

HOUSE BILL No. 4964

June 14, 2001, Introduced by Rep. Frank and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 328 (MCL 257.328), as amended by 1995 PA
287.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 328. (1) The owner of a motor vehicle who operates or
2 permits the operation of the motor vehicle upon the highways of
3 this state or the operator of the motor vehicle shall produce,
4 pursuant to subsection (2), upon the request of a police officer,
5 evidence that the motor vehicle is insured under chapter 31 of
6 the insurance code of 1956, ~~Act No. 218 of the Public Acts of~~
7 ~~1956, being sections 500.3101 to 500.3179 of the Michigan~~
8 ~~Compiled Laws~~ 1956 PA 218, MCL 500.3101 TO 500.3179. An owner
9 or operator of a motor vehicle who fails to produce evidence of
10 insurance under this subsection when requested to produce that

04117'01

TJS

1 evidence or who fails to have motor vehicle insurance for the
2 vehicle as required under chapter 31 of ~~Act No. 218 of the~~
3 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL
4 500.3101 TO 500.3179, is responsible for a civil infraction.

5 (2) A certificate of insurance, if issued by an insurance
6 company, which certificate states that security ~~which~~ THAT
7 meets the requirements of sections 3101 and 3102 of ~~Act No. 218~~
8 ~~of the Public Acts of 1956, being sections 500.3101 and 500.3102~~
9 ~~of the Michigan Compiled Laws~~ THE INSURANCE CODE OF 1956, 1956
10 PA 218, MCL 500.3101 AND 500.3102, is in force shall be accepted
11 as prima facie evidence that insurance is in force for the motor
12 vehicle described in the certificate of insurance until the expi-
13 ration date shown on the certificate. The certificate, in addi-
14 tion to describing the motor vehicles for which insurance is in
15 effect, shall state the name of each person named on the policy,
16 policy declaration, or a declaration certificate whose operation
17 of the vehicle would cause the liability coverage of that insur-
18 ance to become void.

19 (3) If an owner or operator of a motor vehicle is determined
20 to be responsible for a violation of subsection (1), the court in
21 which the civil infraction determination is entered may require
22 the person to surrender his or her operator's or chauffeur's
23 license unless proof that the vehicle has insurance meeting the
24 requirements of sections 3101 and 3102 of ~~Act No. 218 of the~~
25 ~~Public Acts of 1956~~ THE INSURANCE CODE OF 1956, 1956 PA 218, MCL
26 500.3101 AND 500.3102, is submitted to the court. ~~If the person~~
27 ~~submits proof to the court that the vehicle has insurance meeting~~

1 ~~the requirements of sections 3101 and 3102 of Act No. 218 of the~~
2 ~~Public Acts of 1956, in addition to the civil fine and costs pro-~~
3 ~~vided by section 907, the court shall assess a fee of \$25.00. If~~
4 the court requires the license to be surrendered, the court shall
5 order the secretary of state to suspend the person's license.
6 The court shall immediately destroy the license and shall forward
7 to the secretary of state an abstract of the court record as
8 required by section 732. Upon receipt of the abstract, the sec-
9 retary of state shall suspend the person's license beginning with
10 the date on which a person is determined to be responsible for
11 the civil infraction for a period of 30 days or until proof of
12 insurance which meets the requirements of sections 3101 and 3102
13 of ~~Act No. 218 of the Public Acts of 1956~~ THE INSURANCE CODE OF
14 1956, 1956 PA 218, MCL 500.3101 AND 500.3102, is submitted to the
15 secretary of state, whichever occurs later. A person who submits
16 proof of insurance to the secretary of state under this subsec-
17 tion shall pay a service fee of \$25.00 to the secretary of
18 state. The person shall not be required to be examined as set
19 forth in section 320c and shall not be required to pay a replace-
20 ment license fee.

21 (4) If an owner or operator of a motor vehicle is determined
22 to be responsible for a violation of subsection (1), the court in
23 which the civil infraction determination is entered shall notify
24 the secretary of state of the vehicle registration number and the
25 year and make of the motor vehicle being operated at the time of
26 the violation. This notification shall be made on the abstract
27 or on a form approved by the supreme court administrator. Upon

1 receipt, the secretary of state shall immediately enter this
2 information in the records of the department. The secretary of
3 state shall not renew, transfer, or replace the registration
4 plate of the vehicle involved in the violation or allow the pur-
5 chase of a new registration plate for the vehicle involved in the
6 violation until the owner meets the requirements of section 227a
7 or unless the vehicle involved in the violation is transferred or
8 sold to a person other than the owner's spouse, mother, father,
9 sister, brother, or child.

10 (5) An owner or operator of a motor vehicle who knowingly
11 produces false evidence under this section is guilty of a misde-
12 meanor, punishable by imprisonment for not more than 1 year, or a
13 fine of not more than \$1,000.00, or both.

14 (6) Points shall not be entered on a driver's record pursu-
15 ant to section 320a for a violation of this section.

16 (7) This section does not apply to the owner or operator of
17 a motor vehicle that is registered in a state other than this
18 state or a foreign country or province.