

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5447

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 811e and 811h (MCL 257.811e and 257.811h), as
amended by 2015 PA 78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 811e. (1) The secretary of state may develop a fund-
2 raising plate as provided in this section.

3 (2) A start-up fee ~~of \$15,000.00~~ **IN AN AMOUNT EQUAL TO A 3-**
4 **YEAR AVERAGE OF THE COST TO THE SECRETARY OF STATE OF DEVELOPING A**
5 **NEW FUND-RAISING PLATE, AS CALCULATED BY THE SECRETARY OF STATE ON**
6 **JANUARY 1 OF EACH YEAR,** shall be paid for any new fund-raising
7 plate authorized under this section. **THE SECRETARY OF STATE SHALL**
8 **USE THE 3 MOST RECENT PRECEDING YEARS IN WHICH IT DEVELOPED AT**
9 **LEAST 1 FUND-RAISING PLATE WHEN CALCULATING THE 3-YEAR AVERAGE**

House Bill No. 5447 as amended November 29, 2016

1 **REQUIRED BY THIS SUBSECTION.** The secretary of state shall deposit
2 the fee in the transportation administration collection fund
3 ~~through October 1, 2019~~ to be used for the cost of creating,
4 producing, and issuing fund-raising plates. If the fee described in
5 this subsection is not paid within 18 months after the effective
6 date of the public act that authorizes the development and issuance
7 of a fund-raising plate, the secretary of state shall not create,
8 produce, or issue the related fund-raising plate. A start-up fee
9 paid under this subsection is nonrefundable.

10 (3) Not less than 3 years after the secretary of state first
11 issues 1 of the fund-raising plates as described in subsection (1)
12 and upon payment of \$2,000.00, the Michigan university or other
13 person sponsoring that fund-raising plate may redesign it as
14 approved by the secretary of state. The secretary of state shall
15 deposit the payment required under this subsection in the
16 transportation administration collection fund created under section
17 810b ~~through October 1, 2019~~ to be used for the cost of creating,
18 producing, and issuing fund-raising plates. A payment under this
19 subsection is nonrefundable.

20 (4) The secretary of state may develop 1 or more limited term
21 registration plates to recognize a Michigan university or an
22 accomplishment or occasion of a Michigan university.

23 (5) ~~The~~ **SUBJECT TO SECTION 811H(5), THE** secretary of state
24 may, **AT ANY 1 TIME,** develop, **PRODUCE, ISSUE, OR MAKE AVAILABLE FOR**
25 **SALE NOT MORE THAN <<20>>** different state-sponsored fund-raising plates
26 as described in this section, and matching state-sponsored
27 collector plates as described in section 811g. **THIS SUBSECTION DOES**

1 **NOT APPLY TO A PLATE DESCRIBED IN SUBSECTION (4) .**

2 (6) The secretary of state shall not develop or issue a fund-
3 raising plate unless a public act authorizing the fund-raising
4 plate, at a minimum, does all of the following:

5 (a) Identifies the purpose of the fund-raising plate.

6 (b) Creates a nonprofit fund or designates an existing
7 nonprofit fund to receive the money raised through the sale of
8 fund-raising plates and matching collector plates. **A NONPROFIT FUND**
9 **DESCRIBED IN THIS SUBDIVISION SHALL NOT EXPEND MONEY RECEIVED FROM**
10 **THE SALE OF A FUND-RAISING PLATE AND MATCHING COLLECTOR PLATE**
11 **OUTSIDE OF THIS STATE.**

12 (c) If a fund is created, names the person or entity
13 responsible for administering the fund.

14 **(7) THE 2016 AMENDATORY ACT THAT AMENDED THIS SECTION AND**
15 **SECTION 811HH SHALL BE KNOWN AND MAY BE CITED AS THE "PETER A.**
16 **PETTALIA MEMORIAL ACT".**

17 Sec. 811h. (1) The secretary of state shall credit each
18 service fee collected under sections 811f and 811g to the
19 transportation administration collection fund created under section
20 810b. ~~through October 1, 2019.~~

21 (2) The secretary of state shall identify and segregate the
22 fund-raising donations collected under sections 811f and 811g into
23 separate accounts. The secretary of state shall create a separate
24 account for each fund-raising plate and its **MATCHING** collector
25 ~~plates~~ **PLATE** issued or sold by the secretary of state.

