

Act No. 80
Public Acts of 1997
Approved by the Governor
July 25, 1997
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senators Hoffman, Carl, Schwarz, Bennett and Geake

ENROLLED SENATE BILL No. 581

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles 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 and local 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," by amending sections 725, 801, and 802 (MCL 257.725, 257.801, and 257.802), section 725 as amended by 1991 PA 19, section 801 as amended by 1995 PA 226, and section 802 as amended by 1996 PA 551.

The People of the State of Michigan enact:

Sec. 725. (1) Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:

- (a) Of a size, weight, or load exceeding the maximum specified in this chapter.
 - (b) Otherwise not in conformity with this chapter.
- (2) The application for a special permit shall be on a form prescribed by the jurisdictional authority and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.
- (3) A jurisdictional authority may issue a special permit authorizing the operation of the following upon a highway:
- (a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.
 - (b) Other farm machinery otherwise prohibited under this chapter.

(4) A special permit shall specify the trip or trips and date or dates for which it is valid and the jurisdictional authority granting the special permit may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to ensure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as that jurisdictional authority determines necessary to compensate for damages caused by the movement. A special permit may be issued on an annual basis. The fee charged by a jurisdictional authority for an intrastate or an out-of-state vehicle for a single trip shall be \$50.00 and for multiple trips or on an annual basis shall be \$100.00. However, the fee for a special permit issued by a jurisdictional authority under subsection (3) or for a vehicle hauling farm machinery, to or from a farm, of a size or weight otherwise prohibited under this chapter, shall not exceed the administrative costs incurred by the jurisdictional authority in issuing the permit.

(5) A person may transport telephone, telegraph, or electric poles of a greater length than otherwise authorized over the highways in the construction, maintenance, or repair of telephone, telegraph, or electric lines pursuant to a special permit issued under this section.

(6) A person may transport concrete pipe of a greater width than otherwise authorized over highways pursuant to a special permit issued under this section.

(7) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of an authority granting the special permit. A person shall not violate any of the terms or conditions of the special permit.

(8) A person who violates this section is responsible for a civil infraction.

(9) A jurisdictional authority issuing a special permit to move a mobile home under this section and a person who is issued a special permit to move a mobile home under this section are subject to section 719a.

(10) As used in this section, "jurisdictional authority" means the state transportation department, a county road commission, or a local authority having jurisdiction over a highway upon which a vehicle is proposed to be moved pursuant to a permit required under this section.

Sec. 801. (1) The secretary of state shall collect the following taxes at the time of registering a vehicle, which shall exempt the vehicle from all other state and local taxation, except the fees and taxes provided by law to be paid by certain carriers operating motor vehicles and trailers under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43; the taxes imposed by the motor carrier fuel tax act, 1980 PA 119, MCL 207.211 to 207.235; a fee or fees imposed pursuant to the local road improvements and operations revenue act, 1987 PA 237, MCL 247.521 to 247.525; and except as otherwise provided by this act:

(a) For a motor vehicle, including a motor home, except as otherwise provided, and a pickup truck or van, which pickup truck or van weighs not more than 5,000 pounds and is not taxed under subdivision (p), except as otherwise provided, according to the following schedule of empty weights:

Empty weights	Fee
0 to 3,000 pounds	\$ 29.00
3,001 to 3,500 pounds	32.00
3,501 to 4,000 pounds	37.00
4,001 to 4,500 pounds	43.00
4,501 to 5,000 pounds	47.00
5,001 to 5,500 pounds	52.00
5,501 to 6,000 pounds	57.00
6,001 to 6,500 pounds	62.00
6,501 to 7,000 pounds	67.00
7,001 to 7,500 pounds	71.00
7,501 to 8,000 pounds	77.00
8,001 to 8,500 pounds	81.00
8,501 to 9,000 pounds	86.00
9,001 to 9,500 pounds	91.00
9,501 to 10,000 pounds	95.00
over 10,000 pounds	\$ 0.90 per 100 pounds of empty weight

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year which preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency. A van which is owned by a person who uses a wheelchair or by a person who transports a resident

of his or her household who uses a wheelchair and for which registration plates are issued pursuant to section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(b) For a trailer coach attached to a motor vehicle 76 cents per 100 pounds of empty weight of the trailer coach. A trailer coach not under 1959 PA 243, MCL 125.1035 to 125.1043, and while located on land otherwise assessable as real property under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, if the trailer coach is used as a place of habitation, and whether or not permanently affixed to the soil, shall not be exempt from real property taxes.

