

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.