

HOUSE BILL No. 4783

June 20, 2017, Introduced by Reps. Kesto, Hughes, Marino, Lucido and Leutheuser and referred to the Committee on Tourism and Outdoor Recreation.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3101 (MCL 500.3101), as amended by 2016 PA 346.

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 is
5 only required to be in effect during the period the motor vehicle
6 is driven or moved on a highway. Notwithstanding any other
7 provision in this act, an insurer that has issued an automobile
8 insurance policy on a motor vehicle that is not driven or moved on
9 a highway may allow the insured owner or registrant of the motor

1 vehicle to delete a portion of the coverages under the policy and
2 maintain the comprehensive coverage portion of the policy in
3 effect.

4 (2) As used in this chapter:

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

7 (b) "Commercial quadricycle" means a vehicle to which all of
8 the following apply:

9 (i) The vehicle has fully operative pedals for propulsion
10 entirely by human power.

11 (ii) The vehicle has at least 4 wheels and is operated in a
12 manner similar to a bicycle.

13 (iii) The vehicle has at least 6 seats for passengers.

14 (iv) The vehicle is designed to be occupied by a driver and
15 powered either by passengers providing pedal power to the drive
16 train of the vehicle or by a motor capable of propelling the
17 vehicle in the absence of human power.

18 (v) The vehicle is used for commercial purposes.

19 (vi) The vehicle is operated by the owner of the vehicle or an
20 employee of the owner of the vehicle.

21 **(C) "ELECTRIC BICYCLE" MEANS THAT TERM AS DEFINED IN SECTION**
22 **13E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.13E.**

23 **(D)** ~~(e)~~ "Golf cart" means a vehicle designed for
24 transportation while playing the game of golf.

25 **(E)** ~~(d)~~ "Highway" means highway or street as that term is
26 defined in section 20 of the Michigan vehicle code, 1949 PA 300,
27 MCL 257.20.

1 (F) ~~(e)~~—"Moped" means that term as defined in section 32b of
2 the Michigan vehicle code, 1949 PA 300, MCL 257.32b.

3 (G) ~~(f)~~—"Motorcycle" means a vehicle that has a saddle or seat
4 for the use of the rider, is designed to travel on not more than 3
5 wheels in contact with the ground, and is equipped with a motor
6 that exceeds 50 cubic centimeters piston displacement. For purposes
7 of this subdivision, the wheels on any attachment to the vehicle
8 are not considered as wheels in contact with the ground. Motorcycle
9 does not include a moped or an ORV.

10 (H) ~~(g)~~—"Motorcycle accident" means a loss that involves the
11 ownership, operation, maintenance, or use of a motorcycle as a
12 motorcycle, but does not involve the ownership, operation,
13 maintenance, or use of a motor vehicle as a motor vehicle.

14 (I) ~~(h)~~—"Motor vehicle" means a vehicle, including a trailer,
15 that is operated or designed for operation on a public highway by
16 power other than muscular power and has more than 2 wheels. Motor
17 vehicle does not include any of the following:

18 (i) A motorcycle.

19 (ii) A moped.

20 (iii) A farm tractor or other implement of husbandry that is
21 not subject to the registration requirements of the Michigan
22 vehicle code under section 216 of the Michigan vehicle code, 1949
23 PA 300, MCL 257.216.

24 (iv) An ORV.

25 (v) A golf cart.

26 (vi) A power-driven mobility device.

27 (vii) A commercial quadricycle.

1 **(viii) AN ELECTRIC BICYCLE.**

2 **(J) ~~(i)~~**—"Motor vehicle accident" means a loss that involves
3 the ownership, operation, maintenance, or use of a motor vehicle as
4 a motor vehicle regardless of whether the accident also involves
5 the ownership, operation, maintenance, or use of a motorcycle as a
6 motorcycle.

7 **(K) ~~(j)~~**—"ORV" means a motor-driven recreation vehicle designed
8 for off-road use and capable of cross-country travel without
9 benefit of road or trail, on or immediately over land, snow, ice,
10 marsh, swampland, or other natural terrain. ORV includes, but is
11 not limited to, a multitrack or multiwheel drive vehicle, a
12 motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an
13 amphibious machine, a ground effect air cushion vehicle, an ATV as
14 defined in section 81101 of the natural resources and environmental
15 protection act, 1994 PA 451, MCL 324.81101, or other means of
16 transportation deriving motive power from a source other than
17 muscle or wind. ORV does not include a vehicle described in this
18 subdivision that is registered for use on a public highway and has
19 the security required under subsection (1) or section 3103 in
20 effect.

21 **(I) ~~(k)~~**—"Owner" means any of the following:

22 *(i)* A person renting a motor vehicle or having the use of a
23 motor vehicle, under a lease or otherwise, for a period that is
24 greater than 30 days.

25 *(ii)* A person renting a motorcycle or having the use of a
26 motorcycle under a lease for a period that is greater than 30 days,
27 or otherwise for a period that is greater than 30 consecutive days.

1 A person who borrows a motorcycle for a period that is less than 30
2 consecutive days with the consent of the owner is not an owner
3 under this subparagraph.

4 (iii) A person that holds the legal title to a motor vehicle
5 or motorcycle, other than a person engaged in the business of
6 leasing motor vehicles or motorcycles that is the lessor of a motor
7 vehicle or motorcycle under a lease that provides for the use of
8 the motor vehicle or motorcycle by the lessee for a period that is
9 greater than 30 days.

10 (iv) A person that has the immediate right of possession of a
11 motor vehicle or motorcycle under an installment sale contract.

12 (M) ~~(L)~~—"Power-driven mobility device" means a wheelchair or
13 other mobility device powered by a battery, fuel, or other engine
14 and designed to be used by an individual with a mobility disability
15 for the purpose of locomotion.

16 (N) ~~(m)~~—"Registrant" does not include a person engaged in the
17 business of leasing motor vehicles or motorcycles that is the
18 lessor of a motor vehicle or motorcycle under a lease that provides
19 for the use of the motor vehicle or motorcycle by the lessee for a
20 period that is longer than 30 days.

21 (3) Security required by subsection (1) may be provided under
22 a policy issued by an authorized insurer that affords insurance for
23 the payment of benefits described in subsection (1). A policy of
24 insurance represented or sold as providing security is considered
25 to provide insurance for the payment of the benefits.

26 (4) Security required by subsection (1) may be provided by any
27 other method approved by the secretary of state as affording

1 security equivalent to that afforded by a policy of insurance, if
2 proof of the security is filed and continuously maintained with the
3 secretary of state throughout the period the motor vehicle is
4 driven or moved on a highway. The person filing the security has
5 all the obligations and rights of an insurer under this chapter.
6 When the context permits, "insurer" as used in this chapter,
7 includes a person that files the security as provided in this
8 section.

9 (5) An insurer that issues a policy that provides the security
10 required under subsection (1) may exclude coverage under the policy
11 as provided in section 3017.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No.____ or House Bill No. 4782 (request no.
14 03214'17) of the 99th Legislature is enacted into law.