(c) For a road tractor, truck, or truck tractor owned by a farmer and used exclusively in connection with the farmer's farming operations, or used for the transportation of the farmer and the farmer's family, and not used for hire, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. If the road tractor, truck, or truck tractor owned by a farmer is also used for a nonfarming operation, the farmer shall be subject to the highest registration tax applicable to the nonfarm use of the vehicle but shall not be subject to more than 1 tax rate under this act.

(d) For a road tractor, truck, or truck tractor owned by a wood harvester and used exclusively in connection with the wood harvesting operations, 74 cents per 100 pounds of empty weight of the road tractor, truck, or truck tractor. A registration secured by payment of the fee as prescribed in this subdivision shall continue in full force and effect until the regular expiration date of the registration. As used in this subdivision, "wood harvester" includes the person or persons hauling and transporting raw materials only from the forest to the mill site. "Wood harvesting operations" does not include the transportation of processed lumber.

(e) For a hearse or ambulance used exclusively by a licensed funeral director in the general conduct of the licensee's funeral business, including a hearse or ambulance whose owner is engaged in the business of leasing or renting the hearse or ambulance to others, \$1.17 per 100 pounds of the empty weight of the hearse or ambulance.

(f) For a motor vehicle owned and operated by this state, a state institution, a municipality, a privately incorporated, nonprofit volunteer fire department, or a nonpublic, nonprofit college or university, \$5.00 per set; and for each motor vehicle operating under municipal franchise, weighing less than 2,500 pounds, 65 cents per 100 pounds of the empty weight of the motor vehicle, weighing from 2,500 to 4,000 pounds, 80 cents per 100 pounds of the empty weight of the motor vehicle, weighing 4,001 to 6,000 pounds, \$1.00 per 100 pounds of the empty weight of the motor vehicle, and weighing over 6,000 pounds, \$1.25 per 100 pounds of the empty weight of the motor vehicle.

(g) For a bus including a station wagon, carryall, or similarly constructed vehicle owned and operated by a nonprofit parents' transportation corporation used for school purposes, parochial school or society, church Sunday school, or any other grammar school, or by a nonprofit youth organization or nonprofit rehabilitation facility; or a motor vehicle owned and operated by a senior citizen center, \$10.00 per set, if the bus, station wagon, carryall, or similarly constructed vehicle or motor vehicle is designated by proper signs showing the organization operating the vehicle.

(h) For a vehicle owned by a nonprofit organization and used to transport equipment for providing dialysis treatment to children at camp; for a vehicle owned by the civil air patrol, as organized under sections 1 to 8 of chapter 527, 60 Stat. 346, 36 U.S.C. 201 to 208, \$10.00 per plate, if the vehicle is designated by a proper sign showing the civil air patrol's name; for a vehicle owned and operated by a nonprofit veterans center; for a vehicle owned and operated by a nonprofit recycling center or a federally recognized nonprofit conservation organization until December 31, 2000; for a motor vehicle having a truck chassis and a locomotive or ship's body which is owned by a nonprofit veterans organization and used exclusively in parades and civic events; or for an emergency support vehicle used exclusively for emergencies and owned and operated by a federally recognized nonprofit charitable organization, \$10.00 per plate.

(i) For each truck owned and operated free of charge by a bona fide ecclesiastical or charitable corporation, or red cross, girl scout, or boy scout organization, 65 cents per 100 pounds of the empty weight of the truck.

(j) For each truck, weighing 8,000 pounds or less, and not used to tow a vehicle, for each privately owned truck used to tow a trailer for recreational purposes only and not involved in a profit making venture, and for each vehicle designed and used to tow a mobile home or a trailer coach, except as provided in subdivision (b), \$38.00 or an amount computed according to the following schedule of empty weights, whichever is greater:

Empty weights	Per 100 pounds
0 to 2,500 pounds	\$ 1.40
2,501 to 4,000 pounds	1.76
4,001 to 6,000 pounds	2.20
6,001 to 8,000 pounds	2.72
8,001 to 10,000 pounds	3.25
10,001 to 15,000 pounds	3.77
15,001 pounds and over	4.39

If the tax required under subdivision (q) for a vehicle of the same model year with the same list price as the vehicle for which registration is sought under this subdivision is more than the tax provided under the preceding provisions of this subdivision for an identical vehicle, the tax required under this subdivision shall not be less than the tax required under subdivision (q) for a vehicle of the same model year with the same list price.

