

# HOUSE BILL No. 4839

July 12, 2017, Introduced by Rep. VanderWall and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219 and 258 (MCL 257.219 and 257.258), section 219 as amended by 2010 PA 155 and section 258 as amended by 1999 PA 73.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 219. (1) The secretary of state shall refuse issuance of  
2 a registration or a transfer of registration upon any of the  
3 following grounds:

4           (a) The application contains a false or fraudulent statement,  
5 the applicant has failed to furnish required information or  
6 reasonable additional information requested by the secretary of  
7 state, or the applicant is not entitled to the registration of the

1 vehicle under this act.

2 (b) The secretary of state has reasonable ground to believe  
3 that the vehicle is a stolen or embezzled vehicle, or that the  
4 granting of registration would constitute a fraud against the  
5 rightful owner or other person having a valid lien upon the  
6 vehicle.

7 (c) The registration of the vehicle is suspended or revoked  
8 for any reason provided in the motor vehicle laws of this state.

9 (d) At the time of the application, the operator's or  
10 chauffeur's license of the owner or co-owner or lessee or co-lessee  
11 is suspended, revoked, or denied, except for an applicant who has  
12 been issued a license under section 304, or the operator has never  
13 been licensed by this state for a third or subsequent violation of  
14 section 625 or 625m, a local ordinance substantially corresponding  
15 to section 625 or 625m, or a law of another state substantially  
16 corresponding to section 625 or 625m, or for a fourth or subsequent  
17 suspension or revocation under section 904.

18 (e) The required fee has not been paid.

19 (f) The applicant, at the time of applying for registration or  
20 a transfer of registration other than a temporary registration  
21 issued under section 226b, fails to present a certificate of  
22 compliance or waiver for a motor vehicle as required under either  
23 part 63 or part 65 of the natural resources and environmental  
24 protection act, 1994 PA 451, MCL 324.6301 to 324.6321 and 324.6501  
25 to 324.6539.

26 (g) The application for registration of a vehicle with an  
27 elected gross weight of 55,000 pounds or more is not accompanied

1 with proof of payment of the federal highway use tax levied under  
2 the surface transportation assistance act of 1982, Public Law 97-  
3 424.

4 (H) THE APPLICANT IS A MOTOR CARRIER SUBJECT TO AN OUT-OF-  
5 SERVICE ORDER, THE APPLICANT HAS APPLIED FOR A REGISTRATION OR  
6 TRANSFER REGISTRATION AS A SUBTERFUGE FOR A PERSON SUBJECT TO AN  
7 OUT-OF-SERVICE ORDER, OR THE APPLICANT'S BUSINESS IS OPERATED,  
8 MANAGED, CONTROLLED BY, OR AFFILIATED WITH A PERSON THAT IS  
9 INELIGIBLE FOR REGISTRATION, INCLUDING, BUT NOT LIMITED TO, THE  
10 APPLICANT, A RELATIVE OR FAMILY MEMBER OF THE APPLICANT, OR A  
11 CORPORATE OFFICER OR SHAREHOLDER OF THE APPLICANT. AS USED IN THIS  
12 SUBDIVISION, "OUT-OF-SERVICE ORDER" MEANS THAT TERM AS DEFINED IN  
13 49 CFR 390.5, AND ALSO INCLUDES AN OUT-OF-SERVICE ORDER ISSUED  
14 UNDER 49 CFR 386.73.

15 (2) The secretary of state shall refuse issuance of a  
16 certificate of title or a salvage certificate of title upon any of  
17 the following grounds:

18 (a) The application contains a false or fraudulent statement,  
19 the applicant has failed to furnish required information or  
20 reasonable additional information requested by the secretary of  
21 state, or the applicant is not entitled to the issuance of a  
22 certificate of title or salvage certificate of title under this  
23 act.

