKED, OR DENIED FOR A
23 SECOND OR SUBSEQUENT VIOLATION OF SECTION 625 OR 904. THIS SUB-
24 DIVISION TAKES EFFECT JANUARY 1, 2000.

25 Sec. 233. (1) If the owner of a registered vehicle trans-
26 fers or assigns the title or interest in the vehicle, the
27 registration plates issued for the vehicle shall be removed and

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

4

1 transferred to the owner's spouse, mother, father, sister,
2 brother, or child to whom title or interest in the vehicle is
3 transferred, or retained and preserved by the owner for transfer
4 to another vehicle upon application and payment of the required
5 fees. A person shall not transfer the plates to a vehicle with-
6 out applying for a proper certificate of registration describing
7 the vehicle to which the plates are being transferred except as
8 provided in section 217(2). If the owner of a registered vehicle
9 acquires another vehicle without transferring or assigning the
10 title or interest in the vehicle for which the plates were
11 issued, the owner may have the plates transferred to the subse-
12 quently acquired vehicle upon application and payment of the
13 required fees.

14 (2) A PERSON SHALL NOT TRANSFER OR ATTEMPT TO TRANSFER
15 OWNERSHIP OR POSSESSION OF A VEHICLE ISSUED A TEMPORARY REGISTRA-
16 TION PLATE OR A VEHICLE SUBJECT TO IMMOBILIZATION OR ORDERED
17 IMMOBILIZED UNDER THIS ACT WITH THE INTENT TO AVOID IMMOBILIZA-
18 TION OF THAT VEHICLE OR PURCHASE OR LEASE ANOTHER VEHICLE OR AN
19 INTEREST IN ANOTHER VEHICLE WITH THE INTENT TO CIRCUMVENT THE
20 RESTRICTIONS CREATED BY IMMOBILIZATION OF A VEHICLE UNDER THIS
21 ACT. THIS SUBSECTION DOES NOT PROHIBIT THE PERSON FROM RETURNING
22 A LEASED VEHICLE TO THE LESSOR.

23 (3) DURING THE TIME A VEHICLE IS SUBJECT TO A TEMPORARY REG-
24 ISTRATION PLATE OR IMMOBILIZATION UNDER THIS ACT, A PERSON SHALL
25 NOT WITHOUT A COURT ORDER TRANSFER OR ASSIGN THE TITLE OR AN
26 INTEREST IN THE VEHICLE TO A PERSON WHO IS EXEMPT FROM PAYING A

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

5

1 USE TAX UNDER SECTION 3(3)(A) OF THE USE TAX ACT, 1937 PA 94,
2 MCL 205.93.

3 (4) A PERSON WHO VIOLATES SUBSECTION (2) OR (3) IS GUILTY OF
4 A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR
5 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

6 (5) ~~-(2)-~~ If the assigned holder of registration plates
7 ~~makes an application~~ APPLIES for a new registration certifi-
8 cate, the application shall be accompanied either by the old reg-
9 istration certificate or by a certificate of title showing the
10 person to be the assigned holder of the registration plates for
11 which the old registration certificate had been issued.

12 (6) ~~-(3)-~~ A person who fails or neglects to fulfill the pro-
13 visions of subsection ~~-(2)-~~ (5) is guilty of a misdemeanor
14 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
15 NOT MORE THAN \$100.00, OR BOTH.

16 (7) ~~-(4)-~~ The owner shall indorse on the back of the certifi-
17 cate of title an assignment of the title with warranty of title
18 in the form printed on the certificate with a statement of all
19 security interests in the vehicle or in accessories on the vehi-
20 cle and deliver or cause the certificate to be mailed or deliv-
21 ered to the purchaser or transferee at the time of the delivery
22 to the purchaser or transferee of the vehicle. The certificate
23 shall show the payment or satisfaction of any security interest
24 as shown on the original title.

25 (8) ~~-(5)-~~ Upon the delivery of a motor vehicle and the
26 transfer, sale, or assignment of the title or interest in a motor
27 vehicle by a person, including a dealer, the effective date of

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

6

1 the transfer of title or interest in the vehicle shall be the
2 date of execution of either the application for title or the cer-
3 tificate of title.

4 SEC. 904C. (1) WHEN A PEACE OFFICER DETAINS THE DRIVER OF A
5 MOTOR VEHICLE FOR A VIOLATION OF A LAW OF THIS STATE OR LOCAL
6 ORDINANCE FOR WHICH VEHICLE IMMOBILIZATION OR FORFEITURE IS
7 REQUIRED OR MAY BE ORDERED BY THE COURT, THE PEACE OFFICER SHALL
8 DO ALL OF THE FOLLOWING:

9 (A) IMMEDIATELY CONFISCATE THE VEHICLE'S REGISTRATION
10 PLATE.

11 (B) ISSUE A TEMPORARY VEHICLE REGISTRATION PLATE FOR THE
12 VEHICLE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

13 (C) PLACE THE TEMPORARY VEHICLE REGISTRATION PLATE ON THE
14 VEHICLE IN THE MANNER REQUIRED BY THE SECRETARY OF STATE.

15 (D) NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCE-
16 MENT INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF
17 STATE THAT THE REGISTRATION PLATE WAS CONFISCATED AND DESTROYED,
18 AND A TEMPORARY PLATE WAS ISSUED.

19 (2) A TEMPORARY VEHICLE REGISTRATION PLATE ISSUED UNDER THIS
20 SECTION IS VALID FOR 100 DAYS UNLESS EXTENDED BY THE COURT.

21 Enacting section 1. This amendatory act takes effect
22 October 1, 1999.

23 Enacting section 2. This amendatory act does not take
24 effect unless all of the following bills of the 89th Legislature
25 are enacted into law:

26 (a) House Bill No. 4210.

HB4960, As Passed House, July 1, 1998

House Bill No. 4960

7

- 1 (b) House Bill No. 4576.
- 2 (c) House Bill No. 4959.
- 3 (d) House Bill No. 4961.
- 4 (e) House Bill No. 5122.
- 5 (f) House Bill No. 5123.
- 6 (g) House Bill No. 5951.
- 7 (h) House Bill No. 5952.
- 8 (i) House Bill No. 5953.
- 9 (j) House Bill No. 5954.
- 10 (k) House Bill No. 5955.
- 11 (l) House Bill No. 5956.