(k) For each truck weighing 8,000 pounds or less towing a trailer or any other combination of vehicles and for each truck weighing 8,001 pounds or more, road tractor or truck tractor, except as provided in subdivision (j) according to the following schedule of elected gross weights:

Elected gross weight	Fee
0 to 24,000 pounds	\$ 491.00
24,001 to 26,000 pounds	558.00
26,001 to 28,000 pounds	558.00
28,001 to 32,000 pounds	649.00
32,001 to 36,000 pounds	744.00
36,001 to 42,000 pounds	874.00
42,001 to 48,000 pounds	1,005.00
48,001 to 54,000 pounds	1,135.00
54,001 to 60,000 pounds	1,268.00
60,001 to 66,000 pounds	1,398.00
66,001 to 72,000 pounds	1,529.00
72,001 to 80,000 pounds	1,660.00
80,001 to 90,000 pounds	1,793.00
90,001 to 100,000 pounds	2,002.00
100,001 to 115,000 pounds	2,223.00
115,001 to 130,000 pounds	2,448.00
130,001 to 145,000 pounds	2,670.00
145,001 to 160,000 pounds	2,894.00
over 160,000 pounds	3,117.00

For each commercial vehicle registered pursuant to this subdivision \$15.00 shall be deposited in a truck safety fund to be expended for the purposes prescribed in section 25 of 1951 PA 51, MCL 247.675.

If a truck or road tractor without trailer is leased from an individual owner-operator, the lessee, whether a person, firm, or corporation, shall pay to the owner-operator 60% of the fee prescribed in this subdivision for the truck tractor or road tractor at the rate of 1/12 for each month of the lease or arrangement in addition to the compensation the owner-operator is entitled to for the rental of his or her equipment.

(l) For each pole trailer, semitrailer, or trailer, according to the following schedule of rates:

Empty weights	Fee
0 to 500 pounds	\$ 17.00
501 to 1,500 pounds	24.00
1,501 pounds and over	39.00

(m) For each commercial vehicle used for the transportation of passengers for hire except for a vehicle for which a payment is made pursuant to 1960 PA 2, MCL 257.971 to 257.972, according to the following schedule of empty weights:

Empty weights	Per 100 pounds
0 to 4,000 pounds	\$ 1.76
4,001 to 6,000 pounds	2.20
6,001 to 10,000 pounds	2.72
10,001 pounds and over	3.25

(n) For each motorcycle \$ 23.00

On October 1, 1983, and October 1, 1984, the tax assessed under this subdivision shall be annually revised for the registrations expiring on the appropriate October 1 or after that date by multiplying the tax assessed in the preceding fiscal year times the personal income of Michigan for the preceding calendar year divided by the personal income of Michigan for the calendar year which preceded that calendar year. In performing the calculations under this subdivision, the secretary of state shall use the spring preliminary report of the United States department of commerce or its successor agency.

Beginning January 1, 1984, the registration tax for each motorcycle shall be increased by \$3.00. The \$3.00 increase shall not be considered as part of the tax assessed under this subdivision for the purpose of the annual October 1 revisions but shall be in addition to the tax assessed as a result of the annual October 1 revisions. Beginning January 1, 1984, \$3.00 of each motorcycle fee shall be placed in a motorcycle safety fund in the state treasury and shall be used only for funding the motorcycle safety education program as provided for under sections 312b and 811a.

(o) For each truck weighing 8,001 pounds or more, road tractor, or truck tractor used exclusively as a moving van or part of a moving van in transporting household furniture and household effects or the equipment or those engaged in conducting carnivals, at the rate of 80% of the schedule of elected gross weights in subdivision (k) as modified by the operation of that subdivision.

