

# SENATE BILL No. 391

May 23, 2013, Introduced by Senator GREEN and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 223 and 328 (MCL 257.223 and 257.328), section  
223 as amended by 2007 PA 143 and section 328 as amended by 2004 PA  
52.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 223. (1) A registration certificate shall at all times be  
2 carried in the vehicle to which it refers or shall be carried by **OR**  
3 **ELECTRONICALLY ACCESSIBLE TO** the person driving or in control of  
4 the vehicle, who shall display **A PAPER OR ELECTRONIC COPY OF** the  
5 registration certificate upon demand of a police officer.

6       (2) A person who violates this section is responsible for a  
7 civil infraction.

8       Sec. 328. (1) The owner of a motor vehicle who operates or  
9 permits the operation of the motor vehicle upon the highways of

1 this state or the operator of the motor vehicle shall produce,  
2 pursuant to subsection (2), upon the request of a police officer,  
3 evidence that the motor vehicle is insured under chapter 31 of the  
4 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179.

5 Subject to section 907(16), an owner or operator of a motor vehicle  
6 who fails to produce evidence of insurance **UPON REQUEST** under this  
7 subsection ~~when requested to produce that evidence~~ or who fails to  
8 have motor vehicle insurance for the vehicle as required under  
9 chapter 31 of the insurance code of 1956, 1956 PA 218, MCL 500.3101  
10 to 500.3179, is responsible for a civil infraction.

11 (2) A certificate of insurance, **IN PAPER OR ELECTRONIC FORM**  
12 **AND** issued by an insurance company, that certifies that the  
13 security that meets the requirements of sections 3101 and 3102 of  
14 the insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102,  
15 is in force ~~shall be accepted as~~ **IS** prima facie evidence that  
16 insurance is in force for the motor vehicle described in the  
17 certificate of insurance until the expiration date shown on the  
18 certificate. The certificate, in addition to describing the motor  
19 vehicles for which insurance is in effect, ~~shall~~ **MUST, IF**  
20 **APPLICABLE**, state the name of each person named on the policy,  
21 policy declaration, or a declaration certificate whose operation of  
22 the vehicle would cause the liability coverage of that insurance to  
23 become void.

24 (3) If, before the appearance date on ~~the~~ **A** citation **ISSUED**  
25 **UNDER SUBSECTION (1)**, the ~~person~~ **DEFENDANT** submits proof to the  
26 court that the motor vehicle had insurance meeting the requirements  
27 of sections 3101 and 3102 of the insurance code of 1956, 1956 PA

1 218, MCL 500.3101 and 500.3102, at the time the violation of  
2 subsection (1) occurred, all of the following apply:

3 (a) The court shall not assess a fine or costs.

4 (b) The court shall not ~~cause~~**FORWARD** an abstract of the court  
5 record ~~to be forwarded~~ to the secretary of state.

6 (c) The court may assess a fee of not more than \$25.00, which  
7 shall be paid to the court funding unit.

8 (4) If an owner or operator of a motor vehicle is determined  
9 to be responsible for a violation of subsection (1), the court in  
10 which the civil infraction determination is entered may require the  
11 person to surrender his or her operator's or chauffeur's license  
12 unless proof that the vehicle has insurance meeting the  
13 requirements of sections 3101 and 3102 of the insurance code of  
14 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the  
15 court. If the court requires the license to be surrendered, the  
16 court shall order the secretary of state to suspend the person's  
17 license. The court shall immediately destroy the license and shall  
18 forward **AN ABSTRACT OF THE COURT RECORD** to the secretary of state  
19 ~~an abstract of the court record~~ as required by section 732. Upon  
20 receipt of the abstract, the secretary of state shall suspend the  
21 person's license beginning with the date on which ~~a~~**THE** person is  
22 determined to be responsible for the civil infraction for a period  
23 of 30 days or until proof of insurance meeting the requirements of  
24 sections 3101 and 3102 of the insurance code of 1956, 1956 PA 218,  
25 MCL 500.3101 and 500.3102, is submitted to the secretary of state,  
26 whichever occurs later. A person who submits proof of insurance to  
27 the secretary of state under this subsection shall pay a service

1 fee of \$25.00 to the secretary of state. The person shall not be  
2 required to be examined ~~as set forth in~~ **UNDER** section 320c and  
3 shall not be required to pay a replacement license fee.

4 (5) If an owner or operator of a motor vehicle is determined  
5 to be responsible for a violation of subsection (1), the court in  
6 which the civil infraction determination is entered shall notify  
7 the secretary of state of the vehicle registration number and the  
8 year and make of the motor vehicle being operated at the time of  
9 the violation. ~~This~~ **A** notification **UNDER THIS SUBSECTION** shall be  
10 made on the abstract or on a form approved by the supreme court  
11 administrator. Upon receipt, the secretary of state shall  
12 immediately enter this information in the records of the  
13 department. The secretary of state shall not renew, transfer, or  
14 replace the registration plate of the vehicle involved in the  
15 violation or allow the purchase of a new registration plate for the  
16 vehicle involved in the violation until the owner meets the  
17 requirements of section 227a or unless the vehicle involved in the  
18 violation is transferred or sold to a person other than the owner's  
19 spouse, mother, father, sister, brother, or child.

20 (6) An owner or operator of a motor vehicle who knowingly  
21 produces false evidence under this section is guilty of a  
22 misdemeanor, punishable by imprisonment for not more than 1 year,  
23 or a fine of not more than \$1,000.00, or both.

24 (7) Points shall not be entered on a driver's record ~~pursuant~~  
25 ~~to~~ **UNDER** section 320a for a violation of this section.

26 (8) This section does not apply to the owner or operator of a  
27 motor vehicle that is registered in a state other than this state

1 or a foreign country or province.

2 Enacting section 1. This amendatory act does not take effect

3 unless Senate Bill No. 392

4 of the 97th Legislature is enacted into law.