



HOUSE BILL No. 4203

January 30, 1995, Introduced by Reps. Pitoniak, DeHart, DeMars, Varga, Hanley, Brewer and Brater and referred to the Committee on Transportation.

A bill to amend sections 73, 216, 801b, and 801g of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 216 as amended by Act No. 102 of the Public Acts of 1992, section 801b as amended by Act No. 311 of the Public Acts of 1986, and section 801g as amended by Act No. 29 of the Public Acts of 1992, being sections 257.73, 257.216, 257.801b, and 257.801g of the Michigan Compiled Laws; and to add sections 8c and 45b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 73, 216, 801b, and 801g of Act No. 300
2 of the Public Acts of 1949, section 216 as amended by Act No. 102
3 of the Public Acts of 1992, section 801b as amended by Act
4 No. 311 of the Public Acts of 1986, and section 801g as amended
5 by Act No. 29 of the Public Acts of 1992, being sections 257.73,

1 257.216, 257.801b, and 257.801g of the Michigan Compiled Laws,
2 are amended and sections 8c and 45b are added to read as
3 follows:

4 SEC. 8C. "CONVERTER GEAR" MEANS AN AUXILIARY UNDERCARRIAGE
5 ASSEMBLY WITH A FIFTH WHEEL AND TOW BAR USED TO CONVERT A SEMI-
6 TRAILER TO A FULL TRAILER.

7 SEC. 45B. "PULL-DOLLY" MEANS AN AUXILIARY TOWING DEVICE
8 DESIGNED SO THAT 2 WHEELS OF A VEHICLE REST UPON IT FOR THE PUR-
9 POSE OF BEING TOWED BY ANOTHER VEHICLE.

10 Sec. 73. "Trailer" means every vehicle with or without
11 motive power ~~, other than a pole trailer,~~ designed for carrying
12 property or persons and for being drawn by a motor vehicle, and so
13 constructed that no part of its weight rests upon the towing
14 vehicle. TRAILER DOES NOT INCLUDE A CONVERTER GEAR, POLE TRAIL-
15 ER, OR PULL-DOLLY.

16 Sec. 216. Every motor vehicle, pickup camper, trailer
17 coach, trailer, semitrailer, and pole trailer, when driven or
18 moved upon a highway, is subject to the registration and certifi-
19 cate of title provisions of this act except the following:

20 (a) A vehicle driven or moved upon a highway in conformance
21 with the provisions of this act relating to manufacturers, trans-
22 porters, dealers, or nonresidents.

23 (b) A vehicle that is driven or moved upon a highway only
24 for the purpose of crossing that highway from 1 property to
25 another.

26 (c) An implement of husbandry.

1 (d) Special mobile equipment for which the secretary of
2 state may issue a special registration to an individual,
3 partnership, corporation, or association not licensed as a dealer
4 to identify the equipment when being moved over the streets and
5 highways upon payment of the required fee.

6 (e) A vehicle that is propelled exclusively by electric
7 power obtained from overhead trolley wires though not operated
8 upon rails.

9 (f) Any vehicle subject to registration, but owned by the
10 government of the United States.

11 (g) A certificate of title need not be obtained for a trail-
12 er, semitrailer, or pole trailer weighing less than 2,500 pounds
13 respectively.

14 (h) A vehicle driven or moved upon the highway only for the
15 purpose of securing a weight receipt from a weighmaster as is
16 required in section 801, or for obtaining a vehicle inspection by
17 a law enforcement agency before titling or registration, and then
18 only by the most direct route.

19 (i) A certificate of title need not be obtained for a vehi-
20 cle owned by a manufacturer or dealer and held for sale, even
21 though incidentally moved on the highway or used for purposes of
22 testing or demonstration.

23 (j) A bus or school bus, as defined in section 4b or 57,
24 that is not self-propelled and used exclusively as a construction
25 shanty.

26 (k) A certificate of title need not be obtained for a
27 moped.

1 (l) For 3 days immediately following the date of a properly
2 assigned title from any person other than a vehicle dealer, a
3 registration need not be obtained for a vehicle driven or moved
4 upon the highway for the sole purpose of transporting the vehicle
5 in the most direct route from the place of purchase to a place of
6 storage if the driver has in his or her possession the assigned
7 title showing the date of sale.

8 (m) A certificate of registration need not be obtained for a
9 pickup camper. However, a certificate of title shall be obtained
10 for a pickup camper purchased after January 1, 1991.

11 (N) A CONVERTER GEAR.

12 (O) A PULL-DOLLY.

13 Sec. 801b. (1) If a person, through error either on his or
14 her own part or that of the secretary of state, pays the specific
15 tax required by section 801 or 802 more than once on the same
16 equipment, the secretary of state, upon application and satisfac-
17 tory proof, shall refund the amount paid in error. A claim shall
18 be filed within 1 year after the date of payment and verified by
19 the secretary of state before a refund is made. If an applica-
20 tion for a dealer license provided for in section 248 is with-
21 drawn by the applicant or the applicant's heir, before issuance
22 of the dealer license, the fees that accompanied the application
23 under sections 803, 803a, and 807 may be refunded by the secre-
24 tary of state upon application and satisfactory proof.

