

HOUSE BILL No. 5636

June 5, 2014, Introduced by Rep. Cotter and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3101 (MCL 500.3101), as amended by 2008 PA 241.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. (1) The owner or registrant of a motor vehicle
2 required to be registered in this state shall maintain security for
3 payment of benefits under personal protection insurance, property
4 protection insurance, and residual liability insurance. Security
5 shall only be required to be in effect during the period the motor
6 vehicle is driven or moved upon a highway. Notwithstanding any
7 other provision in this act, an insurer that has issued an
8 automobile insurance policy on a motor vehicle that is not driven
9 or moved upon a highway may allow the insured owner or registrant
10 of the motor vehicle to delete a portion of the coverages under the

1 policy and maintain the comprehensive coverage portion of the
2 policy in effect.

3 (2) As used in this chapter:

4 (a) "Automobile insurance" means that term as defined in
5 section 2102.

6 **(B) "GOLF CART" MEANS A VEHICLE DESIGNED FOR TRANSPORTATION**
7 **WHILE PLAYING THE GAME OF GOLF.**

8 **(C) ~~(b)~~**"Highway" means that term as defined in section 20 of
9 the Michigan vehicle code, 1949 PA 300, MCL 257.20.

10 **(D) ~~(e)~~**"Motorcycle" means a vehicle having a saddle or seat
11 for the use of the rider, designed to travel on not more than 3
12 wheels in contact with the ground, which is equipped with a motor
13 that exceeds 50 cubic centimeters piston displacement. The wheels
14 on any attachment to the vehicle shall not be considered as wheels
15 in contact with the ground. Motorcycle does not include a moped, as
16 defined in section 32b of the Michigan vehicle code, 1949 PA 300,
17 MCL 257.32b. Motorcycle does not include an ORV.

18 **(E) ~~(d)~~**"Motorcycle accident" means a loss involving the
19 ownership, operation, maintenance, or use of a motorcycle as a
20 motorcycle, but not involving the ownership, operation,
21 maintenance, or use of a motor vehicle as a motor vehicle.

22 **(F) ~~(e)~~**"Motor vehicle" means a vehicle, including a trailer,
23 operated or designed for operation upon a public highway by power
24 other than muscular power which has more than 2 wheels. Motor
25 vehicle does not include a **ANY OF THE FOLLOWING:**

26 **(i) A** motorcycle or a moped, as defined in section 32b of the
27 Michigan vehicle code, 1949 PA 300, MCL 257.32b. ~~Motor vehicle does~~

1 ~~not include a~~

2 (ii) A farm tractor or other implement of husbandry ~~which~~ **THAT**
3 is not subject to the registration requirements of the Michigan
4 vehicle code ~~pursuant to~~ **UNDER** section 216 of the Michigan vehicle
5 code, 1949 PA 300, MCL 257.216. ~~Motor vehicle does not include an~~

6 (iii) **AN** ORV.

7 (iv) **A GOLF CART.**

8 (G) ~~(f)~~ "Motor vehicle accident" means a loss involving the
9 ownership, operation, maintenance, or use of a motor vehicle as a
10 motor vehicle regardless of whether the accident also involves the
11 ownership, operation, maintenance, or use of a motorcycle as a
12 motorcycle.

13 (H) ~~(g)~~ "ORV" means a motor-driven recreation vehicle designed
14 for off-road use and capable of cross-country travel without
15 benefit of road or trail, on or immediately over land, snow, ice,
16 marsh, swampland, or other natural terrain. ORV includes, but is
17 not limited to, a multitrack or multiwheel drive vehicle, a
18 motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an
19 amphibious machine, a ground effect air cushion vehicle, an ATV as
20 defined in section 81101 of the natural resources and environmental
21 protection act, 1994 PA 451, MCL 324.81101, or other means of
22 transportation deriving motive power from a source other than
23 muscle or wind. ORV does not include a vehicle described in this
24 subdivision that is registered for use upon a public highway and
25 has the security described in section 3101 or 3103 in effect.

26 (I) ~~(h)~~ "Owner" means any of the following:

27 (i) A person renting a motor vehicle or having the use thereof,

1 under a lease or otherwise, for a period that is greater than 30
2 days.

3 (ii) A person who holds the legal title to a vehicle, other
4 than a person engaged in the business of leasing motor vehicles who
5 is the lessor of a motor vehicle ~~pursuant to~~ **UNDER** a lease
6 providing for the use of the motor vehicle by the lessee for a
7 period that is greater than 30 days.

8 (iii) A person who has the immediate right of possession of a
9 motor vehicle under an installment sale contract.

10 (J) ~~(i)~~—"Registrant" does not include a person engaged in the
11 business of leasing motor vehicles who is the lessor of a motor
12 vehicle pursuant to a lease providing for the use of the motor
13 vehicle by the lessee for a period that is greater than 30 days.

14 (3) Security may be provided under a policy issued by an
15 insurer duly authorized to transact business in this state ~~which~~
16 **THAT** affords insurance for the payment of benefits described in
17 subsection (1). A policy of insurance represented or sold as
18 providing security is considered to provide insurance for the
19 payment of the benefits.

20 (4) Security required by subsection (1) may be provided by any
21 other method approved by the secretary of state as affording
22 security equivalent to that afforded by a policy of insurance, if
23 proof of the security is filed and continuously maintained with the
24 secretary of state throughout the period the motor vehicle is
25 driven or moved upon a highway. The person filing the security has
26 all the obligations and rights of an insurer under this chapter.
27 When the context permits, "insurer" as used in this chapter,

1 includes any person filing the security as provided in this
2 section.

3 Enacting section 1. This amendatory act does not take effect
4 unless House Bill No. 5045 of the 97th Legislature is enacted into
5 law.