24 (b) The secretary of state has reasonable ground to believe  
25 that the vehicle is a stolen or embezzled vehicle or that the  
26 issuance of a certificate of title or a salvage certificate of  
27 title would constitute a fraud against the rightful owner or other

1 person having a valid security interest upon the vehicle.

2 (c) The required fee has not been paid.

3 (3) The secretary of state shall not issue a registration for  
4 a vehicle for which a temporary registration plate was issued under  
5 section 904c until the violation resulting in the issuance of the  
6 plate is adjudicated or the vehicle is transferred to a person who  
7 is subject to payment of a use tax under section 3 of the use tax  
8 act, 1937 PA 94, MCL 205.93.

9 Sec. 258. (1) The secretary of state may cancel, revoke, or  
10 suspend the registration of a vehicle, a certificate of title,  
11 registration certificate, or registration plate if any of the  
12 following apply:

13 (a) The secretary of state determines that the registration,  
14 certificate of title, or plate was fraudulently or erroneously  
15 issued.

16 (b) The secretary of state determines that the licensee has  
17 made or is making an unlawful use of his or her registration  
18 certificate, plate, or certificate of title.

19 (c) A registered vehicle has been dismantled or wrecked.

20 (d) The secretary of state determines that the required fee  
21 has not been paid and it is not paid upon reasonable notice or  
22 demand.

23 (e) A registration certificate or registration plate is  
24 knowingly displayed upon a vehicle other than the one for which it  
25 was issued.

26 (f) The secretary of state determines that the owner has  
27 committed an offense under this act involving the registration or

1 certificate of title.

2 (g) The secretary of state is authorized to do so under this  
3 act.

4 (h) Upon receiving notification from another state or foreign  
5 country that a certificate of title issued by the secretary of  
6 state has been surrendered by the owner in conformity with the laws  
7 of that state or foreign country.

8 (i) It is shown by satisfactory evidence that delivery of a  
9 motor vehicle in the possession of a dealer was not made to the  
10 applicant registered under this act. The money paid for  
11 registration and license fees may be refunded to the party who  
12 applies for the refund.

13 **(J) THE OWNER IS A MOTOR CARRIER SUBJECT TO AN OUT-OF-SERVICE**  
14 **ORDER. AS USED IN THIS SUBDIVISION, "OUT-OF-SERVICE ORDER" MEANS**  
15 **THAT TERM AS DEFINED IN 49 CFR 390.5, AND ALSO INCLUDES AN OUT-OF-**  
16 **SERVICE ORDER ISSUED UNDER 49 CFR 386.73. A LAW ENFORCEMENT OFFICER**  
17 **MAY ALSO CONFISCATE A REGISTRATION PLATE ISSUED TO A MOTOR CARRIER**  
18 **DESCRIBED IN THIS SUBDIVISION.**

19 (2) If the licensee's offense consists of hauling on the  
20 registered vehicle a gross weight more than 1,000 pounds in excess  
21 of the elected gross weight specified on the owners' registration  
22 certificate, the registration shall be canceled and the vehicle  
23 shall not again be operated on the highways, roads, or streets  
24 until it is registered again and new plates are issued. The new  
25 registration fee shall be computed on the basis of twice the  
26 difference between the original registration fee and the  
27 registration fee applicable to the gross weight constituting the

1 violation of the elected gross weight. One-half of the new  
2 registration fee shall be a penalty. The period of the new  
3 registration fee shall not extend beyond the termination date of  
4 the canceled registration certificate. The new registration fee  
5 shall not exceed the maximum gross weight of the vehicle or  
6 combination of vehicles as determined by the number of axles and  
7 the legal weight applicable to those axles as specified by section  
8 722. The gross weight of a vehicle or combination of vehicles may  
9 be determined by weighing the individual axles or group of axles,  
10 and the total weight on all axles is the gross vehicle weight.

11 (3) Before the secretary of state makes a cancellation under  
12 subsection (1)(a), (b), (e), (f), or (g), the person affected by  
13 the cancellation shall be given notice and an opportunity to be  
14 heard.

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