25 (2) If a person's license to drive a motor vehicle is
26 revoked, suspended, or denied for medical or physical reasons,
27 the person may return the registration plates and obtain a refund

1 on the plates prorated on a monthly basis for the time period
2 remaining in the registration year from the date the plates are
3 returned. However, the refund shall not exceed the original reg-
4 istration fee.

5 (3) Upon the death of a spouse, the surviving spouse may
6 return registration plates and obtain a refund on the plates pro-
7 rated on a monthly basis for the time period remaining in the
8 registration year from the date the plates are returned.
9 However, the refund shall not exceed the original registration
10 fee.

11 (4) The owner of a registered vehicle who transfers or
12 assigns title or interest in that registered vehicle before plac-
13 ing upon the registered vehicle the registration plates or tabs
14 issued for that registered vehicle may obtain a refund in full
15 from the secretary of state for the registration plates or tabs.
16 Registration plates, or tabs issued for 1978 and thereafter shall
17 be returned by the owner within 30 days following the date of
18 transfer or assignment.

19 ~~(5) The owner of a vehicle registered pursuant to section~~
20 ~~801d(2) who transfers or assigns title or interest in the vehicle~~
21 ~~may obtain a refund on the registration for each unused, whole~~
22 ~~registration period remaining on the registration from the date~~
23 ~~the plates are returned and the application for a refund is~~
24 ~~made.~~

25 (5) ~~(6)~~ In the case of an original application for regis-
26 tration plates issued under section 217a or 803b, the secretary
27 of state shall issue a refund prorated on a monthly basis from

1 the date of application for the time period remaining in the
2 previously issued registration, if an application for the refund
3 is made and satisfactory proof is presented to the secretary of
4 state. A refund shall not be made if the amount due is less than
5 \$5.00.

6 (6) ~~(7)~~ In the case of an original application for the
7 registration plates bearing the letters "SEN" or "REP", the sec-
8 retary of state shall issue a refund prorated on a monthly basis
9 from the date of application for the time period remaining in the
10 previously issued registration.

11 (7) ~~(8)~~ In the case of an original application and issu-
12 ance of an international registration plan registration plate
13 under section 801g, the secretary of state shall make a refund as
14 a credit prorated on a monthly basis from the date of application
15 for the months remaining for the previously issued registration
16 on the same vehicle, if an application for the refund as a credit
17 is made and satisfactory proof of eligibility is presented to the
18 secretary of state. A refund as a credit shall not exceed the
19 total amount of the Michigan apportioned fees assessed for the
20 plates issued under section 801g nor be made if the amount due is
21 less than \$5.00. For the purpose of this subsection, a month
22 shall mean 30 consecutive days and a partial month shall be con-
23 sidered as a whole month.

24 (8) AFTER RECEIVING THE RENEWAL REGISTRATION PLATE OR TAB
25 ISSUED FOR A REGISTERED VEHICLE, AN OWNER OR LESSEE OF THAT VEHI-
26 CLE MAY APPLY FOR AND OBTAIN FROM THE SECRETARY OF STATE A FULL

1 RENEWAL REGISTRATION PLATE OR TAB REFUND IF HE OR SHE PROVIDES
2 SATISFACTORY PROOF THAT ALL OF THE FOLLOWING APPLY:

3 (A) THE VEHICLE MEETS AT LEAST 1 OF THE FOLLOWING
4 CONDITIONS:

5 (i) IT WAS STOLEN AND HAS NOT BEEN RECOVERED.

6 (ii) ITS OWNERSHIP IS TRANSFERRED OR ASSIGNED.

7 (iii) IT WAS REGISTERED IN ERROR AS PART OF A FLEET AND WAS
8 NEVER INTENDED TO BE USED IN A FLEET.

9 (iv) ITS LEASE IS CANCELED.

10 (B) THE RENEWAL REGISTRATION PERIOD IS FOR NOT LESS THAN OR
11 MORE THAN 12 MONTHS.

12 (C) ONE OF THE CONDITIONS IN SUBDIVISION (A) IS MET BEFORE
13 THE 12-MONTH RENEWAL PERIOD BEGINS.

14 (D) WITHIN 30 DAYS AFTER THE VEHICLE MEETS AT LEAST 1 OF THE
15 CONDITIONS LISTED IN SUBDIVISION (A), THE OWNER OR LESSEE RETURNS
16 THE REGISTRATION PLATE OR TAB TO THE SECRETARY OF STATE.

17 IF THE PLATE OR TAB WAS ISSUED UNDER SECTION 801G, A REFUND SHALL
18 NOT EXCEED THE TOTAL AMOUNT OF THE MICHIGAN APPORTIONED FEES
19 ASSESSED FOR THE PLATE OR TAB.

