

# SENATE BILL No. 91

January 29, 2013, Introduced by Senators GREEN, MARLEAU and PROOS and referred to the Committee on Transportation.

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

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

1       Sec. 328. (1) The owner of a motor vehicle who operates or  
2 permits the operation of the motor vehicle upon the highways of  
3 this state or the operator of the motor vehicle shall produce,  
4 ~~pursuant to subsection (2),~~ upon the request of a police officer,  
5 evidence that the motor vehicle is insured under chapter 31 of the  
6 insurance code of 1956, 1956 PA 218, MCL 500.3101 to 500.3179. **FOR**  
7 **PURPOSES OF THIS SUBSECTION, EVIDENCE THAT THE MOTOR VEHICLE IS**  
8 **INSURED UNDER CHAPTER 31 OF THE INSURANCE CODE OF 1956, 1956 PA**  
9 **218, MCL 500.3101 TO 500.3179, INCLUDES A COPY OF THE CERTIFICATE**  
10 **OF INSURANCE DESCRIBED IN SUBSECTION (2) THAT IS PROVIDED OR**

SENATE BILL No. 91

1 OTHERWISE MADE AVAILABLE BY THE INSURANCE COMPANY TO THE INSURED IN  
2 AN ELECTRONIC FORMAT AND AS DISPLAYED ON AN ELECTRONIC DEVICE.

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

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

21 (3) If, before the appearance date on the citation, the person  
22 submits proof to the court that the motor vehicle had insurance  
23 meeting the requirements of sections 3101 and 3102 of the insurance  
24 code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, at the time  
25 the violation of subsection (1) occurred, all of the following  
26 apply:

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

1 (b) The court shall not cause an abstract of the court record  
2 to be forwarded to the secretary of state.

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

5 (4) If an owner or operator of a motor vehicle is determined  
6 to be responsible for a violation of subsection (1), the court in  
7 which the civil infraction determination is entered may require the  
8 person to surrender his or her operator's or chauffeur's license  
9 unless proof that the vehicle has insurance meeting the  
10 requirements of sections 3101 and 3102 of the insurance code of  
11 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is submitted to the  
12 court. If the court requires the license to be surrendered, the  
13 court shall order the secretary of state to suspend the person's  
14 license. The court shall immediately destroy the license and shall  
15 forward to the secretary of state an abstract of the court record  
16 as required by section 732. Upon receipt of the abstract, the  
17 secretary of state shall suspend the person's license beginning  
18 with the date on which a person is determined to be responsible for  
19 the civil infraction for a period of 30 days or until proof of  
20 insurance meeting the requirements of sections 3101 and 3102 of the  
21 insurance code of 1956, 1956 PA 218, MCL 500.3101 and 500.3102, is  
22 submitted to the secretary of state, whichever occurs later. A  
23 person who submits proof of insurance to the secretary of state  
24 under this subsection shall pay a service fee of \$25.00 to the  
25 secretary of state. The person shall not be required to be examined  
26 as set forth in section 320c and shall not be required to pay a  
27 replacement license fee.

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

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

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

23           (8) This section does not apply to the owner or operator of a  
24 motor vehicle that is registered in a state other than this state  
25 or a foreign country or province.