(p) Until October 1, 1997, for each pickup truck or van, which pickup truck or van weighs not more than 5,000 pounds and is owned by a business, corporation, or person other than an individual, according to the following schedule of empty weights:

Empty weights	Fee
0 to 4,000 pounds	\$ 39.00
4,001 to 4,500 pounds	44.00
4,501 to 5,000 pounds	49.00

(q) After September 30, 1983, each motor vehicle of the 1984 or a subsequent model year as shown on the application required under section 217 which has not been previously subject to the tax rates of this section and which is of the motor vehicle category otherwise subject to the tax schedule described in subdivision (a) and beginning October 1, 1997 each motor vehicle previously subject to the tax schedule described in subdivision (p) according to the following schedule based upon registration periods of 12 months:

(i) Except as otherwise provided in this subdivision, for the first registration, which is not a transfer registration under section 809 and for the first registration after a transfer registration under section 809, according to the following schedule based on the vehicle's list price:

List Price	Tax
\$0 - \$6,000.00	\$ 30.00
More than \$6,000.00 - \$7,000.00.....	\$ 33.00
More than \$7,000.00 - \$8,000.00.....	\$ 38.00
More than \$8,000.00 - \$9,000.00.....	\$ 43.00
More than \$9,000.00 - \$10,000.00.....	\$ 48.00
More than \$10,000.00 - \$11,000.00.....	\$ 53.00
More than \$11,000.00 - \$12,000.00.....	\$ 58.00
More than \$12,000.00 - \$13,000.00.....	\$ 63.00
More than \$13,000.00 - \$14,000.00.....	\$ 68.00
More than \$14,000.00 - \$15,000.00.....	\$ 73.00
More than \$15,000.00 - \$16,000.00.....	\$ 78.00
More than \$16,000.00 - \$17,000.00.....	\$ 83.00
More than \$17,000.00 - \$18,000.00.....	\$ 88.00
More than \$18,000.00 - \$19,000.00.....	\$ 93.00
More than \$19,000.00 - \$20,000.00.....	\$ 98.00
More than \$20,000.00 - \$21,000.00.....	\$103.00
More than \$21,000.00 - \$22,000.00.....	\$108.00
More than \$22,000.00 - \$23,000.00.....	\$113.00
More than \$23,000.00 - \$24,000.00.....	\$118.00
More than \$24,000.00 - \$25,000.00.....	\$123.00
More than \$25,000.00 - \$26,000.00.....	\$128.00
More than \$26,000.00 - \$27,000.00.....	\$133.00
More than \$27,000.00 - \$28,000.00.....	\$138.00
More than \$28,000.00 - \$29,000.00.....	\$143.00
More than \$29,000.00 - \$30,000.00.....	\$148.00
More than \$30,000.00	0.5% of the list price

(ii) For the second registration, 90% of the tax assessed under subparagraph (i).

(iii) For the third registration, 90% of the tax assessed under subparagraph (ii).

(iv) For the fourth and subsequent registrations, 90% of the tax assessed under subparagraph (iii).

For a vehicle of the 1984 or a subsequent model year which has been previously registered by a person other than the person applying for registration or for a vehicle of the 1984 or a subsequent model year which has been previously registered in another state or country and is registered for the first time in this state, the tax under this subdivision shall be determined by subtracting the model year of the vehicle from the calendar year for which the registration is sought. If the result is zero or a negative figure, the first registration tax shall be paid. If the result is 1, 2, or 3 or more, then, respectively, the second, third, or subsequent registration tax shall be paid. A van which is owned by a person who uses a wheelchair or by a person who transports a resident of his or her household who uses a wheelchair and for which registration plates are issued pursuant to section 803d shall be assessed at the rate of 50% of the tax provided for in this subdivision.

(r) For a wrecker, \$200.00.

(s) When the secretary of state computes a tax under this section, a computation which does not result in a whole dollar figure shall be rounded to the next lower whole dollar when the computation results in a figure ending in 50 cents or less and shall be rounded to the next higher whole dollar when the computation results in a figure ending in 51 cents

or more, unless specific fees are specified, and may accept the manufacturer's shipping weight of the vehicle fully equipped for the use for which the registration application is made. If the weight is not correctly stated or is not satisfactory, the secretary of state shall determine the actual weight. Each application for registration of a vehicle under subdivisions (j) and (m) shall have attached to the application a scale weight receipt of the vehicle fully equipped as of the time the application is made. The scale weight receipt is not necessary if there is presented with the application a registration receipt of the previous year which shows on its face the weight of the motor vehicle as registered with the secretary of state and which is accompanied by a statement of the applicant that there has not been a structural change in the motor vehicle which has increased the weight and that the previous registered weight is the true weight.

(2) A manufacturer is not exempted under this act from paying ad valorem taxes on vehicles in stock or bond, except on the specified number of motor vehicles registered. A dealer is exempt from paying ad valorem taxes on vehicles in stock or bond.