20 Sec. 801g. (1) Notwithstanding section ~~801(1)(j)~~ or
21 ~~801(1)(k)~~ 801(1) OR SECTION 2 OF ACT NO. 2 OF THE PUBLIC ACTS OF
22 1960, BEING SECTION 257.972 OF THE MICHIGAN COMPILED LAWS, for a
23 truck, truck tractor, ~~or~~ road tractor, WRECKER, OR BUS engaged
24 in interstate commerce, for which a registration fee otherwise
25 would be provided in section ~~801(1)(j)~~ or ~~801(1)(k)~~ 801(1) OR
26 SECTION 2 OF ACT NO. 2 OF THE PUBLIC ACTS OF 1960, BEING SECTION
27 257.972 OF THE MICHIGAN COMPILED LAWS, the fee may be apportioned

1 under the international registration plan according to the miles
2 traveled in this state in relation to the total miles traveled by
3 the vehicle, if the apportionment is permitted by a reciprocal
4 compact, agreement, or other arrangement entered into by the
5 Michigan highway reciprocity board.

6 (2) For the purposes of this section, "international regis-
7 tration plan" means a method of licensing trucks and bus fleets
8 proportionally among 2 or more member jurisdictions and includes
9 an apportioned fee that is determined according to the fleet's
10 percentage of miles generated in the various jurisdictions. Upon
11 payment of the apportioned fee there shall be issued 1 registra-
12 tion plate and 1 cab card for each vehicle with the cab card
13 indicating the jurisdictions in which the unit is registered and
14 the registered weight for each jurisdiction.

15 (3) If the apportionment is permitted, and if at the time of
16 purchase a person elects to have the fees apportioned and the
17 registration is valid for at least 12 months, the annual interna-
18 tional registration plan plates may be purchased by paying any
19 out of state portion and 1/2 the amount apportioned for Michigan
20 fees and an extra \$10.00 service fee per vehicle upon purchase
21 and the balance within 180 days before the date of expiration.
22 The secretary of state shall notify a person who has elected to
23 use the installment option of this subsection informing the
24 person of the amount due and of the penalties that shall be
25 imposed if payment is not received within 180 days before the
26 date of expiration. If a person is late on paying the balance, a
27 penalty shall be assessed and collected in addition to the fee

1 and that person shall not be eligible to elect the apportionment
2 payment plan for the next 2 registration years following the year
3 of the delinquency. The penalty shall be 25% of the outstanding
4 balance. The secretary of state shall suspend the registration
5 of any vehicle for which the registration fee is not paid in full
6 and transmit a statement of the delinquent balance, including the
7 penalty, to the department of treasury for collection.

8 (4) If a person surrenders a registration plate purchased
9 under section ~~801(1)(j) or 801(1)(k)~~ 801(1) OR SECTION 2 OF ACT
10 NO. 2 OF THE PUBLIC ACTS OF 1960, BEING SECTION 257.972 OF THE
11 MICHIGAN COMPILED LAWS, for a registration under this section for
12 the same vehicle, the apportioned fee for the exchange registra-
13 tion shall bear the same relationship to the fee required under
14 this section for a 12-month registration as the length of time
15 the exchange registration bears to 12 months. Partial months
16 shall be considered as whole months in the calculation of the
17 required fee and in the determination of the length of time
18 between the application for a registration and the last day of
19 the month of expiration. The calculation shall include any
20 refund as a credit provided for in section ~~801B(8)~~ 801B(7).
21 The fee required for the registration shall be rounded off to
22 whole dollars as provided in section 801.

23 (5) If a person does not surrender a registration plate pur-
24 chased under section ~~801(1)(j) or 801(1)(k)~~ 801(1) OR SECTION 2
25 OF ACT NO. 2 OF THE PUBLIC ACTS OF 1960, BEING SECTION 257.972 OF
26 THE MICHIGAN COMPILED LAWS, for a registration under this
27 section, the apportioned fee shall be determined as provided for

1 in this section except the apportioned fee for a registration
2 purchased shall bear the same relationship to the fee required
3 under this section for a 12-month registration as the length of
4 time the registration bears to 12 months. Partial months shall
5 be considered as whole months in the calculation of the required
6 fee and in the determination of the length of time between the
7 application for a registration and the last day of the month of
8 expiration. The fee required for this registration shall be
9 rounded off to whole dollars as provided in section 801. Fees
10 under this subsection shall not be prorated for less than 6
11 months.

12 (6) Upon proper application for registration of a vehicle
13 under this section, the secretary of state may issue a temporary
14 registration which shall be valid for not more than 45 days from
15 the date of issuance.

16 (7) The secretary of state may designate an owner or regis-
17 trant having a fleet of motor vehicles currently registered under
18 this section to act as an agent for the secretary of state for
19 the purpose of issuing to himself or herself a temporary
20 registration. Upon issuance of a temporary registration an agent
21 shall make proper application for an international registration
22 plan registration to the secretary of state within 5 days after
23 issuance of the temporary registration.

24 (8) An owner issued a temporary registration under this sec-
25 tion shall be liable for the fees provided in this section.

26 (9) If the owner of a vehicle for which a temporary
27 registration is issued pursuant to this ~~subsection~~ SECTION

1 fails to pay the registration fee as required in this section,
2 the secretary of state shall suspend the registrations of all
3 vehicles registered by that owner under this section. The regis-
4 trations shall remain suspended until payment of the fee is
5 made.