26 (3) As determined necessary by the secretary of state but not
27 more than 45 days after the end of each calendar quarter, the

1 secretary of state shall not less than once each calendar quarter
 2 authorize the disbursement of fund-raising donations segregated
 3 under subsection (2) and, independent from any disbursement under
 4 subsection (2), report the number of each type of fund-raising and
 5 collector plates issued, sold, or renewed to the following, as
 6 appropriate:

7 (a) The treasurer of a Michigan university.

8 (b) The person or entity identified in a public act pursuant
 9 ~~to~~ **DESCRIBED IN** section 811e to administer a state-sponsored fund-
 10 raising registration plate fund.

11 (c) The sponsor of a fund-raising plate issued as prescribed
 12 under section 811e that was developed and issued after January 1,
 13 2007.

14 (4) A fund-raising plate ~~created after January 1, 2007~~ shall
 15 meet or exceed the following sales goals:

16 (a) In the first year, 2,000 plates.

17 (b) In the second and each subsequent year for 5 years, 500
 18 original plates.

19 **(C) FOR EACH SUBSEQUENT CONSECUTIVE 2-YEAR PERIOD AFTER THE 5-**
 20 **YEAR PERIOD DESCRIBED IN SUBDIVISION (B), 500 ORIGINAL PLATES.**

21 (5) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
 22 secretary of state ~~may~~ **SHALL** cease to issue a fund-raising plate or
 23 to issue a duplicate replacement of a fund-raising plate for use on
 24 a vehicle if that fund-raising plate fails to meet a sales goal
 25 described in subsection (4). **IF ON THE EFFECTIVE DATE OF THE 2016**
 26 **AMENDATORY ACT THAT AMENDED THIS SUBDIVISION THE NUMBER OF FUND-**
 27 **RAISING PLATES AVAILABLE FOR SALE EXCEEDS THE LIMIT ESTABLISHED IN**

1 **SECTION 811E(5), THE SECRETARY OF STATE SHALL NOT CEASE TO ISSUE A**
2 **FUND-RAISING PLATE THAT FAILED TO MEET A SALES GOAL DESCRIBED IN**
3 **SUBSECTION (4) IF THE FAILURE OCCURRED BEFORE APRIL 1, 2017.** The
4 secretary of state ~~may~~**SHALL** also cease to sell a collector plate
5 that matches the discontinued fund-raising plate. However, the
6 secretary of state may continue to renew fund-raising plates
7 already issued and collect the renewal fund-raising donation for
8 those plates.

9 (6) The state of Michigan, through the secretary of state,
10 shall own all right, title, and interest in all fund-raising plates
11 and collector plates, including the right to use, reproduce, or
12 distribute a fund-raising or collector plate or the image of a
13 fund-raising or collector plate in any form. The secretary of state
14 may authorize the commercial or other use of a fund-raising or
15 collector plate design, logo, or image if written consent is
16 obtained from the pertinent Michigan university or other person
17 that sponsored a fund-raising plate. However, the secretary of
18 state shall not authorize the commercial or other use of a fund-
19 raising or collector plate under this section unless the user first
20 agrees in writing to the terms and conditions that the secretary of
21 state considers necessary. Those terms and conditions may include
22 the payment of royalty fees to 1 or more of the following:

23 (a) This state.

24 (b) A Michigan university.

25 (c) Another person that sponsored a fund-raising plate.

26 (7) The secretary of state shall credit a royalty fee paid to
27 this state under a written agreement described in subsection (6) to

1 the transportation administration collection fund created under
2 section 810b. ~~through October 1, 2019.~~

3 (8) Beginning not later than February 1, 2007, and annually
4 after that, an organization receiving fund-raising donations
5 disbursed under this section shall report to the state treasurer. A
6 report under this subsection shall include a summary of
7 expenditures during the preceding year of the money received under
8 this section.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.