(3) The fee for a vehicle with an empty weight over 10,000 pounds imposed pursuant to subsection (1)(a) and the fees imposed pursuant to subsection (1)(b), (c), (d), (e), (f), (i), (j), (m), (o), and (q) shall each be increased by \$5.00. This increase shall be credited to the Michigan transportation fund and used to defray the costs of processing the registrations under this section.

(4) As used in this section:

(a) "Gross proceeds" means gross proceeds as defined in section 1 of the general sales tax act, 1933 PA 167, MCL 205.51. However, gross proceeds shall include the value of the motor vehicle used as part payment of the purchase price as that value is agreed to by the parties to the sale, as evidenced by the signed agreement executed pursuant to section 251.

(b) "List price" means the manufacturer's suggested base list price as published by the secretary of state, or 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, Public Law 85-506, 15 U.S.C. 1232, if the secretary of state has not at the time of the sale of the vehicle published a manufacturer's suggested retail price for that vehicle, or the purchase price of the vehicle if the manufacturer's suggested base list price is unavailable from the sources described in this subdivision.

(c) "Purchase price" means the gross proceeds received by the seller in consideration of the sale of the motor vehicle being registered.

Sec. 802. (1) For a special registration issued as provided for in section 226(8), there shall be paid 1/2 the tax imposed under section 801 and in addition a fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registration.

(2) For all commercial vehicles registered after August 31 for the period expiring the last day of February and all motorcycles registered after September 30 for the period expiring on the last day of March, a tax of 1/2 the rate otherwise imposed by this act shall be collected. This subsection is not applicable to vehicles registered by manufacturers or dealers under sections 244 to 247a.

(3) For each special registration as provided for in section 226(9), a fee of \$10.00 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the special registrations.

(4) For temporary registration plates or markers as provided for in section 226a(1), a fee of \$5.00 for each group of 5 of those temporary registration plates or markers shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary registration plates or markers.

(5) A fee of \$10.00 shall be collected for each temporary registration as provided for in section 226b, the fee to be credited to the Michigan transportation fund and used to defray the expenses of the temporary registrations.

(6) For registration plates as provided for in section 226a(5), (6), and (7), a fee of \$40.00 for 2 registration plates and \$20.00 for each additional registration plate shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the temporary plates or markers.

(7) For special registrations issued for special mobile equipment as provided in section 216(d), a fee of \$15.00 each for the first 3 special registrations, and \$5.00 for each special registration issued in excess of the first 3 shall be collected. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the plates or markers.

(8) The secretary of state, upon request, may issue a registration valid for 3 months for use on a vehicle with an elected gross weight of 24,000 pounds or greater on the payment of 1/4 the full registration fee provided in section 801(1)(k) and in addition a service charge of \$10.00. The service charge shall be credited to the Michigan transportation fund and used to defray the expense of the registration plates or tabs.

(9) Upon application to the secretary of state, an owner of a truck, truck tractor, or road tractor which is used exclusively for the purpose of gratuitously transporting farm crops between the field where produced and the place of storage or used to transport fertilizer, seed or spray material from the farm location to the field may obtain a special registration. The fee for each special registration shall be \$20.00. The fee shall be credited to the Michigan

transportation fund and used to defray the expenses of the special registration program. The special registration shall be valid for a period of up to 12 months and shall expire on December 31.

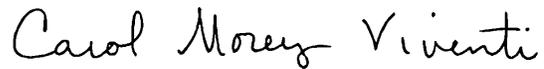
(10) The secretary of state, upon request, may issue a special registration valid for 3 or more months for a road tractor, truck, or truck tractor owned by a farmer, if the motor vehicle is used exclusively in connection with the farmer's farming operations or for the transportation of the farmer and the farmer's family and not used for hire. The fee for the registration shall be 1/10 of the fee provided in section 801(1)(c) times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration. No special registration shall be issued for a motor vehicle for which the fee under section 801(1)(c) would be less than \$50.00.

(11) The secretary of state, upon request, may issue a registration valid for 3 months or more for use on a vehicle with an elected gross weight of 24,000 pounds or greater. The fee for the registration shall be 1/12 of the fee provided in section 801(1)(k), times the number of months for which the special registration is requested and, in addition, a service fee of \$10.00. The fee shall be credited to the Michigan transportation fund and used to defray the expenses of the registration.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 303 of the 89th Legislature is enacted into law.

Enacting section 2. This amendatory act takes effect October 1, 1997.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved

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Governor.